

designation listed in this document will be published subsequently in the Order.

### 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 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 subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

## 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 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.

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

### ASO MS D Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS

(Lat. 33°29'39" N, long. 90°05'05" W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.4-mile radius of Greenwood-Leflore Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

*Paragraph 6002 Class E Surface Area Airspace.*

\* \* \* \* \*

### ASO MS E2 Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS  
(Lat. 33°29'39" N, long. 90°05'05" W)

Within a 4.4-mile radius of Greenwood-Leflore Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.*

\* \* \* \* \*

### ASO MS E4 Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS  
(Lat. 33°29'39" N, long. 90°05'05" W)  
Sidon VORTAC  
(Lat. 33°27'50" N, long. 90°16'38" W)

That airspace extending upward from the surface within 1.4 miles each side of the Sidon VORTAC 079° radial, extending from the 4.4-miles radius of Greenwood-Leflore Airport to 4 miles east of the VORTAC.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

### ASO MS E5 Greenwood, MS [Amended]

Greenwood-Leflore Airport, MS  
(Lat. 33°29'39" N, long. 90°05'05" W)  
Sidon VORTAC  
(Lat. 33°27'50" N, long. 90°16'38" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Greenwood-Leflore Airport and within 1.2 miles each side of the Sidon VORTAC 079° radial, extending from the 6.9-mile radius to 2 miles each of the VORTAC.

Issued in College Park, Georgia, on January 31, 2018.

**Ryan W. Almsy,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### 15 CFR Part 774

[Docket No. 170721692–8078–01]

RIN 0694–XC037

### Request for Public Comments Regarding Controls on Energetic Materials, Armored and Protective “Equipment” and Military Electronics

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Notice of Inquiry; request for comments.

**SUMMARY:** The Bureau of Industry and Security (BIS), Department of Commerce, is seeking public comments to perform a complementary review of items on the Commerce Control List concurrent with the Department of State’s review of the controls implemented in its recent revisions of parts of the United States Munitions List (which control explosives and energetic materials, propellants, incendiary agents and their constituents; personal protective equipment; and military electronics), to ensure that the descriptions of these items on the CCL are clear, items for normal commercial use are not inadvertently controlled as military items on the USML, technological developments are accounted for on the control lists, and controls properly implement the national security and foreign policy objectives of the United States. This Notice of Inquiry also furthers the regulatory reform agenda directed by the President in Executive Order 13777.

**DATES:** Comments must be received by BIS no later than April 13, 2018.

**ADDRESSES:** Comments may be submitted through the Federal rulemaking portal (<http://www.regulations.gov>). The regulations.gov ID number for this rule is BIS–2018–0004. All comments (including any personally identifying information) will be made available for public inspection and copying.

### FOR FURTHER INFORMATION CONTACT:

*For technical questions relating to the item.* For questions regarding energetic materials (ECCNs 1B608, 1C608, 1D608 and 1E608) or personal protective equipment, shelters and related items (ECCNs 1A613, 1B613, 1D613 and 1E613), contact Joseph Giunta in the Office of National Security and Technology Transfer Controls, Electronics and Materials Division at (202) 482–3127 or [Joseph.Giunta@bis.doc.gov](mailto:Joseph.Giunta@bis.doc.gov). For questions relating to

military electronics (ECCNs 3A611, 3B611, 3D611 and 3E611), contact Brian Baker, Director, Electronics and Materials Division, Office of National Security and Technology Transfer Controls at (202) 482-5534 or [Brian.Baker@bis.doc.gov](mailto:Brian.Baker@bis.doc.gov). For questions relating to cryogenic and superconducting equipment (ECCNs 9A620, 9B620, 9D620 and 9E620), contact Michael Tu in the Office of National Security and Technology Transfer Controls, Sensors and Aviation Division at (202) 482-6462 or [Michael.Tu@bis.doc.gov](mailto:Michael.Tu@bis.doc.gov).

*For licensing questions related to the item.* For general questions regarding license applications for “600 series” ECCNs, contact Thomas DeFee or Christopher Williams in the Office of Strategic Industries and Economic Security, Munitions Control Division, at (202) 482-4506 or at [Thomas.DeFee@bis.doc.gov](mailto:Thomas.DeFee@bis.doc.gov) or [Christopher.Williams@bis.doc.gov](mailto:Christopher.Williams@bis.doc.gov). For “600 series” licenses regarding energetic materials (ECCNs 1B608, 1C608, 1D608 and 1E608) or personal protective equipment, shelters and related items (ECCNs 1A613, 1B613, 1D613 and 1E613), contact Kylie Gaskins, Munitions Control Division at (202) 482-3064 or [Kylie.Gaskins@bis.doc.gov](mailto:Kylie.Gaskins@bis.doc.gov). For “600 series” licenses relating to military electronics (ECCNs 3A611, 3B611, 3D611 and 3E611) and cryogenic and superconducting equipment (ECCNs 9A620, 9B620, 9D620 and 9E620), contact Adam Duvall, Munitions Control Division at (202) 482-6534 or [Adam.Duvall@bis.doc.gov](mailto:Adam.Duvall@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Industry and Security (BIS), Department of Commerce, maintains the Export Administration Regulations, including the Commerce Control List (CCL). The items controlled under the “600 series” entries on the CCL were previously controlled on the United States Munitions List (USML), which is part of the International Traffic in Arms Regulations (ITAR), maintained by the Department of State. These items, including energetic materials, armored and protective “equipment” and military electronics, were determined by the President to not warrant control on the USML.

Through this Notice of Inquiry (NOI), BIS is seeking public comments to perform a complementary review of energetic materials, armored and protective “equipment” and military electronics and related items therefor, on the CCL, concurrent with the Department of State’s review of the

controls implemented in its recent revisions to Categories V, X and XI of the USML (which control explosives and energetic materials, propellants, incendiary agents and their constituents, personal protective equipment, and military electronics), to ensure that the descriptions of these items on the CCL are clear, items for normal commercial use are not inadvertently controlled as military items on the USML, technological developments are accounted for on the control lists, and controls properly implement the national security and foreign policy objectives of the United States.

Specifically, BIS is soliciting comments on the clarity, usability and any other matters related to implementation of the “600 series” Export Control Classification Numbers (ECCNs) that control the following items, as well as certain items related thereto: energetic materials (ECCNs 1B608, 1C608, 1D608 and 1E608); armored and protective “equipment” (ECCNs 1A613, 1B613, 1D613, 1E613); military electronics (ECCNs 3A611, 3B611, 3D611 and 3E611); and cryogenic and superconducting equipment (ECCNs 9A620, 9B620, 9D620 and 9E620).

A core element of the transfer of certain articles on the USML to “600 series” ECCNs on the CCL has been the streamlining of categories on the USML, resulting in the control on the CCL of items that the President determines do not warrant USML control. On December 10, 2010, the Department of State provided notice to the public of its intent to revise the USML to create a more “positive list” that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, or design intent-based criteria (see 75 FR 76935). As a practical matter, this meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the export licensing jurisdiction of the EAR. Since that time, the Department of State has published final rules setting forth revisions for eighteen USML categories, each of which has been reorganized into a uniform and more “positive list” structure. In coordination with the Department of State, the Department of

Commerce has published final rules that made corresponding revisions to the CCL by controlling items that the President has determined do not warrant control on the USML.

The advantage of revising the USML into a positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U.S. Government by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the ITAR, without inadvertently controlling items in normal commercial use. However, this approach requires that the USML and the CCL be regularly reviewed and updated to account for the following: technological developments; issues identified by exporters and reexporters involving the practical application of these controls; and changes in the military and commercial applications of items affected by the USML or by the corresponding “600 series” ECCNs on the CCL.

Consistent with the approach described above, this NOI requests public comments as part of a review of changes to the EAR that complements a similar review the Department of State is performing with respect to the ITAR. As discussed above, the Departments of State and Commerce reviews are being undertaken to follow up on sets of rules published by the Departments of State and Commerce. These rules implemented revisions to the following categories of the USML: Category V (explosives and energetic materials, propellants, incendiary agents and their constituents), effective July 1, 2014 (see 79 FR 34); Category X (protective personnel equipment), effective July 1, 2014 (see 79 FR 34); and Category XI (military electronics), effective December 30, 2014 (see 79 FR 37536). These rules also added the following “600 series” ECCNs to the CCL: ECCNs 1B608, 1C608, 1D608, 1E608, 1A613, 1B613, 1D613 and 1E613, effective July 1, 2014 (see 79 FR 264), and ECCNs 3A611, 3B611, 3D611, 3E611, 9A620, 9B620, 9D620 and 9E620, effective December 30, 2014 (see 79 FR 37551). The Department of State is seeking comments from the public on the condition and efficacy of the revised Categories V, X, and XI and whether they are meeting the objectives for the list revisions. BIS will make any changes to the CCL that it determines are necessary to complement revisions to the USML by the Department of State. In addition, through this NOI, BIS is independently seeking comments on how to improve the implementation of these “600 series” ECCNs on the CCL.

BIS is also seeking comments on potential cost savings to private entities from shifting control of specific commercial items from USML to the CCL. To the extent possible, please quantify the cost of compliance with USML control of commercial items, to include the time saved, the reduction in paperwork, and any other cost savings for a particular change.

Dated: January 31, 2018.

**Richard E. Ashooh,**  
Assistant Secretary for Export  
Administration.

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## DEPARTMENT OF STATE

### 22 CFR Part 121

[Public Notice 9980; Docket Number DOS-2017-0017]

RIN 1400-AE46

#### Notice of Inquiry; Request for Comments Regarding Review of United States Munitions List Categories V, X, and XI

**AGENCY:** Department of State.

**ACTION:** Notice of Inquiry; request for comments.

**SUMMARY:** The Department of State requests comments from the public to inform its review of the controls implemented in recent revisions to Categories V, X, and XI of the United States Munitions List (USML). The Department periodically reviews USML categories to ensure that they are clear, do not inadvertently control items in normal commercial use, account for technological developments, and properly implement the national security and foreign policy objectives of the United States.

**DATES:** The Department will accept comments on the Notice of Inquiry up to April 13, 2018.

**ADDRESSES:** You may send comments, identified by docket number DOS-2017-0017, by any of the following methods:

- *Email:* [DDTCPublicComments@state.gov](mailto:DDTCPublicComments@state.gov). Include docket number DOS-2017 in the subject line with, "Request for Comments Regarding Review of USML Categories V, X and XI."

- *Internet:* At [www.regulations.gov](http://www.regulations.gov). Follow the instructions for sending comments using docket number, DOS-2017-0017.

Comments submitted through [www.regulations.gov](http://www.regulations.gov) will be visible to other members of the public; the

Department will publish all comments on the Directorate of Defense Trade Controls website ([www.pmdtdc.state.gov](http://www.pmdtdc.state.gov)). Therefore, commenters are cautioned not to include proprietary or other sensitive information in their comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Engda Wubneh, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663-2816; email [wubnehem@state.gov](mailto:wubnehem@state.gov). ATTN: Request for Comments Regarding Review of USML Categories V, X and XI.

**SUPPLEMENTARY INFORMATION:**

#### List Review

On December 10, 2010, the Department provided notice to the public of its intent to revise the USML to create a "positive list" that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, catch-all, or design intent-based criteria (*see* 75 FR 76935). This meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the Export Administration Regulations. Since that time, the Department has published final rules setting forth revisions for 18 USML categories, each of which have been reorganized into a uniform and more positive list structure.

The advantage of revising the USML into a more positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U.S. government by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the International Traffic in Arms Regulations (ITAR), without inadvertently controlling items in normal commercial use. This approach, however, requires that the lists be regularly revised and updated to account for technological developments, practical application issues identified by exporters and reexporters, and changes in the military and commercial applications of items affected by the list.

This Notice of Inquiry is the third in a series of solicitations requesting feedback on revised USML categories. Previous Notices of Inquiry requested comments on Categories VIII and XIX

(*see* 80 FR 11314) and Categories VI, VII, XIII, and XX (*see* 80 FR 61138). As indicated above, the subjects of this Notice of Inquiry are Categories V and X, which was most recently revised on January 2, 2014 (*see* 79 FR 34), and Category XI, which was most recently revised on July 1, 2014 (*see* 79 FR 37536). Additionally, the Department determined that it is in the interest of the security of the United States to temporarily revise USML Category XI paragraph (b), pursuant to the provisions of 22 CFR 126.2, while a long-term solution is developed. A recent final rule extends the July 2, 2015 modification (80 FR 78130) to August 30, 2018 to allow the U.S. government to review USML Category XI in full and publish proposed and final rules. As with previous inquiries, the Department seeks comment from the public on the condition and efficacy of these categories.

#### Request for Comments

The Department requests public comment on USML Categories V, X and XI. General comments on other aspects of the ITAR, to include other categories of the USML, are outside of the scope of this inquiry. In order to contribute effectively to the USML review process, all commenters are encouraged to provide comments that are responsive specifically to the prompts set forth below.

The Department requests comment on the following topics, as they relate to Categories V, X and XI:

1. Emerging and new technologies that are appropriately controlled by one of the referenced categories, but which are not currently described in subject categories or not described with sufficient clarity.

2. Defense articles that are described in subject categories, but which have entered into normal commercial use since the most recent revisions to the category at issue. For such comments, be sure to include documentation to support claims that defense articles have entered into normal commercial use.

3. Defense articles for which commercial use is proposed, intended, or anticipated in the next 5 years.

4. Drafting or other technical issues in the text of all of the referenced categories.

5. Comments regarding USML Category XI paragraph (b) modification.

6. Potential cost savings to private entities from shifting control of specific commercial items from USML to the Export Administration Regulations. To the extent possible, please quantify the cost of compliance with USML control