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Acting Manager, Airspace Rules and Regulations.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0434; Airspace
Docket No. 19–AAL–69]

RIN 2120–AA66

Amendment of United States Area Navigation (RNAV) Route T–260 in the Vicinity of Nome, AK

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T–260, in the vicinity of Nome, AK. The RNAV route amendments are necessary due to the planned decommissioning of the Non-Directional Beacon (NDB) portion of the Tin City, AK (TNC), NDB/Distance Measuring Equipment (NDB/DME) and the Point Hope, AK, (PHO) NDB. Although the Tin City, AK, (TNC) NDB will decommission, the co-located Distance Measuring Equipment (DME) will remain for use within the National Airspace System (NAS).

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:

Steven Roff, 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 modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2022–0434 in the **Federal Register** (87 FR 24903; April 27, 2022), proposing to amend RNAV route T–260. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

The route description proposed in the NPRM was inadvertently listed in the incorrect order. In accordance with FAA Order JO 7400.11, points in route descriptions must be listed from west to east for even numbered routes and south to north for odd numbered routes. The final rule includes the route description in the correct order. This is an administrative change that does not make any substantive changes to the route description.

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 RNAV route T–260 in the vicinity of Nome, AK, in support of a large and comprehensive T-Route modernization project in the state of Alaska. The route amendment replaces the Tin City, AK, and Point Hope, AK, NDBs with the FEDEV and VANTY waypoints (WP), respectively due to the decommissioning of the NDBs and removes the COGNO WP due to it not being required.

The RNAV T-route amendment action is described below.

T–260: T–260 extends between the Nome, AK, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the Vanty, AK, waypoint. T–260 no longer includes COGNO, AK, waypoint on its route description.

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 amending RNAV route T–260, near Nome, AK due to the planned decommissioning of the NDB portion of the Tin City, AK (TNC), NDB/DME and the Point Hope, AK, (PHO) NDB, 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 5–6.5a, 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 5–6.5.i., which categorically excludes from further environmental impact review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in 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. Accordingly, 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:

T-260 VANTY, AK to NOME, AK (OME) [Amended]			
VANTY, AK	WP	(Lat. 68°20'40.64" N, long. 166°48'09.96" W)	
FEDEV, AK	WP	(Lat. 65°33'37.84" N, long. 167°55'18.90" W)	
Nome, AK (OME)	VOR/DME	(Lat. 64°29'06.39" N, long. 165°15'11.43" W)	

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DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2021–OS–0107]

Federal Preemption and Joint Federal-State Regulation and Oversight of the Department of Education’s Federal Student Loan Programs and Federal Student Loan Servicers

AGENCY: Office of the Secretary, Department of Education.

ACTION: Final interpretation.

SUMMARY: The U.S. Department of Education (Department) issues this final interpretation, which revises and supersedes its interpretation published on August 12, 2021 (the 2021 interpretation). This interpretation revises and clarifies the Department’s position on the legality of State laws and regulations that govern various aspects of the servicing of Federal student loans, such as preventing unfair or deceptive practices, correcting misapplied payments, or addressing refusals to communicate with

borrowers. The Department concludes that these State laws are preempted by the Higher Education Act of 1965, as amended (HEA) and other applicable Federal laws only in limited and discrete respects, as further discussed in this interpretation. This interpretation will help facilitate close coordination between the Department and its State partners to further enhance both servicer accountability and borrower protections.

DATES: This final interpretation is effective July 24, 2023.

FOR FURTHER INFORMATION CONTACT: Beth Grebeldinger, U.S. Department of Education, Federal Student Aid, 830 First Street NE, Room 113F4, Washington, DC 20202. Telephone: 202–377–4018. Email: Beth.Grebeldinger@ed.gov. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 2021, the Department published the 2021 interpretation in the Federal Register. We invited comment on this interpretation because we value the public’s input and perspective on these critical issues. We considered all the comments we received, and we decided to revise the 2021 interpretation in certain respects, as discussed below. This interpretation revises and supersedes the 2021 interpretation with

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.

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respect to State regulation of the servicing of loans under both the William D. Ford Federal Direct Loan Program (Direct Loans) and the Federal Family Education Loan Program (FFEL Loans).

Public Comment: In response to our invitation to comment on the 2021 interpretation, 14 parties submitted substantive comments, and we received 1 comment that was unrelated to the interpretation.

Analysis of Comments and Changes: An analysis of the comments and any changes in the interpretation since publication of the 2021 interpretation follows. We do not address comments that raised concerns not directly related to the 2021 interpretation. Various technical and typographical edits have also been made as needed.

Comments: Several commenters suggested that we should specify that the revised interpretation supersedes not only the 2018 interpretation but also any statements by the Department either before or since that are inconsistent with this interpretation.

Discussion: We note that after publication of the 2018 interpretation there were statements by Department officials which were consistent with that interpretation. While those statements do not have any current legal import, we agree with the commenters that it is important to make clear that this interpretation supersedes any of those statements that are not consistent with this interpretation to ensure an accurate and consistent presentation of