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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31174; Amdt. No. 537]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, Feburary 1, 2018.

FOR FURTHER INFORMATION CONTACT: Harry Hodges, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on December 29, 2017.

John S. Duncan,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, Feburary 01, 2018.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 537 effective date February 1, 2018]

From	To	MEA
§ 95.6001 Victor Routes—U.S. § 95.6006 VOR Federal Airway V6 Is Amended To Read In Part		
PHILIPSBURG, PA VORTAC SELINSGROVE, PA VOR/DME	SELINSGROVE, PA VOR/DME SNOWY, PA FIX	4100 *5000
*4000—GNSS MEA		
§ 95.6012 VOR Federal Airway V12 Is Amended To Read In Part		
NEWCOMERSTOWN, OH VOR/DME *10000—MCA	*ALLEGHENY, PA VOR/DME ALLEGHENY, PA VOR/DME, E BND.	3300

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 537 effective date February 1, 2018]

From	To	MEA
ALLEGHENY, PA VOR/DME	*JOHNSTOWN, PA VORTAC	#10000
*10000—MCA	JOHNSTOWN, PA VORTAC, W BND.	
#ALLEGHENY R–096	UNUSABLE USE JOHNSTOWN R–274.	
JOHNSTOWN, PA VORTAC	HARRISBURG, PA VORTAC	5400
§ 95.6030 VOR Federal Airway V30 Is Amended To Read In Part		
PHILIPSBURG, PA VORTAC	SELINSGROVE, PA VOR/DME	4100
§ 95.6031 VOR Federal Airway V31 Is Amended To Read In Part		
SELINSGROVE, PA VOR/DME	WATSO, PA FIX	*3500
*3100—MOCA		
§ 95.6063 VOR Federal Airway V63 Is Amended By Adding		
GAMPS, AR FIX	BILIE, MO FIX	*4000
*3200—MOCA		
§ 95.6105 VOR Federal Airway V105 Is Amended To Read In Part		
BOULDER CITY, NV VORTAC	*LAS VEGAS, NV VORTAC	6000
*10500—MCA LAS VEGAS, NV	VORTAC, W BND.	
LAS VEGAS, NV VORTAC	HARLS, NV FIX.	
	E BND	7000
	W BND	14000
HARLS, NV FIX	LUCKY, NV FIX.	
	E BND	11000
	W BND	14000
LUCKY, NV FIX	*HIDEN, CA FIX	14000
*14000—MRA.		
*14000—MCA HIDEN, CA	FIX, E BND.	
*HIDEN, CA FIX	BEATTY, NV VORTAC	**12000
*14000—MRA		
**8600—MOCA		
§ 95.6106 VOR Federal Airway V106 Is Amended To Read In Part		
JOHNSTOWN, PA VORTAC	HUDON, PA FIX	5000
HUDON, PA FIX	*RASHE, PA FIX	**7000
*14000—MCA RASHE, PA	FIX, E BND.	
**4000—MOCA		
**4000—GNSS MEA		
RASHE, PA FIX	SELINSGROVE, PA VOR/DME	14000
§ 95.6135 VOR Federal Airway V135 Is Amended To Read In Part		
NEEDLES, CA VORTAC	*GOFFS, CA VORTAC	**8000
*9600—MCA GOFFS, CA	VORTAC, NW BND.	
**7100—MOCA		
GOFFS, CA VORTAC	*WHIGG, CA FIX	**12000
*12000—MRA		
**10000—MOCA		
*WHIGG, CA FIX	CLARR, CA FIX	**12000
*12000—MRA		
**10500—MOCA		
CLARR, CA FIX	*HIDEN, CA FIX	**12000
*14000—MRA		
**9100—MOCA		
*HIDEN, CA FIX	BEATTY, NV VORTAC	**12000
*14000—MRA		
**8600—MOCA		
§ 95.6170 VOR Federal Airway V170 Is Amended To Read In Part		
SELINSGROVE, PA VOR/DME	RAVINE, PA VORTAC	*4000
*3400—MOCA		
§ 95.6188 VOR Federal Airway V188 Is Amended To Read In Part		
SWANK, PA FIX	WILKES-BARRE, PA VORTAC.	
	E BND	*4000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 537 effective date February 1, 2018]

From	To	MEA
*3700—MOCA	W BND	*4500
§ 95.6217 VOR Federal Airway V217 Is Amended To Read In Part		
RHINELANDER, WI VOR/DME *4100—MOCA	DULUTH, MN VORTAC	*6000
§ 95.6226 VOR Federal Airway V226 Is Amended To Read In Part		
SWANK, PA FIX *3700—MOCA	WILKES-BARRE, PA VORTAC. E BND W BND	 *4000 *4500
§ 95.6297 VOR Federal Airway V297 Is Amended To Read In Part		
JOHNSTOWN, PA VORTAC	TALLS, PA FIX	4400
§ 95.6301 VOR Federal Airway V301 Is Amended To Read In Part		
RUMSY, CA FIX	WILLIAMS, CA VORTAC. SW BND NE BND	 7000 5300
§ 95.6469 VOR Federal Airway V469 Is Amended To Read In Part		
MORGANTOWN, WV VORTAC *10000—MCA NESTO, PA **4300—MOCA	*NESTO, PA FIX FIX, E BND.	**5000
NESTO, PA FIX *10000—MCA JOHNSTOWN, PA	*JOHNSTOWN, PA VORTAC VORTAC, W BND.	10000
JOHNSTOWN, PA VORTAC #JOHNSTOWN R–125	ST THOMAS, PA VORTAC UNUSABLE, USE ST THOMAS R–307.	#5000
§ 95.6509 VOR Federal Airway V509 Is Amended To Read In Part		
ST PETERSBURG, FL VORTAC *5000—MRA **2700—MOCA	*CROWD, FL FIX	**5000
§ 95.6528 VOR Federal Airway V528 Is Amended To Read In Part		
EAGUL, AZ FIX *16000—MCA PAYSO, AZ **10000—MOCA	*PAYSO, AZ FIX FIX, SW BND.	**16000

Airway Segment		Changeover Points	
From	To	Distance	From
§ 95.8003 VOR Federal Airway Changeover Point			
V12 Is Amended To Add Changeover Point			
NEWCOMERSTOWN, OH VOR/DME	ALLEGHENY, PA VOR/DME	30	NEWCOMERSTOWN.
V495 Is Amended To Delete Changeover Point			
SEATTLE, WA VORTAC	VICTORIA, CA VOR/DME	50	SEATTLE.

[FR Doc. 2018–00130 Filed 1–8–18; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AQ08

Reimbursement for Emergency Treatment

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) revises its regulations concerning payment or reimbursement for emergency treatment for non-service-connected conditions at non-VA facilities to implement the requirements of a recent court decision. Specifically, this rulemaking expands eligibility for payment or reimbursement to include veterans who receive partial payment from a health-plan contract for non-VA emergency treatment and establishes a corresponding reimbursement methodology. This rulemaking also expands the eligibility criteria for veterans to receive payment or reimbursement for emergency transportation associated with the emergency treatment, in order to ensure that veterans are adequately covered when emergency transportation is a necessary part of their non-VA emergency treatment.

DATES:

Effective Date: This rule is effective on January 9, 2018.

Comment Date: Comments must be received on or before March 12, 2018.

ADDRESSES: Written comments may be submitted by email through *http://www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free number.) Comments should indicate that they are submitted in response to ''RIN 2900–AQ08, Reimbursement for Emergency Treatment.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Director, Policy and Planning VHA Office of Community Care (10D1A1), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (303–370–1637). (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: 38 U.S.C. 1725 authorizes VA to reimburse veterans for the reasonable value of emergency treatment for non-service connected conditions furnished in a non-VA facility, if certain criteria are met. One requirement is that the veteran must be personally liable for the emergency treatment. As originally enacted in 1999, the statute provided that a veteran is personally liable if the veteran ''has no entitlement to care or services under a health-plan contract,'' and ''no other contractual or legal recourse against a third party that would, in part or in whole, extinguish such liability to the provider.'' 38 U.S.C. 1725(b)(3)(B) and (C) (1999). VA interpreted that version of the statute as barring reimbursement for veterans with any coverage from either a health-plan contract or a third party because those veterans did not satisfy the requirement to have ''no entitlement . . . under a health-plan contract'' and ''no other . . . recourse against a third party.''

In addition, the 1999 version of the statute distinguished ''health-plan contract'' and ''third party'' by separately defining them. 38 U.S.C. 1725(f)(2)–(3)(1999).

On February 1, 2010, Congress enacted the Expansion of Veteran Eligibility for Reimbursement Act, Public Law 111–137 (2010 Act), which amended section 1725. The legislative history of the 2010 Act provided:

> The Committee has learned that under current law the VA does not pay for emergency treatment for non-service connected conditions in non-VA facilities if the veteran has third-party insurance that pays any portion of the costs associated with such emergency treatment. This situation can inadvertently arise if a veteran has minimal health insurance coverage through a state-mandated automobile insurance policy. Consequently, if an emergency does occur, and the veteran has a policy containing such minimal coverage, the veteran may be responsible for essentially the full cost of emergency treatment. While some veterans are able to negotiate payment plans and debt forgiveness of a portion of their medical bills with the non-VA hospital where they received the emergency treatment, many veterans are without the financial resources to shoulder such a cost and are unaware that the VA would not be responsible for such emergency care. H.R. Rep. No. 111–55.

The 2010 Act amended section 1725 by striking the phrase ''in part'' from section 1725(b)(3)(C). It also removed state-mandated automobile insurance policies from the definition of ''health-plan contract.'' In chief, the effect of the 2010 amendments is that partial payment from a third party is not a bar to reimbursement under section 1725, assuming all of the other eligibility criteria are met; the third-party payment is only a bar to reimbursement if it fully extinguishes the veteran's personal liability. Thus, eligible veterans who receive only partial payment by the third party, including state-mandated automobile insurance, are eligible for VA payment or reimbursement of the unpaid portion of their emergency medical expenses, subject to the payment limitations added by that same law.

VA amended its regulations to comply with the 2010 Act. Relevant to this rulemaking, VA revised 38 CFR 17.1001(a)(5), 17.1002(g), and 17.1005(e) and (f). Section 17.1001(a)(5) was amended to remove state-mandated automobile insurance from the definition of ''health-plan contract.'' Section 17.1002(g) was amended to only prohibit reimbursement from VA if a third party extinguished the liability in whole, § 17.1005(e) was amended to establish a methodology to reimburse veterans when a third-party payment partially extinguished the veteran's liability, and § 17.1005(f) was promulgated to implement the limitation in 38 U.S.C. 1725(c)(4)(D) that VA may not reimburse any deductible, copayment, or similar payment that veterans owe to third parties. However, because the 2010 Act did not amend section 1725(b)(3)(B), pertaining to health-plan contracts, VA did not amend its corresponding regulation at § 17.1002(f) that bars reimbursement from VA if the veteran is entitled to either partial or full payment from a health-plan contract. Similarly, VA did not specify in § 17.1005(f) that it would not reimburse amounts for which the veteran is responsible under a health-plan contract because it was unnecessary to do so; consistent with VA's interpretation of the 2010 Act, reimbursement or payment continued to be barred if the veteran had coverage under a health-plan contract.

In *Staab* v. *McDonald,* 28 Vet. App. 50 (2016), the U.S. Court of Appeals for Veterans Claims (the Court) reversed a Board of Veterans' Appeals (the Board) decision denying a claim under section 1725. The Board had applied § 17.1002(f) to conclude that partial payment of the emergency treatment by the veteran's health-plan contract barred VA reimbursement. On appeal, the veteran challenged § 17.1002(f) as