

# Rules and Regulations

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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 217

#### Brunei Electronic System for Travel Authorization Validity Period

**AGENCY:** Office of Strategy, Policy, and Plan; DHS.

**ACTION:** Announcement of ESTA validity period.

**SUMMARY:** This notice announces that the U.S. Department of Homeland Security (DHS) is reducing Brunei Darussalam's Electronic System for Travel Authorization (ESTA) travel authorization validity period for travel by citizens or nationals of Brunei under the Visa Waiver Program (VWP) to the United States from two years from the date of issuance to one year for ESTA applications received after the date of publication of this notice. DHS is making this change based on the Government of Brunei's inability to satisfy multiple VWP requirements.

**DATES:** This announcement is effective on July 6, 2023.

#### FOR FURTHER INFORMATION CONTACT:

Anjum Agarwala, Visa Waiver Program Office, Office of Strategy, Policy, and Plans, Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

##### A. The Visa Waiver Program

Pursuant to section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, the Secretary of Homeland Security (the Secretary),<sup>1</sup> in consultation with the Secretary of State, may designate certain countries for participation in the Visa Waiver

Program (VWP) if certain requirements are met. Those requirements include, among others:

(1) A rate of nonimmigrant visitor visa refusals for citizens or nationals of the country below the statutorily established threshold;

(2) certification by the government seeking designation for VWP participation that it issues machine-readable passports that comply with internationally accepted standards;

(3) a determination by the Secretary, in consultation with the Secretary of State, that the country's designation would not negatively affect U.S. law enforcement and security interests;

(4) an agreement to report, or make available through INTERPOL or other designated means authorized by the Secretary, information about the theft or loss of passports to the U.S. government within the designated timeframe;

(5) the country's government's acceptance for repatriation of any citizen, former citizen, or national not later than three weeks after the issuance of a final order of removal; and

(6) an agreement with the United States to share information regarding whether citizens and nationals of the country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.

See INA section 217(c)(2)(A)–(F), 8 U.S.C. 1187(c)(2)(A)–(F).

The INA also sets forth requirements for countries' continued VWP eligibility and, where appropriate, probation, suspension, or termination of program countries. See INA section 217(c)–(f), 8 U.S.C. 1187(c)–(f).

Citizens and eligible nationals of VWP countries may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for business or pleasure for a period of ninety days or less without first obtaining a nonimmigrant visa, provided they are otherwise eligible for admission under applicable statutory and regulatory requirements. To travel to the United States under the VWP, a noncitizen must, without limitation:

(1) be seeking entry as a visitor for business or pleasure for ninety days or less;

(2) be a citizen or national of a VWP country;

(3) present a valid unexpired electronic and machine-readable

passport that meets program requirements and is issued by a designated VWP participant country to the air or vessel carrier before departure;

(4) execute the required immigration forms;

(5) if arriving at a port of entry into the U.S. by air or sea, arrive on an authorized carrier;

(6) not represent a threat to the welfare, health, safety or security of the United States;

(7) not have failed to comply with the conditions of any previous admission as a nonimmigrant visitor;

(8) possess a round-trip transportation ticket;

(9) obtain an approved travel authorization via Electronic System for Travel Authorization (ESTA);

(10) waive the right to review or appeal a decision regarding admissibility at the port of entry or to contest, other than on the basis of an application for asylum, any action for removal; and

(11) meet other program requirements.

See INA section 217(a)–(b); 8 U.S.C. 1187(a)–(b). See also 8 CFR part 217.

Brunei was designated for participation in the VWP on July 29, 1993. See 58 FR 40581.

#### B. ESTA Validity Period

Typically, under DHS regulations, a travel authorization issued under ESTA is valid for a period of two years from the date of issuance. See 8 CFR 217.5(d)(1). However, the Secretary, in consultation with the Secretary of State, may decrease ESTA travel authorization validity period for a designated VWP country. See 8 CFR 217.5(d)(3).<sup>2</sup> DHS publishes notice of any changes to ESTA travel authorization validity periods in the **Federal Register**. 8 CFR 217.5(d)(3).

#### II. Reduction of Brunei's ESTA Validity Period

DHS conducts the statutorily required review of each participating VWP country at least once every two years to evaluate the effects that continuing the country's designation in the program will have on U.S. national security, law enforcement, and immigration enforcement interests. See INA section 217(c)(5)(A), 8 U.S.C. 1187(c)(5)(A).

In May 2018, DHS conducted an in-country statutorily required periodic

<sup>1</sup> The Secretary of Homeland Security has delegated this authority to the Under Secretary for Strategy, Policy, and Plans pursuant to DHS Delegation 23000, Delegation to the Under Secretary for Strategy, Policy, and Plans, Sec. II.L.4.

<sup>2</sup> As noted above, this authority is delegated to the Under Secretary for Strategy, Policy, and Plans.

review of Brunei's continued designation as a participating country in the VWP. The comprehensive review assessed Brunei's counterterrorism, law enforcement, immigration, border control, and document security capabilities and practices. DHS identified a number of areas of non-compliance with VWP requirements. DHS formally communicated its concerns to senior Government of Brunei officials and provided a list of action items with associated timelines for completion which, if timely completed, would address DHS's concerns, and maintain Brunei's standing as a participating country in the VWP.

DHS and the U.S. Department of State engaged regularly with Bruneian officials at both the technical and political levels over the following years to provide technical assistance and encourage progress. However, Brunei failed to meet the deadlines outlined in its VWP workplan. A July 2022 DHS in-country periodic review showed that Brunei still had made insufficient progress on the workplan. This non-compliance compromises the integrity of the VWP as a security partnership.

DHS is publishing this notice announcing that effective July 6, 2023, DHS is decreasing Brunei's ESTA validity period for travel to the United States from two years to one year for applications received after the effective date of this notice. Should Brunei's non-compliance with VWP requirements continue, DHS, in consultation with State, may make further adjustments to Brunei's VWP designation at any time, including suspension or termination from the program.

**Robert Silvers,**

*Under Secretary, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security.*

[FR Doc. 2023-13441 Filed 7-5-23; 4:15 pm]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-1401; Project Identifier MCAI-2023-00760-T; Amendment 39-22492; AD 2023-13-07]

RIN 2120-AA64

#### **Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Saab AB, Support and Services Model SAAB 340B airplanes. This AD was prompted by a determination that the affected airplanes must not be operated at a maximum take-off weight (MTOW) above 29,000 pounds. This AD requires amending the applicable airplane flight manual (AFM) by incorporating a temporary revision (TR) to reduce the MTOW, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective July 21, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2023.

The FAA must receive comments on this AD by August 21, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA-2023-1401; 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 (CAI), any comments received, and other information. The street address for Docket Operations is listed above.

**Material Incorporated by Reference:**

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); website [easa.europa.eu](https://easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](https://ad.easa.europa.eu).

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1401.

**FOR FURTHER INFORMATION CONTACT:** Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206-231-3220; email [shahram.daneshmandi@faa.gov](mailto:shahram.daneshmandi@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-2023-1401; Project Identifier MCAI-2023-00760-T" 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](https://www.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 actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private,