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Acting Manager, Rules and Regulations Group.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–1835; Airspace Docket No. 23–AEA–10]

RIN 2120–AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish three United States Area Navigation (RNAV) Q-routes in the eastern United States. This action also proposes to establish five and amend one United States RNAV T-routes in the eastern United States. This action support NextGen which provides a modern RNAV route structure to improve the efficiency of the National Airspace System (NAS).

DATES: Comments must be received on or before November 20, 2023

ADDRESSES: Send comments identified by FAA Docket No. FAA–2023–1835 and Airspace Docket No. 23–AEA–10 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at

www.regulations.gov at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11H, 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 amends the route structure to maintain the efficient flow of air traffic within the NAS.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA, 30337.

Incorporation by Reference

United States Area Navigation routes are published in paragraph 2006 and 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 proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish United States Area Navigation Routes Q-221, Q-227, Q-232, T-303, T-307, T-335, and T-432, and amend T-705 in the eastern United States. This action supports NextGen which provides a modern RNAV route structure to improve the efficiency of the NAS. The proposed changes are described below.

Q-221: Q-221 is a proposed new route that would extend between the Armel, VA (AML), Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) to the DLMAR, PA, Waypoint (WP). Q-221 overlays jet route J-220 between the Armel VOR/DME to the DLMAR WP which is co-located with the Stonyfork, PA (SFK), VOR/DME.

Q-227: Q-227 is a proposed new route that would extend between the Armel, VA (AML), VOR/DME to the STUBN, NY, WP. Q-227 overlays jet route J-227 between the Armel VOR/DME to the STUBN WP which is co-located with the Elmira, NY (ULW), VOR/DME.

Q-232: Q-232 is a proposed new route that would extend between the STUBN, NY, WP to the NEION, NJ, Fix. Q-232 overlays a portion of jet route J-132 between the Elmira, NY (ULW), VOR/DME to the CORDS, PA, Fix, and jet route J-223 between the CORDS Fix to the NEION Fix.

T-303: T-303 is a proposed new route that would extend between the Kinston, NC (ISO), VOR/Tactical Air Navigation (VORTAC) to the Boston, MA (BOS), VOR/DME. T-303 overlays a portion of VOR Federal airway V-1 between the Kinston VORTAC and the Boston VOR/DME.

T-307: T-307 is a proposed new route that would extend between the PEARS, NC, Fix to the Syracuse, NY (SYR), VORTAC. T-307 overlays a portion of VOR Federal airway V-139 between the PEARS Fix to the Sea Isle, NJ (SIE),

VORTAC; VOR Federal airway V-166 between the Sea Isle VORTAC to the BRIEF, NJ, Fix; VOR Federal airway V-184 between the PADRE, PA, Fix to the Philipsburg, PA (PSB), VORTAC; and VOR Federal airway V-35 between the Philipsburg VORTAC and the Syracuse VORTAC.

T-335: T-335 is a proposed new route that would extend between the ZJAAY, MD, WP and the Syracuse, NY (SYR), VORTAC. T-335 overlays VOR Federal airway V-29 between the ZJAAY WP, which is co-located with the Snow Hill, MD (SWL), VORTAC to the Syracuse VORTAC.

T-432: T-432 is a proposed new route that would extend between the STUBN, NY, WP and the NEION, NJ, Fix. T-432 overlays V-36 between the STUBN WP, which is co-located with the Elmira, NY (ULW), VOR/DME, to the NEION Fix.

T-705: T-705 currently extends between the DANZI, NY, WP and the MUTNA, NY, WP. The FAA proposes to remove the route segment between the DANZI WP, and the CODDI, NY, Fix. Additionally, the FAA proposes to extend T-705 to the southeast between the CODDI Fix to the Nantucket, MA (ACK), VOR/DME. The amended route segment of T-705 overlays portions of VOR Federal airway V-46 between the Nantucket VOR/DME and the Calverton, NY (CCC), VOR/DME, and VOR Federal airway V-44 between the BELTT, NY, Fix to the Pawling, NY (PWL), VOR/DME.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 2006 United States Area Navigation Routes

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Q-221 Armel, VA (AML) to DLMAR, PA [New]		
Armel, VA (AML)	VOR/DME	(Lat. 38°56'04.53" N, long. 077°28'00.13" W)
DLMAR, PA	WP	(Lat. 41°41'42.56" N, long. 077°25'11.02" W)
*	*	*
Q-227 Armel, VA (AML) to STUBN, NY [New]		
Armel, VA (AML)	VOR/DME	(Lat. 38°56'04.53" N, long. 077°28'00.13" W)
OGESY, PA	WP	(Lat. 40°44'13.65" N, long. 077°26'11.63" W)
STUBN, NY	WP	(Lat. 42°05'38.58" N, long. 077°01'28.68" W)
*	*	*
Q-232 STUBN, NY to NEION, NJ [New]		
STUBN, NY	WP	(Lat. 42°05'38.58" N, long. 077°01'28.68" W)
CORDS, PA	FIX	(Lat. 41°34'11.04" N, long. 075°08'23.50" W)
NEION, NJ	FIX	(Lat. 41°13'41.21" N, long. 074°34'50.78" W)

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Paragraph 6011 United States Area Navigation Routes.

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T-303 Kinston, NC (ISO) to Boston, MA (BOS) [New]

Table with 3 columns: Location, Station Type, and Coordinates. Includes entries for Kinston, NC (ISO), Norfolk, VA (ORF), and Boston, MA (BOS).

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T-307 PEARS, NC to Syracuse, NY (SYR) [New]

Table with 3 columns: Location, Station Type, and Coordinates. Includes entries for PEARS, NC, Norfolk, VA (ORF), and Syracuse, NY (SYR).

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T-335 ZJAAY, MD to Syracuse, NY (SYR) [New]

Table with 3 columns: Location, Station Type, and Coordinates. Includes entries for ZJAAY, MD, TRPOD, MD, and Syracuse, NY (SYR).

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T-432 STUBN, NY to NEION, NJ [New]

Table with 3 columns: Location, Station Type, and Coordinates. Includes entries for STUBN, NY, BNELE, PA, and NEION, NJ.

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T-705 Nantucket, MA (ACK) to MUTNA, NY [Amended]

Table with 3 columns: Location, Station Type, and Coordinates. Includes entries for Nantucket, MA (ACK), LIBBE, NY, and MUTNA, NY.

PBERG, NY
MUTNA, NY

WP
WP

(Lat. 44°42'06.25" N, long. 073°31'22.18" W)
(Lat. 45°00'20.84" N, long. 073°33'27.65" W)

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

RIN 1210–ZA31

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 147

[CMS–9891–NC]

RIN 0938–ZB81

Request for Information; Coverage of Over-the-Counter Preventive Services

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Request for information.

SUMMARY: This document is a request for information (RFI) regarding the application of the preventive services requirements under section 2713 of the Public Health Service Act (PHS Act) to over-the-counter (OTC) preventive items and services available without a prescription by a health care provider. The Department of the Treasury, the Department of Labor, and the Department of Health and Human Services (the Departments) are issuing this RFI to gather input from the public regarding the potential benefits and costs of requiring non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage to cover OTC preventive items and services without cost sharing and without a prescription by a health care

provider; seek comment on any potential challenges associated with providing such coverage; understand whether and how providing such coverage would benefit consumers; and assess any potential burden that plans and issuers would face if required to provide such coverage.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. ET on December 4, 2023.

ADDRESSES: Written comments may be submitted to the address specified below. Any comment that is submitted will be shared with the Department of the Treasury, Internal Revenue Service, and the Department of Health and Human Services (HHS). Commenters should not submit duplicates.

Comments will be made available to the public. Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are posted on the internet exactly as received and can be retrieved by most internet search engines. No deletions, modifications, or redactions will be made to the comments received, as they are public records. Comments may be submitted anonymously.

In commenting, please refer to file code 1210–ZA31.

Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <https://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By mail.* You may mail written comments to the following address **ONLY:** Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, Room N–5653, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, *Attention:* 1210–ZA31.

Always allow sufficient time for mailed comments to be received before the close of the comment period. Because of staff and resource limitations, the Departments cannot accept comments by facsimile (FAX) transmission.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. The comments are posted

on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments.

FOR FURTHER INFORMATION CONTACT:

Jason Sandoval, Internal Revenue Service, Department of the Treasury, at (202) 317–5500.

Matthew Meidell or Rebecca Miller, Employee Benefits Security Administration, Department of Labor, at (202) 693–8335.

Kei Helm, Centers for Medicare & Medicaid Services, Department of Health and Human Services, at (667) 290–9656.

Customer Service Information:

Individuals interested in obtaining information from the Department of Labor (DOL) concerning employment-based health coverage laws may call the Employee Benefits Security Administration (EBSA) Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the DOL’s website (www.dol.gov/ebsa). In addition, information from HHS on private health insurance coverage and on nonfederal governmental plans can be found on the Centers for Medicare & Medicaid Services (CMS) website (www.cms.gov/ccio), and information on health care reform can be found at www.HealthCare.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Coverage of Preventive Services Under the Affordable Care Act and Implementing Regulations

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) was enacted on March 30, 2010. These statutes are collectively known as the Affordable Care Act (ACA). The ACA reorganized, amended, and added to the provisions of part A of title XXVII of the PHS Act relating to group health plans and health insurance issuers in the group and individual markets. The ACA added section 715(a)(1) to the Employee Retirement Income Security Act of 1974 (ERISA) and section 9815(a)(1) to the Internal Revenue Code (Code) to incorporate the provisions of part A of title XXVII of the PHS Act into ERISA and the Code, and to make them applicable to group health plans and health insurance issuers providing health insurance coverage in connection with group health plans.