

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

■ 2. Section 71.1 is revised to read as follows:

**§ 71.1 Applicability.**

A listing for Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points can be found in FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order JO 7400.11H is effective September 15, 2023, through September 15, 2024. During the incorporation by reference period, proposed changes to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as proposed rule documents in the **Federal Register**, unless there is good cause to forego notice and comment. Amendments to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. This incorporation by reference (IBR) material is available for inspection at the Federal Aviation Administration (FAA) and at the National Archives and Records Administration (NARA). Contact the FAA at: Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, (202) 267–8783. An electronic version of FAA Order JO 7400.11H is available on the FAA website at [www.faa.gov/air\\_traffic/publications](http://www.faa.gov/air_traffic/publications). Copies of FAA Order JO 7400.11H may be inspected in Docket No. FAA–2023–1785; Amendment No. 71–55, on [www.regulations.gov](http://www.regulations.gov). For information on the availability of this material at NARA, visit [www.archives.gov/federalregister/CFR/IBR-locations.html](http://www.archives.gov/federalregister/CFR/IBR-locations.html) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

**§ 71.5 [Amended]**

■ 3. Section 71.5 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.15 [Amended]**

■ 4. Section 71.15 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.31 [Amended]**

■ 5. Section 71.31 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.33 [Amended]**

■ 6. Paragraph (c) of section 71.33 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.41 [Amended]**

■ 7. Section 71.41 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.51 [Amended]**

■ 8. Section 71.51 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.61 [Amended]**

■ 9. Section 71.61 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.71 [Amended]**

■ 10. Paragraphs (b), (c), (d), (e), and (f) of section 71.71 are amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

**§ 71.901 [Amended]**

■ 11. Paragraph (a) of section 71.901 is amended by removing the words “FAA Order JO 7400.11G” and adding, in their place, the words “FAA Order JO 7400.11H.”

Issued in Washington, DC, on August 22, 2023.

**Karen L. Chiodini,**

*Acting Manager, Rules and Regulations Group.*

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**DEPARTMENT OF STATE**

**22 CFR Part 171**

[Public Notice: 12014]

RIN 1400–AF62

**Access to Information; Privacy Act Provisions**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State is removing Email Archive Management Records, State–01, from the list of system of records notices (SORNs) for which Privacy Act exemptions are claimed. The Department has determined that the system covered by this SORN, eRecords Archive, does not constitute a system of records under the Privacy Act of 1974.

**DATES:** This rule is effective on August 25, 2023.

**FOR FURTHER INFORMATION CONTACT:** Eric F. Stein, Senior Agency Official for Privacy; U.S. Department of State; Office of Global Information Services, A/GIS; Room 4534, 2201 C St. NW, Washington, DC 20520 or by calling on (202) 485–2051.

**SUPPLEMENTARY INFORMATION:** Email Archive Management Records, State–01 must be rescinded because the characteristics of the eRecords Archive system, which State–01 covers, do not render it a system of records within the meaning of 5 U.S.C. 552a. The millions of emails, diplomatic cables, and other files that the system ingests are not “records” as defined by § 552a(a)(4), as they are not records “about” the individuals incidentally mentioned in the files. eRecords is not a “system of records” as defined by section 552a(a)(5) because it (1) does not index files by personal identifier and (2) is not used to retrieve data by using a personal identifier.

Pursuant to 5 U.S.C. 552a (j)(2), records in State–01 were exempted from subsections (c)(3) and (4), (d), (e)(1), (2), (3), and (e)(4)(G), (H), and (I), and (f) of the Privacy Act. Pursuant to 5 U.S.C. 552a (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7), records in State–01 were exempted from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), (f)(1), (f)(2), (f)(3), (f)(4), and (f)(5). This rulemaking amends 22 CFR 171.26 by removing STATE–01 from the lists of exemptions.

**Regulatory Analysis**

This rulemaking is published as a final rule with immediate effect due to the good cause exemption of the Administrative Procedure Act, 5 U.S.C.

553(b)(3)(B) and 553(d). The Department finds that public comment on this rulemaking would be unnecessary.

**List of Subjects in 22 CFR Part 171**

Privacy.

For the reasons stated in the preamble, 22 CFR part 171 is amended as follows:

**PART 171—PUBLIC ACCESS TO INFORMATION**

■ 1. The authority citation for part 171 is revised to read as follows:

**Authority:** 22 U.S.C. 2651a; 5 U.S.C. 552, 552a; 5 U.S.C. Ch. 131; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; 5 CFR part 2634.

■ 2. Section 171.26 is amended by revising paragraphs (a)(2)(iii) and (b)(1) through (7) to read as follows:

**§ 171.26 Exemptions.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(iii) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal

laws from arrest or indictment through release from supervision. The reason for invoking these exemptions is to ensure effective criminal law enforcement processes. Records maintained by the Department in the following systems of records are exempt from all of the provisions of the PA except paragraphs (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (e)(7), (e)(9), (e)(10), and (e)(11), and (i), to the extent to which they meet the criteria of section (j)(2) of 5 U.S.C. 552a. The names of the systems correspond to those published in the **Federal Register** by the Department.

TABLE 1 TO PARAGRAPH (a)(2)(iii)

| Title   | Number    |
|---|-----------|
| Information Access Program Records .....                          | STATE-35. |
| Office of Inspector General Investigation Management System ..... | STATE-53. |
| Risk Analysis and Management .....                                | STATE-78. |
| Security Records .....  | STATE-36. |

(b) \* \* \*  
(1) *Exempt under 5 U.S.C. 552a(k)(1).*  
Records contained within the following

systems of records are exempt under this section to the extent that they are

subject to the provisions of 5 U.S.C. 552(b)(1).

TABLE 2 TO PARAGRAPH (b)(1)

| Title   | Number    |
|---|-----------|
| Board of Appellate Review Records .....   | STATE-02. |
| Congressional Correspondence .....  | STATE-43. |
| Congressional Travel Records .....  | STATE-44. |
| Coordinator for the Combating of Terrorism Records .....  | STATE-06. |
| External Research Records .....   | STATE-10. |
| Extradition Records .....   | STATE-11. |
| Family Advocacy Case Records .....  | STATE-75. |
| Foreign Assistance Inspection Records .....   | STATE-48. |
| Human Resources Records .....   | STATE-31. |
| Information Access Programs Records .....   | STATE-35. |
| Intelligence and Research Records .....   | STATE-15. |
| International Organizations Records .....   | STATE-17. |
| Law of the Sea Records .....  | STATE-19. |
| Legal Case Management Records .....   | STATE-21. |
| Munitions Control Records .....   | STATE-42. |
| Office of Inspector General Investigation Management System .....   | STATE-53. |
| Overseas Citizens Services Records .....  | STATE-05. |
| Passport Records .....  | STATE-26. |
| Personality Cross-Reference Index to the Secretariat Automated Data Index .....                             | STATE-28. |
| Personality Index to the Central Foreign Policy Records .....   | STATE-29. |
| Personnel Payroll Records .....   | STATE-30. |
| Records of Domestic Accounts Receivable .....   | STATE-23. |
| Records of the Office of the Assistant Legal Adviser for International Claims and Investment Disputes ..... | STATE-54. |
| Records of the Office of White House Liaison .....  | STATE-34. |
| Refugee Records .....   | STATE-59. |
| Risk Analysis and Management Records .....  | STATE-78. |
| Rover Records .....   | STATE-41. |
| Security Records .....  | STATE-36. |
| Visa Records .....  | STATE-39. |

(2) *Exempt under 5 U.S.C. 552a(k)(2).*  
Records contained within the following systems of records are exempt under

this section to the extent that they consist of investigatory material compiled for law enforcement purposes,

subject to the limitations set forth in 5 U.S.C. 552a(k)(2).

TABLE 3 TO PARAGRAPH (b)(2)

| Title   | Number    |
|---|-----------|
| Board of Appellate Review Records .....   | STATE-02. |
| Coordinator for the Combating of Terrorism Records .....                        | STATE-06. |
| Extradition Records .....   | STATE-11. |
| Family Advocacy Case Records .....  | STATE-75. |
| Foreign Assistance Inspection Records .....                                     | STATE-48. |
| Garnishment of Wages Records .....  | STATE-61. |
| Information Access Program Records .....  | STATE-35. |
| Intelligence and Research Records .....   | STATE-15. |
| Munitions Control Records .....   | STATE-42. |
| Office of Foreign Missions Records .....  | STATE-81. |
| Office of Inspector General Investigation Management System .....               | STATE-53. |
| Overseas Citizens Services Records .....  | STATE-05. |
| Passport Records .....  | STATE-26. |
| Personality Cross-Reference Index to the Secretariat Automated Data Index ..... | STATE-28. |
| Personality Index to the Central Foreign Policy Records .....                   | STATE-29. |
| Risk Analysis and Management Records .....                                      | STATE-78. |
| Security Records .....  | STATE-36. |
| Visa Records .....  | STATE-39. |

(3) *Exempt under 5 U.S.C. 552a(k)(3).* Records contained within the following systems of records are exempt under this section to the extent that they are maintained in connection with providing protective services pursuant to 18 U.S.C. 3056.

TABLE 4 TO PARAGRAPH (b)(3)

| Title   | Number    |
|---|-----------|
| Extradition Records .....   | STATE-11. |
| Information Access Programs Records .....                                       | STATE-35. |
| Intelligence and Research Records .....   | STATE-15. |
| Overseas Citizens Services Records .....  | STATE-05. |
| Passport Records .....  | STATE-26. |
| Personality Cross-Reference Index to the Secretariat Automated Data Index ..... | STATE-28. |
| Personality Index to the Central Foreign Policy Records .....                   | STATE-29. |
| Security Records .....  | STATE-36. |
| Visa Records .....  | STATE-39. |

(4) *Exempt under 5 U.S.C. 552a(k)(4).* Records contained within the following systems of records are exempt under this section to the extent that they are required by statute to be maintained and are used solely as statistical records.

TABLE 5 TO PARAGRAPH (b)(4)

| Title                                     | Number    |
|---|-----------|
| Foreign Service Institute Records .....   | STATE-14. |
| Human Resources Records .....             | STATE-31. |
| Information Access Programs Records ..... | STATE-35. |
| Overseas Citizens Services Records .....  | STATE-05. |
| Personnel Payroll Records .....           | STATE-30. |
| Security Records .....                    | STATE-36. |

(5) *Exempt under 5 U.S.C. 552a(k)(5).* Records contained within the following systems of records are exempt under this section to the extent that they consist of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of a confidential informant.

TABLE 6 TO PARAGRAPH (b)(5)

| Title   | Number    |
|---|-----------|
| Foreign Assistance Inspection Records .....   | STATE-48. |
| Foreign Service Grievance Board Records ..... | STATE-13. |
| Human Resources Records .....                 | STATE-31. |
| Information Access Programs Records .....     | STATE-35. |

TABLE 6 TO PARAGRAPH (b)(5)—Continued

| Title   | Number    |
|---|-----------|
| Legal Adviser Attorney Employment Application Records .....                     | STATE-20. |
| Office of Inspector General Investigation Management System .....               | STATE-53. |
| Overseas Citizens Services Records .....  | STATE-25. |
| Personality Cross-Reference Index to the Secretariat Automated Data Index ..... | STATE-28. |
| Records Maintained by the Office of Civil Rights .....                          | STATE-09. |
| Records of the Office of White House Liaison .....                              | STATE-34. |
| Risk Analysis and Management Records .....                                      | STATE-78. |
| Rover Records .....   | STATE-41. |
| Security Records .....  | STATE-36. |
| Senior Personnel Appointments Records .....                                     | STATE-47. |

(6) *Exempt under 5 U.S.C. 552a(k)(6).* Records contained within the following systems of records are exempt under this section to the extent that they consist of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

TABLE 7 TO PARAGRAPH (b)(6)

| Title  | Number    |
|--|-----------|
| Foreign Service Institute Records .....                | STATE-14. |
| Human Resources Records .....                          | STATE-31. |
| Information Access Programs Records .....              | STATE-35. |
| Records Maintained by the Office of Civil Rights ..... | STATE-09. |
| Security Records .....                                 | STATE-36. |

(7) *Exempt under 5 U.S.C. 552a(k)(7).* Records contained within the following systems of records are exempt under this section to the extent that they consist of evaluation material used to determine potential for promotion in the armed services, but only to the extent that such disclosure would reveal the identity of a confidential informant.

TABLE 8 TO PARAGRAPH (b)(7)

| Title   | Number    |
|---|-----------|
| Human Resources Records .....   | STATE-31. |
| Information Access Programs Records .....                                       | STATE-35. |
| Overseas Citizens Services Records .....  | STATE-25. |
| Personality Cross-Reference Index to the Secretariat Automated Data Index ..... | STATE-28. |
| Personality Index to the Central Foreign Policy Records .....                   | STATE-29. |
| Security Records .....  | STATE-36. |

**Eric F. Stein,**  
*Deputy Assistant Secretary, Global Information Services (A/GIS), Department of State.*  
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**NATIONAL LABOR RELATIONS BOARD**  
**29 CFR Part 102**  
**RIN 3142-AA12**  
**Representation Case Procedures**  
**AGENCY:** National Labor Relations Board.  
**ACTION:** Final rule; stay of effective date.  
**SUMMARY:** On March 10, 2023, the National Labor Relations Board (Board) stayed two provisions of its 2019 final

rule (“2019 Final Rule”) amending its representation case procedures. The two provisions, which have never been in effect, were stayed until September 10, 2023 to account for new court decisions and because the Board was considering whether to revise or rescind the 2019 Final Rule, including potential revisions to the two provisions. In a rule that published in this edition of the **Federal Register**, the Board rescinds those provisions, among other changes. In light the new rule, and to ensure the two provisions do not go into effect for only a short period of time, the September 10, 2023 stay of the two provisions is extended to December 26, 2023, the date on which the rule repealing the two provisions is effective.  
**DATES:** As of August 25, 2023, the amendments to 29 CFR 102.64(a) and 29 CFR 102.67(b) in the final rule that

published at 84 FR 69524, on December 18, 2019, and delayed at 85 FR 17500 (March 30, 2020) and 88 FR 14913 (March 10, 2023), are stayed from September 10, 2023, until December 26, 2023.  
**FOR FURTHER INFORMATION CONTACT:** Roxanne L. Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half St. SE, Washington, DC 20570-0001, (202) 273-2940 (this is not a toll-free number), 1-866-315-6572 (TTY/TDD).  
**SUPPLEMENTARY INFORMATION:** On December 18, 2019, the Board published the 2019 Final Rule amending various aspects of its representation case procedures. *Representation-Case Procedures*, 84 FR 69524 (Dec. 18, 2019). The Board published the 2019 Final Rule as “a procedural rule which is exempt from notice and public