

Paragraph 6005. Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

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ANM WY E5 Gillette, WY [Revised]

Gillette-Campbell County Airport, WY
(Lat. 44°20'56" N., long. 105°32'22" W.)
Gillette VOR/DME
(Lat. 44°20'52" N., long. 105°32'37" W.)

That airspace extending upward from 700 feet above the surface of the earth within 6.1 miles east and 8.3 miles west of the Gillette VOR/DME 176° and 356° radials extending from 15.3 miles south to 16.1 miles north of the VOR/DME; that airspace extending upward from 1200 feet above the surface of the earth bounded by a line beginning at lat. 44°47'00" N., long. 106°22'32" W.; to lat. 44°23'00" N., long. 106°22'32" W.; to lat. 44°16'00" N., long. 105°58'02" W.; to lat. 44°05'00" N., long. 106°00'02" W.; to lat. 43°49'15" N., long. 106°09'32" W.; to lat. 43°39'00" N., long. 106°00'02" W.; to lat. 43°39'00" N., long. 105°09'02" W.; to lat. 44°08'30" N., long. 105°09'00" W.; to lat. 44°01'00" N., long. 104°51'02" W.; to lat. 44°30'00" N., long. 104°41'02" W.; to lat. 44°39'00" N., long. 105°20'00" W.; to lat. 44°55'00" N., long. 105°20'00" W.; to lat. 44°55'00" N., long. 105°55'00" W.; to lat. 44°43'30" N., long. 105°55'00" W.; thence to point of beginning.

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Issued in Seattle, Washington, on January 24, 2007.

Clark Desing,

Manager, System Support, Western Service Area.

[FR Doc. E7-3049 Filed 2-22-07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3]

Establishment of Class E Airspace; Nucla, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will establish the Class E airspace at Nucla, CO. Additional Class E airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Hopkins Field. This will improve the safety of Instrument Flight Rules (IFR) aircraft executing the new RNAV GPS SIAP at Hopkins Field, Nucla, CO.

DATES: *Effective Date:* 0901 UTC, May 10, 2007. 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 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ed Haeseker, Federal Aviation Administration, Western Service Area, System Support, 1601 Lind Avenue, SW., Renton, WA, 98057; telephone (425) 917-6714.

SUPPLEMENTARY INFORMATION:

History

On October 20, 2006, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Nucla, CO (71 FR 61922). This action would improve the safety of Instrument Flight Rules (IFR) aircraft executing this new RNAV GPS approach procedure at Hopkins Field, Nucla, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9P dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Nucla, CO. Additional controlled airspace is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at Hopkins Field, Nucla, CO.

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. Therefore, this regulation: (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 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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(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 part 71.1 of the Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 6005. Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM CO E5 Nucla, CO [New]

Hopkins Field, CO

(Lat. 38°14'20" N., long. 108°33'48" W.)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of Hopkins Field and within 4 miles each side of the 137° bearing to Hopkins Field extending from 6.0 miles northwest of Hopkins Field to the 6.0-mile radius; that airspace extending upward from 1,200 feet above the surface beginning at lat. 38°45'00" N., long. 109°00'00" W.; to lat. 38°30'00" N., long. 108°30'00" W.; to CONES VOR/DME; to DOVE CREEK VORTAC; to lat. 38°30'00" N., long. 109°10'00" W.; to point of beginning.

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Issued in Seattle, Washington, on February 8, 2007.

Clark Desing,

Manager, System Support, Western Service Area.

[FR Doc. E7-3052 Filed 2-22-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30538; Amdt. No. 466]

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, March 15, 2007.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, 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 February 15, 2007.

James J. Ballough,

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, January 18, 2007.

■ 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 POINTS—AMENDMENT 466

[Effective date March 15, 2007]

From	To	MEA
§ 95.1001 Direct Routes—U.S.		
COLOR ROUTES:		
§ 95.10 Amber Federal Airway A9 is Amended to Read in Part		
EVANSVILLE, AK NDB *9100—MOCA.	BROWERVILLE, AK NDB	*10000
§ 95.6001 Victor Routes—U.S.		
§ 95.6002 VOR Federal Airway V2 is Amended to Read in Part		
SALEM, MI VORTAC DELOW, MI FIX *2800—MOCA.	DELOW, MI FIX U.S. CANADIAN BORDER	3000 *4000
§ 95.6014 VOR Federal Airway V14 is Amended to Read in Part		
FINDLAY, OH VORTAC *2400—MOCA.	OBR LN, OH FIX	*3500
OBR LN, OH FIX *2400—MOCA.	DRYER, OH VOR/DME	*3000
95.6020 VOR Federal Airway V20 is Amended to Read in Part		
HOBBY, TX VOR/DME	BEAUMONT, TX VOR/DME	2100

REVISIONS TO IFR ALTITUDES CHANGEOVER POINTS—AMENDMENT 466—Continued

[Effective date March 15, 2007]

From	To	MEA
§ 95.6026 VOR Federal Airway V26 is Amended to Read in Part		
DETROIT, MI VOR/DME *2300—MOCA.	U.S. CANADIAN BORDER	*3400
U.S. CANADIAN BORDER *2300—MOCA.	GEMNI, OH FIX	*3400
GEMNI, OH FIX *2200—MOCA.	DRYER, OH VOR/DME	*3000
§ 95.6040 VOR Federal Airway V40 is Amended to Delete		
U.S. CANADIAN BORDER *4000—MRA.	*KITTY, OH FIX	4000
KITTY, OH FIX	DRYER, OH VOR/DME	3000
§ 95.6042 VOR Federal Airway V42 is Amended to Delete		
WATERVILLE, OH VOR/DME VARYS, OH INT 3500	VARYS, OH INT DROVE, OH INT	4000 MAA— 14000
DROVE, OH INT	YOUNGSTOWN, OH VORTAC	3000
§ 95.6048 VOR Federal Airway V48 is Amended to Read in Part		
PEORIA, IL VORTAC *2300—MOCA.	MAROC, IL FIX	*3000
MAROC, IL FIX	PONTIAC, IL VOR/DME	2400
§ 95.6053 VOR Federal Airway V53 is Amended to Read in Part		
LOUISVILLE, KY VORTAC *3000—MOCA.	HOUSE, IN FIX	*10000
HOUSE, IN FIX *2300—MOCA.	MOUTH, IN FIX	*2800
MOUTH, IN FIX	BRICKYARD, IN VORTAC	2700
§ 95.6069 VOR Federal Airway V69 is Amended to Read in Part		
PONTIAC, IL VOR/DME *2200—MOCA.	JOLIET, IL VORTAC	*3000
§ 95.672 VOR Federal Airway V72 is Amended to Delete		
ROSEWOOD, OH VORTAC MANSFIELD, OH VORTAC	MANSFIELD, OH VORTAC AKRON, OH VOR/DME	3000 3000
AKRON, OH VOR/DME YOUNGSTOWN, OH VORTAC	YOUNGSTOWN, OH VORTAC HAGAR, PA FIX	3000 3000
HAGAR, PA FIX TIDIOUTE, PA VORTAC	TIDIOUTE, PA VORTAC BRADFORD, PA VOR/DME	3500 4000
TIDIOUTE, PA VORTAC *3500—MOCA.	BRADFORD, PA VOR/DME	4000
BRADFORD, PA VOR/DME EXALL, PA FIX	EXALL, PA FIX	*4500
EXALL, PA FIX *3500—MOCA.	ELMIRA, NY VOR/DME	*4000
ELMIRA, NY VOR/DME BINGHAMTON, NY VORTAC	BINGHAMTON, NY VORTAC OXFOR, NY FIX	3500 3500
BINGHAMTON, NY VORTAC OXFOR, NY FIX	ROCKDALE, NY VOR/DME	4000
ROCKDALE, NY VOR/DME ALBANY, NY VORTAC	ALBANY, NY VORTAC	4000
ALBANY, NY VORTAC *3000—MOCA.	CAMBRIDGE, NY VOR/DME	*4000
CAMBRIDGE, NY VOR/DME *5000—MCA JAMMA, VT FIX , W BND.	*JAMMA, VT FIX	**6000
*5400—MOCA.	LEBANON, NH VOR/DME	5000
JAMMA, VT FIX		
§ 95.6075 VOR Federal Airway V75 is Amended to Read in Part		
DRYER, OH VOR/DME *2200—MOCA.	U.S. CANADIAN BORDER	*4000
§ 95.6090 VOR Federal Airway V90 is Amended to Read in Part		
SALEM, MI VORTAC	U.S. CANADIAN BORDER	*4000

REVISIONS TO IFR ALTITUDES CHANGEOVER POINTS—AMENDMENT 466—Continued

[Effective date March 15, 2007]

From	To	MEA
*2700—MOCA. U.S. CANADIAN BORDER	BEWEL, OH FIX	*4000
*2700—MOCA. BEWEL, OH FIX	DUNKIRK, NY VORTAC	3000
§ 95.6096 VOR Federal Airway V96 is Amended to Read in Part		
FORT WAYNE, IN VORTAC	ILLIE, OH FIX	*5000
*2200—MOCA. ILLIE, OH FIX	ANNTS, OH FIX	*16000
*2100—MOCA. ANNTS, OH FIX	DETROIT, MI VOR/DME	*3000
*2000—MOCA.		
§ 95.6103 VOR Federal Airway V103 is Amended to Read in Part		
AKRON, OH VOR/DME	U.S. CANADIAN BORDER	*9000
*2700—MOCA. U.S. CANADIAN BORDER	DETROIT, MI VOR/DME	*4000
*2700—MOCA. DETROIT, MI VOR/DME	PONTIAC, MI VORTAC	*3000
*2400—MOCA.		
§ 95.6116 VOR Federal Airway V116 is Amended to Delete		
EXCEL, MO FIX	MACON, MO VOR/DME	*3000
*2300—MOCA. MACON, MO VOR/DME	QUINCY, IL VORTAC	*2700
*2100—MOCA. QUINCY, IL VORTAC	PEORIA, IL VORTAC	*2500
*2000—MOCA. PEORIA, IL VORTAC	MAROC, IL FIX	*3000
*2300—MOCA. MAROC, IL FIX	PONTIAC, IL VOR/DME	2400
PONTIAC, IL VOR/DME	JOLIET, IL VORTAC	*3000
*2200—MOCA.		
§ 95.6116 VOR Federal Airway V116 is Amended to Read in Part		
U.S. CANADIAN BORDER	TRACE, OH FIX	*7000
*1900—MOCA. TRACE, OH FIX	ERIE, PA VORTAC	*3000
*2200—MOCA.		
§ 95.6176 VOR Federal Airway V176 is Added to Read		
CARLETON, MI VORTAC	U.S. CANADIAN BORDER	*3000
*2100—MOCA.		
§ 95.6222 VOR Federal Airway V222 is Amended to Read in Part		
HUMBLE, TX VORTAC	BEAUMONT, TX VOR/DME	3000
§ 95.6262 VOR Federal Airway V262 is Amended to Read in Part		
MOTIF, IL FIX	JOLIET, IL VORTAC	*3000
*2200—MOCA.		
§ 95.6297 VOR Federal Airway V297 is Amended to Delete		
SAGINAW, MI VOR/DME	BENNY, MI FIX	2200
BENNY, MI FIX	BANJO, MI FIX	2500
BANJO, MI FIX	ZABLE, MI FIX	*5000
*2700—MOCA. ZABLE, MI FIX	*RONDO, MI FIX	3000
*5000—MRA. *RONDO, MI FIX	OTREE, MI FIX	**3000
*5000—MRA. **2400—MOCA.		
OTREE, MI FIX	PELLSTON, MI VORTAC	*3000
*2400—MOCA.		

REVISIONS TO IFR ALTITUDES CHANGEOVER POINTS—AMENDMENT 466—Continued

[Effective date March 15, 2007]

From	To	MEA
§ 95.6297 VOR Federal Airway V297 is Amended to Read in Part		
AKRON, OH VOR/DME *3000—MOCA.	U.S. CANADIAN BORDER	*6000
§ 95.6383 VOR Federal Airway V383 is Added to Read		
ROSEWOOD, OH VORTAC	DETROIT, MI VOR/DME	3100
§ 95.6396 VOR Federal Airway V396 is Added to Read		
U.S. CANADIAN BORDER *2700—MOCA.	CHARDON, OH VOR/DME	*8000
§ 95.6406 VOR Federal Airway V406 is Added to Read		
SALEM, MI VORTAC *2700—MOCA.	U.S. CANADIAN BORDER	*4000
§ 95.6410 VOR Federal Airway V410 is Added to Read		
PONTIAC, MI VORTAC *2500—MOCA.	U.S. CANADIAN BORDER	*4000
§ 95.6416 VOR Federal Airway V416 is Added to Read		
ROSEWOOD, OH VORTAC *4000—MRA. **2500—MOCA. *LAWTO, OH FIX *4000—MRA. *2500—MOCA.	*LAWTO, OH FIX MANSFIELD, OH VORTAC JAKEE, OH FIX	**4000 *4000 3000
§ 95.6418 VOR Federal Airway V418 is Added to Read		
SALEM, MI VORTAC *2700—MOCA.	U.S. CANADIAN BORDER	*4000
U.S. CANADIAN BORDER *2700—MOCA.	BEWEL, OH FIX	*4000
BEWEL, OH FIX *3300—MOCA.	JAMESTOWN, NY VOR/DME	*4000
§ 95.6426 VOR Federal Airway V426 is Added to Read		
CARLETON, MI VORTAC *2400—MOCA.	AMRST, OH FIX	*3000
AMRST, OH FIX *2200—MOCA.	DRYER, OH VOR/DME	*3000
§ 95.6435 VOR Federal Airway V435 is Amended to Read in Part		
ROSEWOOD, OH VORTAC *2700—MOCA.	OBRLN, OH FIX	*5000
OBRLN, OH FIX *2400—MOCA.	DRYER, OH VOR/DME	*3000
95.6467 VOR Federal Airway V467 is Added to Read		
RICHMOND, IN VORTAC *3000—MOCA.	WATERVILLE, OH VOR/DME	*10000
WATERVILLE, OH VOR/DME *2100—MOCA.	DETROIT, MI VOR/DME	*3000
§ 95.6471 VOR Federal Airway V471 is Amended to Read in Part		
BARHA, ME FIX *2500—MOCA.	BANGOR, ME VORTAC	*3000
BANGOR, ME VORTAC *2100—MOCA.	MILLINOCKET, ME VOR/DME	*2500
MILLINOCKET, ME VOR/DME *2000—MOCA.	HOULTON, ME VOR/DME	*2600

REVISIONS TO IFR ALTITUDES CHANGEOVER POINTS—AMENDMENT 466—Continued

[Effective date March 15, 2007]

From	To	MEA
HOULTON, ME VOR/DME *2100—MOCA.	U.S. CANADIAN BORDER	*2600
§ 95.6486 VOR Federal Airway V486 is Added to Read		
LEBRN, OH FIX	CHARDON, OH VOR/DME	3000
CHARDON, OH VOR/DME	ALLCO, PA FIX	3300
ALLCO, PA FIX	JAMESTOWN, NY VOR/DME	*3700
*3200—MOCA.		
§ 95.6526 VOR Federal Airway V526 is Amended to Delete		
WATERVILLE, OH VOR/DME	DRYER, OH VOR/DME	2700
DRYER, OH VOR/DME	CHARDON, OH VOR/DME	3000
CHARDON, OH VOR/DME	YOUNGSTOWN, OH VORTAC	3000
YOUNGSTOWN, OH VORTAC	MERCY, PA FIX	3000
MERCY, PA FIX	CLARION, PA VOR/DME	*3100
*3100—MOCA.		
95.6542 VOR Federal Airway V542 is Added to Read		
ROSEWOOD, OH VORTAC	*LAWTO, OH FIX	**4000
*4000—MRA.		
**2500—MOCA.		
*LAWTO, OH FIX	MANSFIELD, OH VORTAC	**4000
*4000—MRA.		
**2500—MOCA.		
MANSFIELD, OH VORTAC	AKRON, OH VOR/DME	3000
AKRON, OH VOR/DME	YOUNGSTOWN, OH VORTAC	*3000
*2600—MOCA.		
YOUNGSTOWN, OH VORTAC	HAGAR, PA FIX	3000
HAGAR, PA FIX	TIDIOUTE, PA VORTAC	3500
TIDIOUTE, PA VORTAC	BRADFORD, PA VOR/DME	*4000
*3500—MOCA.		
BRADFORD, PA VOR/DME	EXALL, PA FIX	*4500
*3500—MOCA.		
EXALL, PA FIX	ELMIRA, NY VOR/DME	*4000
*3500—MOCA.		
ELMIRA, NY VOR/DME	BINGHAMTON, NY VORTAC	3500
BINGHAMTON, NY VORTAC	OXFOR, NY FIX	3500
OXFOR, NY FIX	ROCKDALE, NY VOR/DME	4000
ROCKDALE, NY VOR/DME	ALBANY, NY VORTAC	4000
ALBANY, NY VORTAC	CAMBRIDGE, NY VOR/DME	*4000
*3000—MOCA.		
CAMBRIDGE, NY VOR/DME	*JAMMA, VT FIX	**6000
*5000—MCA JAMMA, VT FIX , W BND.		
**5400—MOCA.		
JAMMA, VT FIX	LEBANON, NH VOR/DME	5000
§ 95.6584 VOR Federal Airway V584 is Added to Read		
WATERVILLE, OH VOR/DME	DRYER, OH VOR/DME	*3000
*2200—MOCA.		
§ 95.6586 VOR Federal Airway V586 is Added to Read		
EXCEL, MO	FIX MACON, MO VOR/DME	*3000
*2300—MOCA.		
MACON, MO VOR/DME	QUINCY, IL VORTAC	*2700
*2100—MOCA.		
QUINCY, IL VORTAC	PEORIA, IL VORTAC	*2500
*2000—MOCA.		
PEORIA, IL VORTAC	MAROC, IL FIX	*3000
*2300—MOCA.		
MAROC, IL FIX	PONTIAC, IL VOR/DME	2400
PONTIAC, IL VOR/DME	JOLIET, IL VORTAC	*3000
*2200—MOCA.		
§ 95.6609 VOR Federal Airway V609 is Added to Read		
SAGINAW, MI VOR/DME	BENNY, MI FIX	2200

REVISIONS TO IFR ALTITUDES CHANGEOVER POINTS—AMENDMENT 466—Continued

[Effective date March 15, 2007]

From	To	MEA
BENNY, MI FIX *2200—MOCA.	BANJO, MI FIX	*3000
BANJO, MI FIX *2900—MOCA.	ZABLE, MI FIX	*5000
ZABLE, MI FIX *5000—MRA.	*RONDO, MI FIX	3000
*RONDO, MI FIX *5000—MRA.	OTREE, MI FIX	**3000
**2400—MOCA.		
OTREE, MI FIX *2400—MOCA.	PELLSTON, MI VORTAC	*3000

Airway segment		Changeover points	
From	To	Distance	From
§ 95.8003 VOR Federal Airway Changeover Points is Amended to Modify Changeover Point			
WHITE CLOUD, MI VOR/DME	MANISTEE, MI VOR/DME	28	WHITE CLOUD.

[FR Doc. E7-3051 Filed 2-22-07; 8:45 am]
BILLING CODE 4910-13-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

RIN 3038-AC35

Advertising by Commodity Pool Operators, Commodity Trading Advisors, and the Principals Thereof

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) has amended Regulation 4.41, which governs advertising by commodity pool operators (CPOs), commodity trading advisors (CTAs), and the principals thereof, (1) To restrict the use of testimonials, (2) to clarify the required placement of the prescribed simulated or hypothetical performance disclaimer, and (3) to include within the regulation's coverage advertisement through electronic media (Amendments). This action is in furtherance of the Commission's longstanding view that all advertisements by CPOs, CTAs, and their principals must not be fraudulent, deceptive or misleading.

EFFECTIVE DATE: March 26, 2007.

FOR FURTHER INFORMATION CONTACT:

Barbara S. Gold, Associate Director, or Peter B. Sanchez, Staff Attorney, Division of Clearing and Intermediary Oversight, Commodity Futures Trading

Commission, 1155 21st Street, NW., Washington, DC 20581, telephone numbers: (202) 418-5450 or (202) 418-5237, respectively; facsimile number: (202) 418-5528; and electronic mail: bgold@cftc.gov or psanchez@cftc.gov, respectively.

SUPPLEMENTARY INFORMATION:

I. Background

A. Regulation 4.41

Part 4 of the Commission's regulations governs the operations and activities of CPOs and CTAs.¹ In particular, Regulation 4.41 pertains to advertising by CPOs, CTAs, and the principals² thereof, an issue first addressed by the Commission over 25 years ago. The Commission originally proposed that CPOs, CTAs, and their principals could not advertise their actual past performance results in a format other than that which the CPO or CTA was required to use in its Disclosure Document,³ and that the presentation of simulated or hypothetical performance of a CPO, CTA, or the principals thereof would be prohibited.⁴ In response to the comments received and its further

deliberations on these proposals, the Commission adopted less restrictive advertising regulations.⁵

With respect to the presentation of actual past performance, the Commission explained that it had adopted in Regulation 4.41(a) "a rule that leaves to the discretion of the [CPO, CTA, or principal] advertising performance results—whether actual, simulated or hypothetical—the format of that presentation, so long as that format is not false, misleading or deceptive."⁶ With regard to the presentation of simulated or hypothetical performance results, the Commission explained that it had adopted in Regulation 4.41(b) "a rule that allows the presentation of those results, provided that the presentation is accompanied by the statement prescribed in the rule," whose purpose was "to alert prospective customers to the limitations inherent in simulated and hypothetical past performance

⁵ 46 FR 26004 (May 8, 1981).

⁶ While acknowledging that it was not possible to identify every advertisement that was prohibited by new Regulation 4.41, the Commission nonetheless gave notice in the **Federal Register** release announcing the adoption of the rule that it would consider the following, non-exclusive list of advertisements, to be prohibited:

(1) References only to successful trades, if during the same time period, trades which were unsuccessful were also recommended or executed; (2) references to the results during a specific time period, if the results claimed were not fairly representative of results achieved for comparable periods; (3) suggestions, assurances or claims of profit potential that do not also fairly present the possibility of loss; (4) statements of opinions or predictions which are not clearly labeled as such or which have no reasonable basis in fact; and (5) failure to disclose whether, and to what extent, fees, commissions and other expenses are reflected in the past performance results. *Id.* at 26012.

¹ 17 CFR Part 4 (2006). The Commodity Exchange Act (Act), 7 U.S.C. 1 *et seq.* (2000), and the Commission's regulations issued thereunder may be accessed through the Commission's Web site, at <http://www.cftc.gov/cftc.cftclawreg.htm>.

² The definition of the term "principal" is set forth in Regulation 4.10(e)(1), which cross-references the definition of the term in Regulation 3.1(a). An example of a principal of a CPO organized as a corporation would be the corporation's chief executive officer.

³ Regulations 4.21 and 4.24-4.26 and 4.31 and 4.34-4.36 concern the Disclosure Document that registered CPOs and CTAs, respectively, must prepare, deliver, and file.

⁴ 45 FR 51600 (Aug. 4, 1980).