

promulgated, will not have a significant economic impact, positive or negative, 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

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 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 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 10, 1999, and effective September 16, 1999, is amended as follows:

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

\* \* \* \* \*

#### **ACE KS E5 Elkhart, KS [Revised]**

Elkhart-Morton County Airport, KS  
(Lat. 37°00'07" N., long. 101°52'56" W.)  
Elkhart NDB

(Lat. 37°00'04" N., long. 101°53'05" W.)  
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkhart-Morton County Airport and within 2.6 miles each side of the 164° bearing from the Elkhart NDB extending from the 6.5-mile radius to 7.4 miles southeast of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on July 11, 2000.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*  
[FR Doc. 00–18575 Filed 7–24–00; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 99–ANM–12]

#### Revision of Class E airspace, North Bend, OR

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the North Bend, OR, Class E airspace to accommodate the development of a revised Standard Instrument Approach Procedure (SIAP) at the North Bend Municipal Airport, North Bend, OR. This amendment provides for the safe and efficient use of the navigable airspace.

**EFFECTIVE DATE:** 0901 UTC, August 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 99–ANM–12, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone number: (425) 227–2527.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On April 4, 2000, the FAA proposes to amend Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at North Bend, OR, in order to accommodate a revised SIAP to the North Bend Municipal Airport, North Bend, OR (65 FR 17616). This amendment will provide additional airspace at North Bend, OR, to meet current criteria standards associated with SIAP holding patterns. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

##### **The Rule**

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at North Bend Airport, North Bend, OR. This amendment provides revised airspace at North Bend, OR, to better meet current airspace standards associated with established procedures at North Bend Airport. The FAA establishes airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This amendment provides for the safe and efficient use of the navigable airspace. This amendment promotes safe flight operations under Instrument Flight

Rules (IFR) and Visual Flight Rules (VFR) and the North Bend Airport, North Bend, OR, and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that 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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

\* \* \* \* \*

#### ANM or E5 North Bend, OR [Revised]

North Bend VORTAC

(Lat. 43°24'56" N, long. 124°10'06" W)

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the North Bend VORTAC from the 142° radial clockwise to the 352° radial, and within a 14-mile radius of the VORTEC from the 352° radial clockwise to the 142° radial, and within 2.7 miles north of the VORTAC 268° radial extending from the 8 mile radius to 11 miles west of the VORTAC, and within 1.8 miles south and 5.7 miles north of the VORTAC 241° radial extending from the 8 mile radius to 14.8 miles southwest; that airspace extending upward from 1,200 feet about the surface within a 22 mile radius of the VORTAC extending clockwise from the west edge of V-27 south of the VORTAC, to the west edge of V-287 north of the VORTAC, and within 2.2 miles southeast and 10.1 miles northwest of the VORTAC 241° radial, extending from the VORTAC to 22.2 miles southwest.

\* \* \* \* \*

Issued in Seattle, Washington, on July 6, 2000.

Daniel A. Boyle,

Acting Manager, Air Traffic Division,  
Northwest Mountain Region.

[FR Doc. 00-18577 Filed 7-24-00; 8:45 am]

BILLING CODE 4910-13-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 143

RIN 3038-AB59

#### Adjustment of Civil Monetary Penalties for Inflation

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is amending Rule 143.8, which governs the maximum amount of civil monetary penalties, to adjust for inflation. This rule sets forth the maximum, inflation-adjusted dollar amount for civil monetary penalties assessable for violations of the Commodity Exchange Act (Act) and Commission rules and orders thereunder. The rule, as amended, implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

**EFFECTIVE DATE:** October 23, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, Associate Chief

Counsel, or Julie R. Windhorn, Law Clerk, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone Number: (202) 418-5450.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Debt Collection Improvement Act of 1996 (DCIA),<sup>1</sup> requires the head of each Federal agency to adjust by regulation, at least once every four years, the maximum amount of civil monetary penalties (CMPs) provided by law within the jurisdiction of that agency by the cost-of-living adjustment defined in the FCPIAA, as amended.<sup>2</sup> Because the purposes for the inflation adjustments include maintaining the deterrent effect of CMPs and promoting compliance with the law, the Commission monitors the impact of inflation on its CMP maximums and adjusts them as needed to implement the requirements and purposes of the FCPIAA.<sup>3</sup>

##### II. Relevant Commission CMPs

The inflation adjustment requirement applies to:

any penalty, fine or other sanction that—

(A) (i) is for a specific monetary amount as provided by Federal law; or

<sup>1</sup> The FCPIAA is codified in a note at 28 U.S.C. 2461 note. The relevant amendments to the FCPIAA contained in the Debt Collection Improvement Act of 1996, Pub. L. 104-134 (1996), are also codified at 28 U.S.C. 2461 note. In addition, the Federal Reports Elimination Act of 1998, Pub. L. 105-362 (1998), is also codified at 28 U.S.C. 2461 note. This statute, among other things, eliminated section 6 of the FCPIAA, which previously required the President to report annually to Congress. This amendment is not relevant to the adjustment of CMPs for inflation.

<sup>2</sup> Excluded from this requirement is "any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970 or the Social Security Act." 28 U.S.C. 2461 note, as amended by Pub. L. 104-134.

DCIA also requires that the range of minimum and maximum CMPs be adjusted, if applicable. This is not applicable to the Commission because, for the relevant CMPs within the Commission's jurisdiction, the Act provides only for maximum amounts that can be assessed for each violation of the Act or the rules and orders thereunder; the Act does not set forth any minimum penalties. Therefore, the remainder of this release will refer only to CMP maximums.

<sup>3</sup> Specifically, the FCPIAA states:

The purpose of [the FCPIAA] is to establish a mechanism that shall—

(1) allow for regular adjustment for inflation of civil monetary penalties;

(2) maintain the deterrent effect of civil monetary penalties and promote compliance with the law; and

(3) improve the collection by the Federal Government of civil monetary penalties.

(ii) has a maximum amount provided for by Federal law; and

(B) is assessed or enforced by an agency pursuant to Federal law; and

(C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. 28 U.S.C. 2461 note.

The Act provides for CMPs that meet the above definition, and are therefore subject to the inflation adjustment, in three sections: section 6(c) of the Act, section 6b of the Act, and section 6c of the Act.<sup>4</sup>

Penalties may be assessed pursuant to Section 6(c) of the Act, 7 U.S.C. 9, against "any person" found by the Commission to have—

(1) engaged in the manipulation of the price of any commodity or futures contract;

(2) made willfully a false or misleading statement or omitted a material fact in an application or report filed with the Commission; or

(3) violated any provision of the Act or of the rules, regulations or orders thereunder.

Penalties may be assessed pursuant to Section 6b of the Act, 7 U.S.C. 13a, against: (1) Any contract market that the Commission finds is not enforcing or has not enforced its rules; or (2) any contract market, or any director, officer, agent, or employee of any contract market, that is violating or has violated any of the provisions of the Act or any of the rules, regulations, or orders thereunder.

Penalties may be assessed by "the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States" pursuant to section 6c of the Act, 7 U.S.C. 13a-1, against "any person found \* \* \* to have committed any violation [of any provision of the Act or any rule, regulation or order thereunder]."

##### III. Relevant Cost-of-Living Adjustment

The cost-of-living adjustment is defined by the FCPIAA, as amended by the DCIA, as the amount by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.<sup>5</sup> The

<sup>4</sup> 7 U.S.C. 9, 13a and 13a-1.

<sup>5</sup> The Consumer Price Index means the Consumer Price Index for all-urban consumers (CPI-U) published by the Department of Labor. Interested parties may find the relevant Consumer Price Index over the Internet. To access this information, go to the Consumer Price Index Home Page at <http://stats.bls.gov/datahome.htm>; first select, Most Requested Series; then select Overall BLS Most Requested Series; and finally, under Price Indexes, select CPI for All Urban Consumers (CPI-U) 1967=100 (Unadjusted)—CUUROOOAAO.