

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 73**

[Docket No. FAA-2017-0144; Airspace Docket No. 17-ASW-2]

**Proposed Establishment of Restricted Areas R-5602A and R-5602B; Fort Sill, OK**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish two restricted areas, R-5602A and R-5602B, over a portion of the Fort Sill, OK, R-5601 restricted area complex in support of an emerging kinetic and directed energy weapons training requirement for the United States (U.S.) Army Fires Center of Excellence at Fort Sill. This additional airspace would allow for the segregation of hazardous activities from non-participating traffic.

**DATES:** Comments must be received on or before August 17, 2017.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; telephone: (202) 366-9826. You must identify FAA Docket No. FAA-2017-0144 and Airspace Docket No. 17-ASW-2, at the beginning of your comments. You may also submit comments through the Internet at [www.regulations.gov](http://www.regulations.gov). You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

Comments on environmental and land use aspects should be directed to: U.S. Army Garrison, Directorate of Public Works, Attn: IMSI-PWE (Sarah Sminkey), Environmental Quality Division, Fort Sill, OK 73503-5100; email: [sarah.e.sminkey.civ@mail.mil](mailto:sarah.e.sminkey.civ@mail.mil); phone: (580) 442-2849.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish the restricted area airspace at Fort Sill, OK, to enhance aviation safety and accommodate essential U.S. Army hazardous above-the-horizon laser operations conducting counter unmanned aircraft systems (UAS) activities.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2017-0144 and Airspace Docket No. 17-ASW-2) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at [www.regulations.gov](http://www.regulations.gov).

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2017-0144 and Airspace Docket No. 17-ASW-2." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the

closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person at the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX 76177.

**Background**

As the U.S. Army's Center of Excellence for Fires, Fort Sill has submitted a proposal to the FAA to establish two restricted areas overlying a portion of the Fort Sill R-5601 restricted area complex, and extending slightly eastward, to support an emerging kinetic and directed energy weapons training mission. The designated altitudes of the proposed restricted areas would extend upward from 40,000 feet mean sea level (MSL) to 60,000 feet MSL.

Fort Sill has long been the U.S. Army's schoolhouse for traditional field artillery training and it has now been tasked to field advanced technology weapons, and train soldiers in their use for both field artillery and air defense artillery missions. Railguns, hypervelocity projectiles, and lasers being introduced at Fort Sill represent a technological leap in capability, and require additional high altitude segregated airspace to contain the hazardous activities and protect non-participating air traffic from those hazardous activities.

The primary activities associated with the proposed R-5602A would include high trajectory surface-to-surface kinetic weapons employment using existing firing points and impact areas, with occasional laser fires passing through R-5601 complex restricted area airspace and the proposed R-5602A before entering the proposed R-5602B restricted area. The proposed R-5602B

would be established solely to contain directed energy laser fires intended to destroy adversary UAS. Target UAS would only operate in the lower R-5601 restricted areas since the proposed R-5602A and R-5602B restricted areas would not be approved for aviation activity. For directed energy laser fires that extend beyond the ceiling of the proposed R-5602B restricted area, Fort Sill would follow existing interagency procedures to ensure protection of both manned aircraft and space assets operating above 60,000 feet MSL.

To leverage advanced technology weapons capabilities for training soldiers in emerging field artillery and air defense artillery missions, Fort Sill requires additional restricted area airspace. Through extensive safety analysis, the U.S. Army has determined that the volume of restricted area airspace proposed in R-5602A and R-5602B is the minimum amount required to contain the planned hazardous activities and protect non-participant air traffic in the area.

Minimal aeronautical impact is anticipated since the proposed restricted areas would be located above a portion of the existing R-5601 complex, which extends from the surface to 40,000 feet MSL, and the designated altitudes of the proposed restricted areas would extend upward from 40,000 feet MSL to 60,000 feet MSL.

### The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to establish two new restricted areas, R-5602A and R-5602B, overlying a portion of the R-5601 complex located at Fort Sill, OK. The new restricted areas would support the U.S. Army fielding advanced technology weapons and training for emerging field artillery and air defense artillery missions. To effectively segregate non-participant air traffic from the hazardous activities associated with the use of the advanced technology weapons at Fort Sill, the proposed R-5602A and R-5602B restricted areas would extend upward from 40,000 feet MSL to 60,000 feet MSL and be activated by a Notice to Airman (NOTAM).

The proposed lateral boundaries for R-5602A would overlie and extend upward over the ceilings of the R-5601A, R-5601B, and a portion of R-5601F restricted areas. The proposed lateral boundaries for R-5602B would extend a shelf of restricted area airspace approximately 8 nautical miles (NM) east beyond the R-5601A and R-5601F eastern boundaries. Collectively, the proposed R-5602A and R-5602B

restricted areas and the existing R-5601 complex would fully contain planned hazardous activities within restricted area airspace from the surface to 60,000 feet MSL. Existing interagency procedures would be followed to further segregate hazardous activities from manned aircraft and space assets operating above 60,000 feet MSL.

The proposed designated altitudes for the proposed R-5602A and R-5602B restricted areas would extend upward from 40,000 feet MSL to 60,000 feet MSL. The altitudes are defined relative to MSL to highlight that the proposed area would be used for other than aircraft operations. From an air traffic perspective, establishing the proposed restricted areas for other than aircraft operations reduces the radar separation requirements for circumnavigating the proposed restricted areas and contributes to minimizing impacts to aviation.

The proposed time of designation for the proposed R-5602A and R-5602B restricted areas would be, "By NOTAM 0830-1630, Monday-Friday; other times by NOTAM." The expected usage for the proposed R-5602A would be approximately 8 hours per day on most weekdays, consistent with in-garrison syllabus training. However, the expected usage for the proposed R-5602B would be much lower to approximately 25 days per year. Due to the heavy dependence on favorable weather and unpredictability of seasonal weather patterns, NOTAM activation is considered an operational necessity for both proposed restricted areas.

### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subjected to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

### PART 73—SPECIAL USE AIRSPACE

- 1. The authority citation for part 73 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.

#### § 73.56 Oklahoma (Amended)

- 2. § 73.56 is amended as follows:

\* \* \* \* \*

#### R-5602A Fort Sill, OK [New]

**Boundaries.** Beginning at lat. 34°46'45" N., long. 98°17'01" W.; to lat. 34°38'15" N., long. 98°17'01" W.; to lat. 34°38'15" N., long. 98°37'57" W.; to lat. 34°40'54" N., long. 98°37'56" W.; to lat. 34°42'07" N., long. 98°37'20" W.; to lat. 34°43'21" N., long. 98°36'02" W.; to lat. 34°43'30" N., long. 98°35'40" W.; to lat. 34°45'03" N., long. 98°29'46" W.; to lat. 34°46'15" N., long. 98°25'01" W.; to lat. 34°47'00" N., long. 98°17'46" W.; to the point of beginning.

**Designated altitudes.** 40,000 feet MSL to 60,000 feet MSL.

**Time of designation.** By NOTAM 0830-1630, Monday-Friday; other times by NOTAM.

**Controlling agency.** FAA, Fort Worth ARTCC.

**Using agency.** U.S. Army, Commanding General, U.S. Army Fires Center of Excellence (USAFCE) and Fort Sill, Fort Sill, OK.

#### R-5602B Fort Sill, OK [New]

**Boundaries.** Beginning at lat. 34°49'30" N., long. 98°08'43" W.; to lat. 34°36'36" N., long. 98°08'43" W.; to lat. 34°38'15" N., long. 98°17'01" W.; to lat. 34°46'06" N., long. 98°17'01" W.; to the point of beginning.

**Designated altitudes.** 40,000 feet MSL to 60,000 feet MSL.

**Time of designation.** By NOTAM 0830-1630, Monday-Friday; other times by NOTAM.

**Controlling agency.** FAA, Fort Worth ARTCC.

**Using agency.** U.S. Army, Commanding General, U.S. Army Fires Center of Excellence (USAFCE) and Fort Sill, Fort Sill, OK.

Issued in Washington, DC, on June 26, 2017.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017-13990 Filed 6-30-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 101

[Docket No. USCBP-2017-0017]

#### Extension of Port Limits of Savannah, GA

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** U.S. Customs and Border Protection (CBP) is proposing to extend the geographical limits of the port of entry of Savannah, Georgia. The proposed extension will make the boundaries more easily identifiable to the public and will allow for uniform and continuous service to the extended area of Savannah, Georgia. The proposed change is part of CBP's continuing program to use its personnel, facilities, and resources more efficiently and to provide better service to carriers, importers, and the general public.

**DATES:** Comments must be received on or before September 1, 2017.

**ADDRESSES:** Please submit comments, identified by docket number, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2017-0017.

- *Mail:* Trade and Commercial Regulations Branch, Office of Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of

Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

#### FOR FURTHER INFORMATION CONTACT:

Roger Kaplan, Office of Field Operations, U.S. Customs and Border Protection, (202) 325-4543, or by email at [Roger.Kaplan@dhs.gov](mailto:Roger.Kaplan@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

##### II. Background

As part of its continuing efforts to use CBP's personnel, facilities, and resources more efficiently, and to provide better service to carriers, importers, and the general public, CBP is proposing to extend the limits of the Savannah, Georgia port of entry. The CBP ports of entry are locations where CBP officers and employees are assigned to accept entries of merchandise, clear passengers, collect duties, and enforce the various provisions of customs, immigration, agriculture, and related U.S. laws at the border. The term "port of entry" is used in the Code of Federal Regulations (CFR) in title 8 for immigration purposes and in title 19 for customs purposes. For immigration purposes, Savannah, Georgia port of entry is classified as a Class A port in District 26 under 8 CFR 100.4(a).<sup>1</sup> For customs purposes, CBP regulations list designated CBP ports of entry and the limits of each port in 19 CFR 101.3(b)(1).

Savannah, Georgia was designated as a customs port of entry by the President's message of March 3, 1913, concerning a reorganization of the U.S. Customs Service pursuant to the Act of August 24, 1912 (37 Stat. 434; 19 U.S.C. 1). Executive Order 8367, dated March 5, 1940, established specific

<sup>1</sup> Ports of entry for immigration purposes are currently listed at 8 CFR 100.4.

geographical boundaries for the port of entry of Savannah, Georgia.

The current boundaries of the Savannah port of entry begin at the intersection of US Highway 17 and Little Back River on the line between South Carolina and Georgia; thence in a general southeasterly direction through the Little Back River, Back River, Savannah River and South Channel to the mouth of St. Augustine Creek, a distance of 11.6 miles; thence in a straight line in a southwesterly direction to the intersection of Moore Avenue and DeRenne Avenue, a distance of 5.8 miles; thence in a straight line in a westerly direction to the intersection of Middle Ground Road and DeRenne Avenue, a distance of 2.7 miles; thence in a straight line in a westerly direction to the intersection of Garrard Avenue and Ogeechee Road, a distance of 2.4 miles; thence in a straight line in a northwesterly direction to the intersection of Louisville Road and Bourne Avenue, a distance of 6.2 miles; thence in a straight line in a northeasterly direction to the intersection of Augusta Road and Augustine Creek, a distance of 4.8 miles; thence in a general easterly direction along Augustine Creek to the Savannah River, a distance of 2.4 miles; thence in a straight line in an easterly direction to the Chatham County line on Coastal Highway and Little Back River (the point of the beginning), a distance of 1.4 miles. CBP has included a map of the current port limits in the docket as "Attachment: Port of Entry of Savannah (blue lines)."

Travel modes, trade volume, and transportation infrastructure have expanded greatly since 1940. For example, much of Savannah-Hilton Head International Airport is located beyond the current port limits, including the site of the proposed replacement Federal Inspection Service facility for arriving international travelers. Similarly, distribution centers and cold storage agricultural facilities that support the seaport are located outside existing port limits. As a result, the greater Savannah area's trade and travel communities do not know with certainty if they will be able to receive CBP services if they build facilities on the region's remaining undeveloped properties, almost all outside the boundaries of the port of entry.

To address these concerns regarding the geographic limits of the port, CBP is proposing to amend 19 CFR 101.3(b)(1) to extend the boundaries of the port of entry of Savannah, Georgia, to include the majority of Chatham County, Georgia, as well as a small portion of Jasper County, South Carolina. The