That airspace extending upward from the surface to and including 2,700 feet MSL within a 5.4-mile radius of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

**Paragraph 6002** Class E Airspace Areas Designated as a Surface Area.

**AWP CA E2** Lemoore, CA [Amended]
Lemoore NAS (Reeves Field), CA
(Lat. 36°19′59″ N, long. 119°57′08″ W)
That airspace extending upward from the surface within a 5.4-mile radius of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

**AWP CA E4** Lemoore NAS, CA [Removed]
Lemoore NAS (Reeves Field), CA
(Lat. 36°20′39″ N, long. 119°57′59″ W)
That airspace extending upward from the surface within 1.8 miles each side of the Lemoore TACAN 335° and 357° radials, extending from the 5.2-mile radius of Lemoore NAS (Reeves Field) to 7 miles northwest and north of the TACAN, and within 1.8 miles each side of the Lemoore TACAN 155° radial, extending from the 5.2-mile radius to 7 miles southeast of the TACAN.

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

**AWP CA E5** Lemoore, CA [Amended]
Lemoore NAS (Reeves Field), CA
(Lat. 36°19′59″ N, long. 119°57′08″ W)
That airspace extending upward from 700 feet above the surface within a 7.9-mile radius of the airport.

Issued in Des Moines, Washington, on December 8, 2022.

B. G. Chew,
Group Manager, Operations Support Group, Western Service Center.

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**DEPARTMENT OF STATE**

**22 CFR Part 120**

**[Public Notice: 11801]**

**RIN 1400–AF26**

**International Traffic in Arms Regulations: Amendment to the Definition of Activities That Are Not Exports, Reexports, Retransfers, or Temporary Imports**

**AGENCY:** Department of State.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of State proposes to add two new entries to the International Traffic in Arms Regulations (ITAR) to expand the definition of “activities that are not exports, reexports, retransfers, or temporary imports.” First, subject to certain conditions, the taking of defense articles outside a previously approved country by the armed forces of a foreign government or United Nations personnel on a deployment or training exercise is not an export, reexport, retransfer, or temporary import. Second, a foreign defense article that enters the United States, either permanently or temporarily, and that is subsequently exported from the United States pursuant to a license or other approval under this subchapter, is not subject to the reexport and retransfer requirements of this subchapter, provided it has not been modified, enhanced, upgraded, or otherwise altered or improved or had a U.S.-origin defense article integrated into it.

**DATES:** Send comments on or before February 14, 2023.

**ADDRESSES:** Interested parties may submit comments by one of the following methods:
- **Email:** DDTCPublicComments@state.gov with the subject line, “ITAR Amendment—120.54 Additions.”
- **Internet:** at www.regulations.gov, search for this notice, Docket DOS–2022–0031.

Comments received after that date may be considered if feasible, but consideration cannot be assured. Those submitting comments should not include any personally identifying information they do not desire to be made public or any information for which a claim of confidentiality is asserted, because comments and/or transmittal emails will be made available for public inspection and copying after the close of the comment period via the Directorate of Defense Trade Controls website at www.pmddtc.state.gov. Parties who wish to comment anonymously may submit comments via www.regulations.gov, leaving the fields that would identify the commenter blank and including no identifying information in the comment itself.

**FOR FURTHER INFORMATION CONTACT:**
Dilan Wickrema, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 634–4981, or email DDTCCustomerService@state.gov. ATTN: Regulatory Change, ITAR 120.54 additions.

**SUPPLEMENTARY INFORMATION:**
The Directorate of Defense Trade Controls (DDTC), U.S. Department of State, administers the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130). The items subject to the jurisdiction of the ITAR, i.e., defense articles and defense services, are identified on the ITAR’s U.S. Munitions List (USML) (22 CFR 121.1). The ITAR imposes license requirements for exports and reexports of controlled items.

On March 25, 2020, the Department added a new ITAR section (§120.54) to clarify and consolidate activities that do not require authorization from the Department (84 FR 70887). This proposed rule would add to ITAR §120.54 two activities that are not controlled events (defined herein, and in the previous rule, to mean “an export, reexport, retransfer, or temporary import”) and therefore do not require authorization from the Department.

The Department proposes this new provision to ensure interoperability between and among the United States and partner countries’ armed forces when deployed and to provide assurances to partner countries that have requested a clearer statement of the long-standing Department policy articulated in this proposed rule. This policy is noted in DDTC’s “Guidelines for Preparing Agreements” and this proposed provision would codify this long-standing understanding in the ITAR.

The second addition to ITAR §120.54 would state in a new paragraph (a)(7) that the transfer of a foreign defense
Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this proposed amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all 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, distributed impacts, and equity). This rule’s scope does not impose additional regulatory requirements or obligations; therefore, the Department believes costs associated with this rule will be minimal. Although the Department cannot determine based on available data how many fewer licenses will be submitted as a result of this rule, the amendments to the definition of activities that are not exports, reexports, retransfers, or temporary imports will relieve licensing burdens for some exporters. This rule is consistent with Executive Order 13563, which emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a “significant regulatory action,” although not economically significant, by the Office and Information and Regulatory Affairs under Executive Order 12866.

Executive Order 12988

The Department of State has reviewed the proposed rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State determined that this proposed rule will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This proposed rule does not impose or revise any information collections subject to 44 U.S.C. chapter 35.

List of Subjects in 22 CFR Part 120

Arms and munitions, Classified information, Exports.

For the reasons set forth above, the Department of State proposes to amend title 22, chapter I, subchapter M, part 120 as follows:

PART 120—PURPOSE AND DEFINITIONS

§ 120.54 Activities that are not exports, reexports, retransfers, or temporary imports.

(a) * * *

(6) The taking of a defense article subject to the reexport or retransfer requirements of this subchapter on a deployment or training exercise outside a previously approved country, provided:

(i) the defense article is transported by and remains in the possession of the armed forces of a foreign government or United Nations personnel; and

(ii) there is no change in end-use or end-user with respect to the subject defense article.

(7) The transfer of a foreign defense article previously imported into the United States that has since been exported from the United States pursuant to a license or other approval under this subchapter, provided:

(i) the foreign defense article was not modified, enhanced, upgraded or otherwise altered or improved in a manner that changed the basic performance of the item prior to its return to the country from which it was imported or a third country; and

(ii) a U.S.-origin defense article was not incorporated into the foreign defense article.

* * * * *

Bonnie Jenkins,
Under Secretary, Arms Control and International Security, Department of State.
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