

Rules and Regulations

Federal Register

Vol. 88, No. 166

Tuesday, August 29, 2023

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 235

[CBP Dec. No. 23–09]

Interpretation of the Term Kiosk for Global Entry

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Interpretive rule.

SUMMARY: This interpretive rule provides guidance to the public on U.S. Customs and Border Protection's interpretation of the term "kiosk" as used in the Global Entry regulations.

DATES: This rule is effective on August 29, 2023.

FOR FURTHER INFORMATION CONTACT: Rafael E. Henry, Branch Chief, Office of Field Operations, (202) 344–3251, Rafael.E.Henry@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

U.S. Customs and Border Protection (CBP) operates the Global Entry program, a voluntary international trusted traveler program, at designated airports to provide certain pre-approved travelers dedicated processing into the United States. Members of Global Entry are vetted travelers who have voluntarily applied for membership, have paid a required application fee, and have provided certain personal data to CBP. Travelers with active membership in Global Entry are considered to be a low risk, because CBP conducts vetting both when the participant applies to the Global Entry program and on an ongoing basis after the participant becomes a Global Entry member.

Upon arrival at a designated airport, Global Entry members can use a self-service process to report their arrival and facilitate their inspection. The Global Entry arrival procedures are set

forth in section 235.12(g) of title 8 of the Code of Federal Regulations (8 CFR 235.12(g)). That regulation requires that an arriving passenger utilize a Global Entry kiosk, follow the on-screen instructions, and declare all articles brought into the United States. The term "kiosk" is not defined in the regulations; however, the kiosks used by CBP until now have been machines that are permanently installed in airports and that print paper receipts for verification of the traveler's arrival ("legacy kiosks"). Participants must physically go to the legacy kiosk in order to be processed using the Global Entry program.

To facilitate their inspection, Global Entry members utilize the legacy kiosks to have their photographs and fingerprints taken, submit identifying information, and answer several automated questions about items that they are bringing into the United States. When using the legacy kiosks, participants are required to declare all articles that they are bringing into the United States, pursuant to 19 CFR 148.11.

CBP is in the process of transitioning from the legacy kiosks to Global Entry portals and the Global Entry Mobile application. CBP expects all the legacy kiosks to be retired at the end of calendar year 2023. The portals are already being used in some locations and are essentially mobile processing units, similar to a tablet, with screens and cameras. The portals are enabled with Wi-Fi to allow CBP the flexibility to position the portals anywhere inside an airport Federal Inspection Station (FIS) to optimize traveler processing. Global Entry participants physically approach the portals for processing in a manner similar to the legacy kiosks. However, instead of issuing a paper receipt to travelers, the portals will transmit an electronic file to the CBP officers at egress for review and verification of the traveler's arrival. In addition to the portals, advancing technology will now allow CBP to perform the same processing for Global Entry members through use of the Global Entry Mobile application. The Global Entry Mobile application will be deployed at 5 airport locations across the United States (Los Angeles, Miami, Houston, Fort Lauderdale, and Washington Dulles) starting in the summer of 2023. The portal or the

mobile application will take the traveler's facial image and match it with the existing image from the application process. With these new processes, travelers will now make a verbal declaration to a CBP officer instead of responding to on screen questions that were previously asked during processing at the legacy kiosk. All of the technologies that will now be included in CBP's interpretation of "kiosk" assign a class of admission and provide a paper or electronic record that is given to a CBP officer stationed within the Federal Inspection Service area for verification that the traveler was processed for admission into the United States.

For this reason, the Department of Homeland Security (DHS) is issuing this interpretive rule to clarify its interpretation of the undefined term "kiosk" to include the currently available technology as well as future advances in processing technology for Global Entry participants to be processed by CBP for entry into the United States.

DHS is issuing this interpretive rule as an interim measure prior to publication of a final rule that will remove the term "kiosk" from the Global Entry regulations entirely. On September 9, 2020, DHS published a notice of proposed rulemaking (85 FR 55597) in the **Federal Register** entitled "Harmonization of the Fees and Application Procedures for the Global Entry and SENTRI Programs and Other Changes" (the NPRM). In the NPRM, DHS proposed to remove references to "kiosk" from the regulations. As noted above, "kiosk" is not a defined term in the regulations, and DHS proposed to remove that term in order to make the regulations more inclusive of developing technologies. The final rule promulgating the proposed change is expected to publish in 2024.

II. Interpretation of "Kiosk"

For the purposes of 8 CFR 235.12, CBP interprets the term "kiosk" to include the following:¹

1. Legacy kiosks (machines that are permanently installed in airports and that print a paper receipt);

¹ All of the technologies included in the CBP's interpretation of "kiosk" assign a class of admission and provide a paper or electronic record that is given to a CBP officer stationed within the Federal Inspection Service area for verification that the traveler was processed for admission into the United States.

2. Receipt-less Facial Kiosks (RFK) (modified legacy kiosks that send an electronic record to a CBP officer);

3. Global Entry Portals (Wi-Fi enabled mobile processing units with a screen and camera); and

4. the Global Entry Mobile application or any successor technology for processing Global Entry members at ports of entry.

III. Effective Date

Because this rule is solely interpretive, it is not subject to the 30-day delayed effective date for substantive rules under section 553(d) of the Administrative Procedure Act.² Therefore, this rule is effective on August 29, 2023, the same date that it is published in the **Federal Register**.

Regulatory Analysis

Executive Orders 12866, 13563, and 14094 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this regulation.

This rule merely explains to the public how CBP interprets a certain term used in an existing regulation, 8 CFR 235.12. This rule imposes no new requirements on the public and simply clarifies its interpretation of a kiosk to include other forms of technology, broadening the public’s processing options. As such, there are no costs to this interpretive rule. To the extent that this rule results in processing time savings for the public, there may be some unquantified benefits to this interpretive change.

As an interpretive rule, this rule is exempt from the notice-and-comment rulemaking requirements of the Administrative Procedure Act.³ Because no notice of proposed rulemaking is required, analysis under the Regulatory Flexibility Act is not required.⁴

An agency may not conduct or sponsor, and an individual is not required to respond to a collection of information unless it displays a valid

OMB control number. This collection of information has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB control number 1651–0121.

Alejandro N. Mayorkas,
Secretary of Homeland Security.

[FR Doc. 2023–18581 Filed 8–28–23; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1806; Project Identifier MCAI–2023–00934–Q; Amendment 39–22535; AD 2023–17–09]

RIN 2120–AA64

Airworthiness Directives; Cameron Balloons Ltd. Fuel Cylinders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–13–03, which applied to a certain Cameron Balloons Ltd. (Cameron) fuel cylinder installed on hot air balloons. AD 2022–13–03 required removing any installed fuel cylinder part number (P/N) CB2990 (Alugas) from service before further flight. Since the FAA issued AD 2022–13–03, the fuel cylinder part number has been identified as CB2990/A instead of CB2990 (Alugas). This AD requires removing any installed fuel cylinders P/N CB2990/A from service before further flight. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 13, 2023.

The FAA must receive comments on this AD by October 13, 2023.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to *regulations.gov*. Follow the instructions for submitting comments.

- **Fax:** (202) 493–2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5

p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1806; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

- For service information identified in this final rule, contact Cameron Balloons Ltd., St Johns Street, Bedminster, Bristol, BS3 4NH, United Kingdom; phone: +44 0 117 9637216; email: *technical@cameronballoons.co.uk*; website: *cameronballoons.co.uk*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust Street, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2023–1806.

FOR FURTHER INFORMATION CONTACT: Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231–2346; email: *fred.guerin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2023–1806; Project Identifier MCAI–2023–00934–Q” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and

² 5 U.S.C. 553(d).

³ 5 U.S.C. 553(b).

⁴ 5 U.S.C. 603(a), 604(a).