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Issued on July 13, 2023.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-1020; Airspace Docket No. 21-AEA-31]

RIN 2120-AA66

Establishment of Area Navigation (RNAV) Routes; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends one and establishes three low altitude United States Area Navigation (RNAV) routes. The purpose of the new RNAV routes is to expand the availability of the enroute structure and provide additional RNAV routing within the National Airspace System (NAS) in support of transitioning it from ground-based to satellite-based navigation.

DATES: Effective date 0901 UTC, October 5, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic

retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Brian Vidis, Rules and Regulations Group, Office of Policy, 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 expand the availability of RNAV in the eastern United States and improve the efficient flow of air traffic within the NAS by lessening the dependency on ground-based navigation.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2023-1020 in the **Federal Register** (88 FR 29559; May 8, 2023), proposing to amend one and establish three low-altitude RNAV routes in support of transitioning the NAS from a ground-based to a satellite-based navigation. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

In the NPRM's description of RNAV route T-452, the FAA incorrectly listed the VINSE, PA; BADDI, PA; JOANE, PA; and GEERI, PA route points as waypoints (WP). The route points are actually identified as Fixes in the National Airspace System Resource (NASR) database and charted as Fixes

accordingly. This action corrects the error and changes the route points to be listed as Fixes.

Additionally, in the NPRM's description of RNAV route T-456, the FAA incorrectly listed the DELRO, PA, route point as a WP instead of Fix. This action also corrects the DELRO, PA, route point to be listed as a Fix.

Incorporation by Reference

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending one and establishing three low altitude RNAV T-routes in the northeast United States in support of transitioning from ground-based navigation aids to satellite-based navigation. The routes are described below.

T-299: Prior to this final rule, T-299 extended from the UCREEK, VA, WP to the SCAPE, PA, WP. This action extends T-299 to the southwest from the Montebello, VA (MOL), Very High Frequency (VHF) Omnidirectional Range/Distance Measuring Equipment (VOR/DME) 279° radial at 5.5 nautical miles (OBEPE, VA, Fix) to the UCREEK, VA, WP, and to the northeast to the intersection of the Harrisburg, PA (HAR), VOR/Tactical Air Navigation (VORTAC) 235° radial and the Westminster, MD (EMI), VORTAC 324° radial (SCAPE, PA, Fix) to the Albany, NY (ALB), VORTAC. The route overlays VOR Federal airway V-377 from the SCAPE, PA, Fix to the Harrisburg, PA (HAR), VORTAC; VOR Federal airway V-162 from the Harrisburg, PA (HAR), VORTAC to the Huguenot, NY (HUO), VOR/DME; and VOR Federal airway V-489 from the Huguenot, NY (HOU), VOR/DME to the Albany, NY (ALB), VORTAC.

T-452: T-452 is a new route that extends from the VINSE, PA, Fix to the REESY, PA, WP. The route is replacing VOR Federal airway V-469 from the St. Thomas, VA (THS), VORTAC to the

JOANE, PA, Fix. The VINSE, PA, WP is being used to replace the St. Thomas, VA (THS), VORTAC.

T-456: T-456 is a new route that extends from the VINSE, PA, Fix to the Modena, PA (MXE), VORTAC. The route overlays VOR Federal airway V-474 from the AMISH, PA, Fix to the Modena, PA (MXE), VORTAC.

T-477: T-477 is a new route that extends from the CPTAL, MD, WP to the Philipsburg, PA (PSB), VORTAC. The route overlays VOR Federal Airway V-501 from the Hagerstown, MD (HGR), VOR to the Philipsburg, PA (PSB), VORTAC.

Regulatory Notices and Analyses

The FAA has determined that this 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of establishing RNAV routes T-452, T-456, and T-477, and the amendment of T-299 in the eastern United States to provide additional RNAV routing within the NAS in support of transitioning it from ground-based to satellite-based navigation, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5-6.5.a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5-6.5b, which categorically excludes from further environmental impact review “Actions regarding establishment of jet routes and Federal airways (see 14 CFR 71.15, *Designation of jet routes and VOR Federal airways*). . .”. As such, this airspace action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically

excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-299 OBEPE, VA TO ALBANY, NY (ALB) [AMENDED]

OBEPE, VA	FIX	(Lat. 37°54'23.03" N, long. 079°13'21.04" W)
UCREK, VA	WP	(Lat. 38°01'33.17" N, long. 079°02'56.23" W)
KAJJE, VA	WP	(Lat. 38°44'34.79" N, long. 078°42'48.47" W)
BAMMY, WV	WP	(Lat. 39°24'33.13" N, long. 078°25'45.64" W)
REEES, PA	WP	(Lat. 39°47'51.75" N, long. 077°45'56.31" W)
SCAPE, PA	FIX	(Lat. 39°56'41.76" N, long. 077°32'12.33" W)
Harrisburg, PA (HAR)	VORTAC	(Lat. 40°18'08.06" N, long. 077°04'10.41" W)
BOBSS, PA	FIX	(Lat. 40°17'41.78" N, long. 076°45'00.73" W)
East Texas, PA (ETX)	VOR/DME	(Lat. 40°34'51.74" N, long. 075°41'02.51" W)
Allentown, PA (FJC)	VORTAC	(Lat. 40°43'36.07" N, long. 075°27'17.08" W)
Huguenot, NY (HUO)	VOR/DME	(Lat. 41°24'34.87" N, long. 074°35'29.74" W)
WEARD, NY	FIX	(Lat. 41°45'43.63" N, long. 074°31'30.07" W)
Albany, NY (ALB)	VORTAC	(Lat. 42°44'50.21" N, long. 073°48'11.46" W)

* * * *

T-452 VINSE, PA TO REESY, PA [NEW]

VINSE, PA	FIX	(Lat. 39°58'16.21" N, long. 077°57'21.20" W)
BADDI, PA	FIX	(Lat. 40°09'26.26" N, long. 077°25'07.81" W)
Harrisburg, PA (HAR)	VORTAC	(Lat. 40°18'08.06" N, long. 077°04'10.41" W)
JOANE, PA	FIX	(Lat. 40°02'38.48" N, long. 076°27'21.40" W)
GEERI, PA	FIX	(Lat. 39°56'59.70" N, long. 076°17'38.99" W)
REESY, PA	WP	(Lat. 39°45'27.94" N, long. 075°52'07.09" W)

* * * *

T-456 VINSE, PA TO MODENA, PA (MXE) [NEW]

VINSE, PA	FIX	(Lat. 39°58'16.21" N, long. 077°57'21.20" W)
AMISH, PA	FIX	(Lat. 39°56'33.12" N, long. 077°37'34.13" W)
DELRO, PA	FIX	(Lat. 39°57'55.71" N, long. 076°37'31.24" W)

Modena, PA (MXE) VORTAC (Lat. 39°55'04.98" N, long. 075°40'14.96" W)

* * * * *

T-477 CPTAL, MD TO PHILIPSBURG, PA (PSB) [NEW]
CPTAL, MD WP (Lat. 39°32'16.02" N, long. 077°41'55.65" W)
Hagerstown, MD (HGR) VOR (Lat. 39°41'51.82" N, long. 077°51'20.59" W)
VINSE, PA FIX (Lat. 39°58'16.21" N, long. 077°57'21.20" W)
Philipsburg, PA (PSB) VORTAC (Lat. 40°54'58.53" N, long. 077°59'33.78" W)

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Issued in Washington, DC, on July 20, 2023.

Karen L. Chiodini,
Acting Manager, Rules and Regulations Group.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 110, 119, 121, 125, and 136

[Docket No. FAA-2022-1563; Amdt. Nos. 91-370, 110-3, 119-20, 121-390, 125-74, 136-2]

RIN 2120-AL80

Update to Air Carrier Definitions

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is amending the regulatory definitions of certain air carrier and commercial operations. This final rule adds powered-lift to these definitions to ensure the appropriate sets of rules apply to air carriers' and certain commercial operators' operations of aircraft that FAA regulations define as powered-lift. The FAA is also updating certain basic requirements that apply to air carrier oversight, such as the contents of operations specifications and the experience applicable to certain management personnel. In addition, this final rule applies the rules for commercial air tours to powered-lift. This final rule is an important step in the FAA's integration of new entrant aircraft in the National Airspace System (NAS).

DATES: Effective September 25, 2023.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see "How to Obtain Additional Information" in the

SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT:

Jackie Clow, Aviation Safety Inspector, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: 202-267-8166; email: jackie.a.clow@faa.gov.

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I. Executive Summary

The FAA is adopting the regulatory amendments proposed in the notice of proposed rulemaking (NPRM), Update to Air Carrier Definitions.¹ The Update to Air Carrier Definitions NPRM proposed adding powered-lift to the definitions of five kinds of air carrier operations—commuter, domestic, flag, on-demand, and supplemental. This final rule will adopt those items

¹ Update to Air Carrier Definitions NPRM, 87 FR 74995 (Dec. 7, 2022).

proposed in the Update to Air Carrier Definitions NPRM without change.

In this final rule, the FAA adds powered-lift to the definitions in § 110.2 of title 14 of the Code of Federal Regulations (14 CFR) to enable air carrier operations with powered-lift. This rule also extends the applicability of certain operating rules to powered-lift, such as the rules that apply to certain noncommon carriage operations involving larger aircraft and rules that apply to commercial air tours.

In addition, this rule updates various provisions within 14 CFR part 119 (Certification: Air Carriers and Commercial Operators) to address air carriers' operations of powered-lift; amends certain aircraft-specific provisions in § 119.1, which outline the applicability of and exceptions from part 119; and adds sight-seeing flights in gliders to the exclusions from part 119. Furthermore, this rule amends the experience requirements for personnel in certain management positions for air carriers to ensure they have appropriate experience in powered-lift operations. This rule also makes various technical amendments to part 119 for clarity and to reflect current FAA practices pertaining to the information included in operations specifications.

Lastly, this rule amends part 136 by applying it to rotorcraft and powered-lift, making limited changes to "suitable landing area" and § 136.11(a)(2), and recodifying appendix A to subpart D as a technical amendment.

II. Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is codified throughout Title 49 of the United States Code. The FAA issues this final rule under the authority in section 106. Section 106(f) establishes that the Administrator may promulgate regulations and rules. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. Furthermore, section 44701(a)(5) requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.