

and Regulation Z commentary²⁵ to support this conclusion.

The request also asserted that the New York law impedes the operation of Federal law or interferes with the intent of the Federal scheme, even if it does not contradict TILA in the specific manner described in Regulation Z. The request asserted that failing to enforce TILA's definitions of "finance charge" and "APR," even across different financing types, would impede and degrade the benefits of ensuring uniform disclosures, which aid consumer understanding and enable consumers to effectively compare financing options. The request asserted that the inconsistencies between TILA and the New York law could lead to confusion or misunderstanding among borrowers, including small business owners who may use both consumer credit and commercial financing to fund business expenses.

Preliminary Preemption Analysis

The CFPB has decided to initiate a proceeding to make a preemption determination regarding the New York law in response to the request. In evaluating the request concerning the New York law, the CFPB also became aware of similar laws in other States. The CFPB is, on its own motion, providing notice that it may make preemption determinations regarding potentially similar State laws in California,²⁶ Utah,²⁷ and Virginia²⁸ as part of this proceeding.

Beginning with the New York law, the CFPB's preliminary view is that TILA does not preempt the New York law on the grounds the request asserts. That is, the State and Federal laws do not appear "contradictory" for preemption purposes.

The Bureau notes that the statutes govern different transactions, so the New York law appears to be far afield of a law that contradicts TILA and Regulation Z. TILA requires creditors to disclose the finance charge and APR only for "consumer credit" transactions,

which the statute defines as credit that is "primarily for personal, family, or household purposes."²⁹ The New York law, on the other hand, requires the disclosures only for "commercial financing," specifically defined as financing "the proceeds of which the recipient *does not intend to use primarily for personal, family, or household purposes.*"³⁰

The Bureau preliminarily disagrees with the request that the New York law significantly impedes the operation of TILA or interferes with the purposes of the Federal scheme. As relevant here, a primary purpose of TILA is to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to the consumer and avoid the uninformed use of credit.³¹ The differences between the New York and Federal disclosure requirements do not frustrate these purposes because lenders are not required to provide the New York disclosures to consumers seeking consumer credit. Consumers applying for consumer credit should continue receiving only TILA disclosures, which, as normal, will assure meaningful disclosure of credit terms and allow the consumers to compare like products when shopping for financing options.

Based on the foregoing, the CFPB's preliminary interpretation is that TILA does not preempt the New York law's use of the terms "finance charge," "APR," or "estimated APR."

As noted above, the CFPB is also considering making determinations regarding whether TILA preempts State laws in California,³² Utah,³³ and Virginia³⁴ that prescribe disclosures in certain commercial transactions. The

CFPB has conducted a preliminary review of these laws, which are similar in relevant respects to the New York law because they do not apply to consumer credit transactions that are within the scope of TILA. Accordingly, the CFPB's preliminary conclusion is that TILA does not preempt these State laws. As an additional potential basis—but not necessary to the Bureau's preliminary conclusion—the Bureau notes that several of these laws do not appear to require use the terms "finance charge" or "APR" in a manner that would be different than TILA and Regulation Z if they were applicable. The CFPB encourages commenters to provide information about any relevant differences in these State laws that would affect the CFPB's preemption analysis and final determination with respect to them. The Bureau's focus on and preliminary conclusion about these State laws is not intended to indicate or imply anything about the laws of any other States.

Conclusion

In light of the foregoing, the CFPB is publishing this notification of its intent to make a preemption determination and solicit comment from the public. After the comment period closes, the CFPB will consider any comments and publish a notification of final determination in the **Federal Register**.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2022–27059 Filed 12–14–22; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1584; Project Identifier MCAI–2022–01522–R; Amendment 39–22281; AD 2022–26–03]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Leonardo S.p.a. Model AW169 helicopters. This AD was prompted by a report of a protruding pushbutton screw (screw) on a cockpit door internal handle resulting in an interference with

²⁵ The request referred to comment 28(a)–2, which clarifies that "a State law" is inconsistent for purposes of preemption if it uses "finance charge" to include fees beyond Federal law or requires a different label for "APR." The request asserted that the reference to "a State law" was intentionally broad—that, because "finance charge" and "APR" are central to TILA and Regulation Z's disclosure regime, the commentary was intended to clarify the limitations of finance charges and APRs without limitation to any particular type of State law. The request asserted that this was intended to protect the value of the terms under Federal law.

²⁶ Cal. Fin. Code secs. 22800 to 22805; Cal. Code Regs. tit. 10, ch. 3, subch. 3.

²⁷ Utah Code Ann. secs. 7–27–101 to 7–27–301.

²⁸ Va. Code Ann. secs. 6.2–2228 to 6.2–2238; 10 Va. Admin. Code secs. 5–240–10 to 5–240–40.

²⁹ See 15 U.S.C. 1602(i) (defining "consumer" credit to mean, in part, credit "primarily for personal, family, or household purposes"); see also 15 U.S.C. 1637(a), 1637a, 1638(a) (requiring disclosures for "consumer credit" transactions); but see 12 CFR 1026.12(a) (prohibiting the issuance of credit cards in certain circumstances, even if the credit card is to be used primarily for a business purpose).

³⁰ N.Y. Comm. Fin. Law, sec. 801(b) (emphasis added). The request does not argue that any single transaction can be subject to both New York and TILA disclosure requirements, and the New York Department of Financial Services has proposed a regulatory provision that would explicitly provide that commercial financing "does not include any transaction that is subject to the [Federal TILA], for which a disclosure is provided that is compliant with such Act." Revised Proposal by the New York Department of Financial Services to add 23 NYCRR 600 (Aug. 26, 2022).

³¹ See 15 U.S.C. 1601(a).

³² Cal. Fin. Code secs. 22800 to 22805; Cal. Code Regs. tit. 10, ch. 3, subch. 3.

³³ Utah Code Ann. secs. 7–27–101 to 7–27–301.

³⁴ Va. Code Ann. secs. 6.2–2228 to 6.2–2238; 10 Va. Admin. Code secs. 5–240–10 to 5–240–40.

the collective stick travel. This AD requires inspecting each screw and depending on the results, modifying the cockpit door handle and reporting information, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also prohibits installing an affected door handle assembly unless certain actions are accomplished. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective December 30, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 30, 2022.

The FAA must receive comments on this AD by January 30, 2023.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1584; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material that is incorporated by reference (IBR) in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet easa.europa.eu. You may find the IBR material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1584.

Other Related Service Information: For Leonardo Helicopters service

information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone (+39) 0331-225074; fax (+39) 0331-229046; or at customerportal.leonardocompany.com/en-US/. This service information is also available at the FAA contact information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT:

Michael Hughlett, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email michael.hughlett@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2022-0233-E, dated November 30, 2022 (EASA AD 2022-0233-E), to correct an unsafe condition for Leonardo S.p.A. Helicopters, formerly Finmeccanica S.p.A., AgustaWestland S.p.A., Model AW169 helicopters, all serial numbers.

This AD was prompted by a report of a protruding screw on the left-hand (LH) cockpit door internal handle resulting in an interference with the collective stick travel. The FAA is issuing this AD to address a discrepancy with the screw. The unsafe condition, if not addressed, could result in reduced collective stick authority and subsequent reduced control of the helicopter. See EASA AD 2022-0233-E for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2022-0233-E requires a one-time inspection of the LH and right-hand (RH) pilot and co-pilot door handle assemblies having part number (P/N) 4F5211A02331 for marking of green paint on the screw. If no green paint is found during the inspection, EASA AD 2022-0233-E requires inspecting the condition and torque of the screw and modifying the cockpit door handle. Depending on the results of the inspection, EASA AD 2022-0233-E also requires reporting any discrepancy or loose screw to Leonardo Helicopters. Additionally, EASA AD 2022-0233-E prohibits installing a pilot and co-pilot door handle assembly P/N 4F5211A02331 unless certain requirements are met.

This material is reasonably available because the interested parties have

access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed Leonardo Helicopters Emergency Alert Service Bulletin No. 169-228, dated November 29, 2022. This service information specifies procedures for inspecting the screw head installed on the LH and RH door handle assemblies for green paint. If there is no green paint, this service information specifies procedures for inspecting the condition of the screw and inspecting the screw for proper tightening. If there are any anomalies or a loose screw, this service information specifies reporting the finding to Product Support Engineering. This service information also specifies procedures to modify the door handle assembly by applying a sealing compound, applying torque, and painting the screw head green.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with Italy, EASA, its technical representative, has notified the FAA of the unsafe condition described in its emergency AD. The FAA is issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2022-0233-E, described previously, as IBRed, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under "Differences Between this AD and the EASA AD."

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2022-0233-E is IBRed in this FAA final rule. This AD, therefore, requires compliance with EASA AD 2022-0233-E in its entirety through that incorporation, except for any differences identified as

exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0233–E does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2022–0233–E. Service information referenced in EASA AD 2022–0233–E for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–1584 after this final rule is published.

Differences Between This AD and the EASA AD

The service information referenced in EASA AD 2022–0233–E specifies checking the screw for condition and proper tightening, and if there are any anomalies or loose screws, reporting the finding to Product Support Engineering. This AD requires inspecting the screw for a discrepancy, which may be indicated by a protruding screw head, improper torque, or a loose screw. If there is any discrepancy, this AD requires replacing the screw with an airworthy screw.

EASA AD 2022–0233–E specifies reporting inspection results within 7 days after completing an inspection that detects any discrepancy or loose screw, whereas this AD requires reporting those inspection results within 10 days after completing the inspection, if the inspection was done on or after the effective date of this AD; or reporting those inspection results within 10 days after the effective date of this AD, if the inspection was done before the effective date of this AD. Additionally, for the purposes of this AD, a discrepancy may be indicated by a protruding screw head, improper torque, or loose screw.

Interim Action

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and

seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because when an affected component fails, the proximity of the affected component could create interference with part of an assembly that is critical to the control of a helicopter. This unsafe condition may currently exist in other helicopters and consequences of this unsafe condition could occur during any phase of flight without any previous indications. In addition, the compliance time for the initial inspection is within 13 hours time-in-service or 30 days, whichever occurs first after the effective date of this AD, which is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2022–1584; Project Identifier MCAI–2022–01522–R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Michael Hughlett, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email michael.hughlett@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 11 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually inspecting each screw head for green paint takes a minimal amount of time for a nominal cost.

If required, inspecting a non-painted screw and modifying the door handle assembly takes about 0.5 work-hour for an estimated cost of \$43 per door handle assembly.

If required, replacing a screw with an airworthy screw takes a minimal amount of time and has a nominal parts cost.

If required, reporting information takes about 1 work-hour for an estimated cost of \$85.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. 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.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2022-26-03 Leonardo S.p.a.: Amendment 39-22281; Docket No. FAA-2022-1584; Project Identifier MCAI-2022-01522-R.

(a) Effective Date

This airworthiness directive (AD) is effective December 30, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Leonardo S.p.a. Model AW169 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 5200, Doors.

(e) Unsafe Condition

This AD was prompted by a report of a protruding pushbutton screw (screw) on the left-hand cockpit door internal handle resulting in an interference with the collective stick travel. The FAA is issuing this AD to address a discrepancy with the screw. The unsafe condition, if not addressed, could result in reduced collective stick authority and subsequent reduced control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency Emergency AD 2022-0233-E, dated November 30, 2022 (EASA AD 2022-0233-E).

(h) Exceptions to EASA AD 2022-0233-E

(1) Where EASA AD 2022-0233-E requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2022-0233-E refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in EASA AD 2022-0233-E specifies "check for condition and proper tightening of the cockpit door handle screw. In case of any anomalies or screw loose, report the finding to Product Support Engineering;" for this AD, replace that text with "inspect the screw for a discrepancy, which may be indicated by a protruding screw head, improper torque, or loose screw. If there is any discrepancy, before further flight, replace the screw with an airworthy screw." Inspection results are still required to be reported in accordance with paragraph (3) of EASA AD 2022-0233-E.

(4) Where paragraph (3) of EASA AD 2022-0233-E specifies reporting inspection results to Leonardo S.p.a. within 7 days after completing an inspection that detects any discrepancy or loose screw, this AD requires reporting those inspection results at the applicable compliance time in paragraph (h)(4)(i) or (ii) of this AD. Additionally, for the purposes of this AD, a discrepancy may be indicated by a protruding screw head, improper torque, or loose screw.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after completing the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(5) This AD does not adopt the Remarks paragraph of EASA AD 2022-0233-E.

(i) Special Flight Permit

Special flight permits are prohibited.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

For more information about this AD, contact Michael Hughlett, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email michael.hughlett@faa.gov.

(I) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2022-0233-E, dated November 30, 2022.

(ii) [Reserved]

(3) For EASA Emergency AD 2022-0233-E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on December 7, 2022.

Christina Underwood,

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

[FR Doc. 2022-27296 Filed 12-13-22; 4:15 pm]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2022-0940; Airspace
Docket No. 21-ASO-26]

RIN 2120-AA66

**Amendment and Removal of VOR
Federal Airways in the Eastern United
States**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies five VHF Omnidirectional Range (VOR) Federal airways, and removes one airway. This action supports the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, February 23, 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 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air-traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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-2022-0940 in the **Federal Register** (87 FR 50019; August 15, 2022). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in, and removed from FAA Order JO 7400.11.

Difference From the NPRM

The NPRM stated that the amended starting point for VOR Federal airway V-379 would be defined by an intersection of the Westminster, MD 167°(T)/175°(M) and the Smyrna, DE

242°(T)/251°(M) radials (the BUKYY, MD intersection). This was an error. The correct starting point is the intersection of the Westminster, MD 153°(T)/161°(M) and the Smyrna, DE 242°(T)/251°(M) radials (the DEALE, MD intersection). The new starting point is located along the current V-379 centerline, so it does not affect the alignment of the airway.

**Availability and Summary of
Documents for Incorporation by
Reference**

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, 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. FAA Order JO 7400.11F 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 modifying VOR Federal airways V-67, V-159, V-185, V-209, and V-379; and removing airway V-541. The route changes are described below.

V-67: V-67 consists of two parts: From Choo Choo, TN, to Shelbyville, TN; and From the intersection of the Centralia, IL 010° and the Vandalia, IL 162° radials, to Rochester, MN. This rule removes the first part of the route. The second part of the route is unaffected.

V-159: V-159 consists of two parts: From Virginia Key, FL to Vulcan, AL; and From Holly Springs, MS to Omaha, IA. This change removes Tuskegee, AL from the first part of the route. In place of Tuskegee, the existing KENTT Intersection is added to the route description. The KENTT Intersection is defined by the intersection of the Eufaula, AL 320° and the Vulcan, AL 139° radials. This change does not affect the alignment of V-159. Existing United States Area Navigation (RNAV) route T-239 overlays V-159 from Vulcan, AL, to Pecan, GA. As amended, V-159 extends from Virginia Key, FL to Vulcan, AL; and From Holly Springs, MS to Omaha, IA.

V-185: V-185 extends from Savannah, GA, to Volunteer, TN. This action removes Greenwood, SC, and Sugarloaf Mountain, NC, from the route. As amended, V-185 consists of two parts: From Savannah, GA, to Colliers, SC; and From Snowbird, TN, to Volunteer, TN.

V-209: V-209 consists of two parts: From Semmes, AL, to the intersection of the Semmes 356° and the Eaton, MS 080° radials; and From the intersection of the Bigbee, MS 139° and the Brookwood, AL 230° radials, to