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Issued on September 19, 2022.

Christina Underwood,

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-1115; Airspace Docket No. 22-AGL-10]

RIN 2120-AA66

Proposed Amendment of V-181 and T-400, and Revocation of V-250 and the Yankton, SD, Low Altitude Reporting Point in the Vicinity of Yankton, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend VHF Omnidirectional Range (VOR) Federal airway V-181 and Area Navigation (RNAV) route T-400 and revoke VOR Federal airway V-250 and the Yankton, SD, Low Altitude Reporting Point. The FAA is proposing this action due to the planned decommissioning of the VOR portion of the Yankton, SD, VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Yankton VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before November 7, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1(800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2022-1115; Airspace Docket No. 22-AGL-10 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov.

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: Colby Abbott, 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 National Airspace System (NAS) as necessary to preserve the safe and efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2022-1115 Airspace; Docket No. 22-AGL-10) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2022-1115; Airspace Docket No. 22-AGL-10." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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 Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend 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 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning to decommission the Yankton, SD, VOR in April 2023. The Yankton VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, "Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network)," published in the

Federal Register of July 26, 2016 (81 FR 48694), Docket No. FAA-2011-1082.

Although the VOR portion of the Yankton, SD, VOR/DME is planned for decommissioning, the co-located DME portion of the NAVAID is being retained to support NextGen PBN flight procedure requirements.

The air traffic service (ATS) routes effected by the Yankton VOR decommissioning are VOR Federal airways V-181 and V-250, and RNAV route T-400. With the planned decommissioning of the Yankton VOR, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected ATS routes. As such, the proposed modifications to V-181 would result in a gap being created in the airway and to T-400 would result in a minor adjustment of the route with one route point being changed. Additionally, the proposed modifications to V-250 and to the Yankton low altitude reporting point would result in the airway and the low altitude reporting point being revoked.

To overcome the proposed modifications and revocations to the affected ATS routes and low altitude reporting point, instrument flight rules (IFR) traffic could use portions of adjacent VOR Federal airways, including V-80, V-120, V-148, and V-462, or receive air traffic control (ATC) radar vectors to fly around or through the affected area. Pilots equipped with RNAV capabilities could also navigate using RNAV routes T-302, T-348, T-400, and T-405, or point to point using the existing NAVAIDs and fixes that would remain in place to support continued operations through the affected area. Visual flight rules (VFR) pilots who elect to navigate via the affected ATS routes could also take advantage of the adjacent ATS routes or ATC services listed previously.

The Proposal

The FAA is proposing to amend 14 CFR part 71 by modifying VOR Federal airway V-181 and RNAV route T-400, and revoking V-250 and the Yankton, SD, low altitude reporting point. The ATS route and low altitude reporting point modifications and revocations are due to the planned decommissioning of the Yankton, SD, VOR. The proposed ATS route and low altitude reporting point actions are described below.

V-181: V-181 currently extends between the Kirksville, MO, VOR/ Tactical Air Navigation (VORTAC) and

the Grand Forks, ND, VOR/DME. The FAA proposes to remove the airway segment overlying the Yankton VOR/DME between the Norfolk, NE, VOR/DME and the Sioux Falls, SD, VORTAC. Additional changes to other portions of the airway have been proposed in a separate NPRM. The unaffected portions of the existing airway would remain as charted.

V-250: V-250 currently extends between the O'Neill, NE, VORTAC and the Yankton, SD, VOR/DME. The FAA proposes to remove the airway in its entirety.

T-400: T-400 currently extends between the LLUKY, NE, waypoint (WP) and the ZOSAG, MN, WP. The FAA proposes to replace the IMUPP, SD, WP with the FIITS, SD, WP to define the route crossing point between T-400 and T-405. The unaffected portions of the existing route would remain as charted. The full RNAV T-route description is listed in "The Proposed Amendment" section, below.

Yankton, SD: The FAA proposes to remove the Yankton, SD, low altitude reporting point as it would no longer be required by ATC due to the Yankton VOR being decommissioned.

VOR Federal airways are published in paragraph 6010(a), United States Area Navigation Routes (T-routes) are published in paragraph 6011, and Domestic Low Altitude Reporting Points are published in paragraph 7001 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 ATS routes and low altitude reporting point listed in this document would be published subsequently in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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 Department of Transportation (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 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6010(a). Domestic VOR Federal Airways.

* * * * *

V-181 [Amended]

From Kirksville, MO; Lamoni, IA; Omaha, IA; to Norfolk, NE. From Sioux Falls, SD; Watertown, SD; 34 miles, 24 miles, 34 MSL, Fargo, ND; to Grand Forks, ND.

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V-250 [Removed]

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Paragraph 6011 United States Area Navigation Routes.

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T-400 LLUKY, NE to ZOSAG, MN [Amended]

| | | |
|-----------|----|---|
| LLUKY, NE | WP | (Lat. 42°29'20.26" N, long. 098°38'11.44" W). |
| FIITS, SD | WP | (Lat. 42°55'06.67" N, long. 097°23'06.12" W). |
| DURWN, MN | WP | (Lat. 43°38'48.91" N, long. 095°34'55.87" W). |

MEMCO, MN WP
ZOSAG, MN WP

(Lat. 44°13'11.42" N, long. 093°54'45.23" W).
(Lat. 44°49'30.74" N, long. 093°26'34.08" W).

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Paragraph 7001 Domestic Low Altitude Reporting Points.

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Yankton, SD [Removed]

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Issued in Washington, DC, on September 20, 2022.

Eric S. Jennings,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-20660 Filed 9-22-22; 8:45 am]

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 26 and 27

[Docket No. TTB-2022-0009; Notice No. 215; Re: T.D. TTB-186]

RIN 1513-AC89

Implementation of Refund Procedures for Craft Beverage Modernization Act Federal Excise Tax Benefits Applicable to Imported Alcohol

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Elsewhere in this issue of the **Federal Register**, by means of a temporary rule, the Alcohol and Tobacco Tax and Trade Bureau (TTB) is implementing certain changes made to the Internal Revenue Code by the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (Tax Relief Act of 2020), which amended the Craft Beverage Modernization Act (CBMA) provisions of the Tax Cuts and Jobs Act of 2017. The temporary rule establishes procedures for taking advantage of quantity-limited reduced tax rates and tax credits applicable to imported alcohol products. The text of the regulations in that temporary rule serves as the text of the proposed regulations. This document also proposes to amend the regulations to clarify that a foreign producer may not assign CBMA tax benefits on distilled spirits, wine, or beer unless it produces the product. In this document, TTB is soliciting comments on the regulatory amendments adopted in the temporary rule and on the amendment proposed in this notice of proposed rulemaking.

DATES: Comments must be received on or before November 22, 2022.

ADDRESSES: You may electronically submit comments to TTB on this proposal and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB-2022-0009 as posted at <https://www.regulations.gov>. A direct link to that docket is available on the TTB website at <https://www.ttb.gov/laws-and-regulations/all-rulemaking> under Notice No. 186. Alternatively, you may submit comments via postal mail to the Director, Regulations and Ruling Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005. Please see the Public Participation section of this document for further information on the comments requested regarding this proposal and on the submission, confidentiality, and public disclosure of comments.

FOR FURTHER INFORMATION CONTACT:

Jesse Longbrake, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; telephone (202) 453-1039, ext. 066.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 2017, the President signed into law the Tax Cuts and Jobs Act, which among other things amended provisions of the Internal Revenue Code (IRC) related to excise taxes on beer, wine, and distilled spirits; the section of the Tax Cuts and Jobs Act containing these provisions is referred to as the Craft Beverage Modernization Act (CBMA). Beginning in 2018, CBMA made quantity-limited tax benefits (CBMA tax benefits) available to all producers of distilled spirits, wine, and beer, domestic and foreign. The CBMA tax benefits were initially limited to calendar years 2018 and 2019 but were subsequently extended and then made permanent by the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (Tax Relief Act of 2020).¹

The Tax Relief Act of 2020 also transferred responsibility for administering the CBMA tax benefits for imported alcohol from the Department of Homeland Security's U.S. Customs and Border Protection (CBP) to the

Department of the Treasury (Treasury). Specifically, for alcohol entered for consumption in the United States after December 31, 2022,² importers will no longer be eligible for CBMA tax benefits when paying tax to CBP. Rather, importers will be required to pay the full tax rate to CBP and submit refund claims to Treasury to receive the lower rates. Importers will submit refund claims to TTB for the difference between the tax paid at the full rate and the amount that would have been paid if tax liability had been calculated using the tax benefits assigned to them by foreign producers.

Elsewhere in this issue of the **Federal Register**, TTB is publishing temporary regulations making amendments to parts 26 and 27 of the TTB regulations (27 CFR parts 26 and 27). The principal changes establish the procedures for taking advantage of the CBMA tax benefits applicable to imported alcohol products. The text of the temporary regulations serves as the text of these proposed regulations. The preamble to the temporary regulations explains the proposed regulations.

Clarification That Foreign Producers May Assign CBMA Tax Benefits Only for Products They Produce

In this document, TTB is also proposing to amend the regulations to clarify that a foreign producer may not assign CBMA tax benefits to U.S. importers in cases where the foreign producer has not produced the product. As described in more detail in the temporary rule, foreign producers assign CBMA tax benefits to U.S. importers, who then elect to take them. See 26 U.S.C. 5001(c)(3), 5041(c)(6), and 5051(a)(4). However, the IRC does not define the term "foreign producer." The

² TTB's temporary rule implements statutory tax refund provisions that apply to imported products "removed" after December 31, 2022. See 26 U.S.C. 5001(c)(4), 5041(c)(7), and 5051(a)(6). TTB regulations at 27 CFR 27.48 provide that any internal revenue taxes payable on imported distilled spirits, wines, and beer upon release from customs custody are collected, accounted for, and deposited as internal revenue collections by U.S. Customs and Border Protection (CBP) in accordance with CBP requirements. There are different types of entry under CBP regulations, and "entered for consumption" refers to a type of customs entry filed to introduce the goods into the stream of U.S. commerce. Such entries are subject to applicable tax and duties. Accordingly, consistent with TTB regulations and CBP policies, TTB interprets the term "removed" as used in the CBMA tax refund statutory provisions for imported products to mean "entered for consumption." For purposes of the temporary rule, "entered for consumption" includes withdrawal from a CBP bonded warehouse for consumption.

¹ See Public Law 115-97, sections 13801-13808 (CBMA provisions of the law commonly known as the Tax Cuts and Jobs Act); Public Law 116-94, section 144 (Further Consolidated Appropriations Act, 2020 extending and amending CBMA provisions); Public Law 116-260, Division EE, sections 106-110 (Tax Relief Act of 2020 making CBMA provisions permanent with amendments).