

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30318; Amdt. No. 436]

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 airway, 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.

EFFECTIVE DATE: 0901 UTC, August 8, 2002.

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) 954-4162.

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 for the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on June 28, 2002.

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.

PART 95—[AMENDED]

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 436

[Effective Date: August 8, 2002; Final 06/24/2002]

| From | To | MEA |
|---|---------------------|-------|
| § 95.1001 Direct Routes—U.S. | | |
| Atlantic Route—A761 is Added to Read | | |
| Downt, OA FIX | Etoca, OA FIX | 31000 |
| Etoca, OA FIX | Foggs, OA FIX | 31000 |
| Foggs, OA FIX | Galwy, OA FIX | 31000 |
| Galwy, OA FIX | Hanri, OA FIX | 31000 |
| Hanri, OA FIX | Perie, OA FIX | 31000 |
| Perie, OA FIX | Satly, OA FIX | 31000 |
| Satly, OA FIX | Torry, FL FIX | 31000 |
| Atlantic Route—R511 is Added to Read | | |
| Azezu, OA FIX | Cowri, OA FIX | 5500 |
| Cowri, OA FIX | Foggs, OA FIX | 5500 |
| Foggs, OA FIX | Eltee, OA FIX | 5500 |
| Eltee, OA FIX | Odeal, OA FIX | 5500 |

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—AMENDMENT 436—Continued

[Effective Date: August 8, 2002; Final 06/24/2002]

| From | To | MEA |
|--|-----------------------------|--------|
| Bahamas Route—G466 is Added to Read | | |
| Oldey, SC FIX | Perie, OA FIX | 2500 |
| Perie, OA FIX | Carpas, FL FIX | 2500 |
| Carpas, FL FIX | Scoby, FL FIX | 2500 |
| Scoby, FL FIX | Nucar, BS FIX | 2500 |
| Nucar, BS FIX | Omaly, OA FIX | 5500 |
| Omaly, OA FIX | Lasee, OA FIX | 5500 |
| Lasee, OA FIX | Alute, OA FIX | 5500 |
| Alute, OA FIX | Rinny, OA FIX | 5500 |
| Is Amended to Read | | |
| Rinny, OA FIX | Grand Turk, BS VORTAC | 5500 |
| § 95.6001 Victor Routes—U.S. | | |
| § 95.6013 VOR Federal Airway 13 is Amended to Read in Part | | |
| Ascot, TX FIX | Solon, TX FIX | *4000 |
| *1300—MOCA | | |
| § 95.6014 VOR Federal Airway 14 is Amended to Read in Part | | |
| Chisum, NM VORTAC | Onsom, NM FIX: | |
| *6000—MOCA | E Bnd | *7000 |
| | W Bnd | *7500 |
| Onsom, NM FIX | Winns, TX FIX | *8000 |
| *6300—MOCA | | |
| Winns, TX FIX | Flatt, TX FIX | *8000 |
| *5200—MOCA | | |
| Flatt, TX FIX | Shalo, TX FIX | *5100 |
| § 95.6020 VOR Federal Airway 20 is Added to Read in Part | | |
| Ascot, TX FIX | Solon, TX FIX | *4000 |
| *1300—MOCA | | |
| § 95.6049 VOR Federal Airway 49 is Added to Read in Part | | |
| Vulcan, AL VORTAC | *Bount, AL FIX | 3100 |
| *4200—MRA | | |
| Bount, AL FIX | *Folso, AL FIX | **3100 |
| *7000—MRA | | |
| **2400—MOCA | | |
| Folso, AL FIX | Decatur, AL VOR/DME | *3000 |
| *2400—MOCA | | |
| Elked, AL FIX | Nashville, TN VORTAC | *3500 |
| Bowling Green, KY VORTAC | Mystic, KY VOR | 2700 |
| § 95.6105 VOR Federal Airway 105 is Amended to Read in Part | | |
| Phoenix, AZ VORTAC | Karlo, AZ FIX | 10000 |
| Karlo, AZ FIX | Drake, AZ VORTAC | *12000 |
| *10000—MOCA | | |
| § 95.6154 VOR Federal Airway 154 is Amended to Read in Part | | |
| Ocone, GA FIX | Savannah, GA VORTAC | *3000 |
| *1700—MOCA | | |
| § 95.6157 VOR Federal Airway 157 is Amended to Read in Part | | |
| Alma, GA VORTAC | Lotts, GA FIX | *4000 |
| *1700—MOCA | | |
| Lotts, GA FIX | Allendale, SC VOR | *9000 |
| *1700—MOCA | | |
| § 95.6159 VOR Federal Airway 159 is Amended to Read in Part | | |
| Cross City, FL VORTAC | Greenville, FL VORTAC | 2000 |

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—AMENDMENT 436—Continued

[Effective Date: August 8, 2002; Final 06/24/2002]

| From | | To | | MEA | |
|---|--|------------------------------|--|-------------------|---------|
| § 95.6163 VOR Federal Airway 163 is Amended to Read in Part | | | | | |
| Brownsville, TX VORTAC | | Manny, TX FIX | | 1500 | |
| Manny, TX FIX | | Ascot, TX FIX | | *5000 | |
| *1300—MOCA | | | | | |
| Ascot, TX FIX | | Solon, TX FIX | | *4000 | |
| *1300—MOCA | | | | | |
| Yenns, TX FIX | | San Antonio, TX VORTAC | | *3000 | |
| *2500—MOCA | | | | | |
| San Antonio, TX VORTAC | | Slimm, TX FIX | | *3500 | |
| *2900—MOCA | | | | | |
| Slimm, TX FIX | | Lampasas, TX VORTAC | | *3500 | |
| § 95.6222 VOR Federal Airway 222 is Amended to Read in Part | | | | | |
| Lake Charles, LA VORTAC | | Maxon, LA FIX | | 2000 | |
| LaGrange, GA VORTAC | | *Tiroe, GA FIX | | 2600 | |
| *4000—MRA | | | | | |
| From | | To | | MEA | MAA |
| § 95.7001 Jet Routes | | | | | |
| § 95.7056 Jet Route No. 56 is Amended to Read in Part | | | | | |
| Wasatch, UT VORTAC | | Hayden, Co VOR/DME | | 25000 | 45000 |
| § 95.7058 Jet Route No. 58 is Amended to Read in Part | | | | | |
| Milford, UT VORTAC | | Farmington, NM VORTAC | | 33000 | 45000 |
| § 95.7086 Jet Route No. 86 is Amended to Read in Part | | | | | |
| Peach Springs, AZ VORTAC | | Bavpe, AZ Fix | | 18000 | 45000 |
| Bavpe, AZ FIX | | Winslow, AZ VORTAC | | 18000 | 45000 |
| § 95.7180 Jet Route No. 180 is Amended to Read in Part | | | | | |
| Humble, TX VORTAC | | Daisetta, TX VORTAC | | 18000 | 45000 |
| Daisetta, TX VORTAC | | Cidor, LA FIX | | 18000 | 45000 |
| Cidor, LA FIX | | Fosin, LA FIX | | 19000 | 45000 |
| Fosin, LA FIX | | Sawmill, LA VOR/DME | | 18000 | 45000 |
| Sawmill, LA VOR/DME | | Little Rock, AR VORTAC | | 18000 | 45000 |
| § 95.7614 Jet Route No. 614 is Amended to Read in Part | | | | | |
| Sarasota, FL VORTAC | | Lee County, FL VORTAC | | 18000 | 45000 |
| Lee County, FL VORTAC | | Dolphin, FL VORTAC | | 18000 | 45000 |
| § 95.7616 Jet Route No. 616 is Amended to Read | | | | | |
| Sarasota, FL VORTAC | | La Belle, FL VORTAC | | 18000 | 45000 |
| La Belle, FL VORTAC | | Dolphin, FL VORTAC | | 18000 | 45000 |
| § 95.8005 Jet Routes Changeover Points Airway Segment | | | | | |
| From | | To | | Changeover points | |
| | | | | Distance | From |
| J–56 is Amended to Modify Changeover Point | | | | | |
| Wasatach, UT VORTAC | | Hayden, Co VOR/DME | | 66 | Wasatch |

[FR Doc. 02-16501 Filed 6-28-02; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 1****Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Association****AGENCY:** Commodity Futures Trading Commission.**ACTION:** Establish a new schedule of fees.

SUMMARY: The Commission charges fees to designated contract markets and the National Futures Association (NFA) to recover the costs incurred by the Commission in the operation of a program which provides a service to these entities. The fees are charged for the Commission's conduct of its program of oversight of self-regulatory rule enforcement programs (17 CFR part 1 Appendix B) (NFA and the contract markets are referred to as SROs). Newly-designated contract markets are not being assessed any fees for Fiscal 2001 because to date they have modest, if any, volume.

The calculation of the fee amounts to be charged for the upcoming year is based on an average of actual program costs incurred in the most recent three full fiscal years, as explained below. The new fee schedule is set forth in the

SUPPLEMENTARY INFORMATION and information is provided on the effective date of the fees and the due date for payment.

EFFECTIVE DATES: The fees for Commission oversight of each SRO rule enforcement program must be paid by each of the named SROs in the amount specified by no later than August 30, 2002.

FOR FURTHER INFORMATION CONTACT: Madge A. Bolinger, Acting Executive Director, Office of the Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, (202) 418-5160.

SUPPLEMENTARY INFORMATION:**I. General**

This notice relates to fees for the Commission's review of the rule enforcement programs at the registered futures associations and contract markets regulated by the Commission.

II. Schedule of Fees

Fees for the Commission's review of the rule enforcement programs at the registered futures associations and contract markets regulated by the Commission:

| Entity | Fee amount |
|--|----------------|
| Cantor Financial Futures Exchange | \$5,606 |
| Chicago Board of Trade | 199,253 |
| Chicago Mercantile Exchange .. | 192,731 |
| Kansas City Board of Trade | 9,262 |
| New York Mercantile Exchange/COMEX | 158,927 |
| Minneapolis Grain Exchange ... | 6,978 |
| National Futures Association | 206,046 |
| New York Board of Trade | 92,612 |
| Philadelphia Board of Trade | 0 |
| Total | 871,415 |

III. Background Information**A. General**

The Commission recalculates the fees charged each year with the intention of recovering the costs of operating this Commission program.¹ All costs are accounted for by the Commission's Management Accounting Structure Codes (MASC) system, which records each employee's time for each pay period. The fees are set each year based on direct program costs, plus an overhead factor.

B. Overhead Rate

The fees charged by the Commission to the SROs are designed to recover program costs, including direct labor costs and overhead. The overhead rate is calculated by dividing total Commission-wide direct program labor costs into the total amount of the Commission-wide overhead pool. For this purpose, direct program labor costs are the salary costs of personnel working in all Commission programs. Overhead costs consist generally of the following Commission-wide costs: indirect personnel costs (leave and benefits), rent, communications, contract services, utilities, equipment, and supplies. This formula has resulted in the following overhead rates for the most recent three years (rounded to the nearest whole percent): 105 percent for fiscal year 1999, and 105 percent for fiscal year 2000, and 117 percent for fiscal year 2001. These overhead rates are applied to the direct labor costs to calculate the costs of oversight of SRO rule enforcement programs.

C. Conduct of SRO Rule Enforcement Reviews

Under the formula adopted in 1993 (58 FR 42643, Aug. 11, 1993) which appears at 17 CFR part 1 appendix B, the Commission calculates the fee to recover the costs of its review of rule enforcement programs, based on a three-year average of the actual cost of performing reviews at each SRO. The cost of operation of the Commission's program of SRO oversight varies from SRO to SRO, according to the size and complexity of each SRO's program. The three-year averaging is intended to smooth out year-to-year variations in cost. Timing of reviews may affect costs—a review may span two fiscal years and reviews are not conducted at each SRO each year. Adjustments to actual costs may be made to relieve the burden on an SRO with a disproportionately large share of program costs.

The Commission's formula provides for a reduction in the assessed fee if an SRO has a smaller percentage of United States industry contract volume than its percentage of overall Commission oversight program costs. This adjustment reduces the costs so that as a percentage of total Commission SRO oversight program costs, they are in line with the pro rata percentage for that SRO of United States industry-wide contract volume.

The calculation made is as follows: The fee required to be paid to the Commission by each contract market is equal to the lesser of actual costs based on the three-year historical average of costs for that contract market or one-half of average costs incurred by the Commission for each contract market for the most recent three years, plus a pro rata share (based on average trading volume for the most recent three years) of the aggregate of average annual costs of all contract markets for the most recent three years. The formula for calculating the second factor is: $0.5a + 0.5vt = \text{current fee}$. In this formula, "a" equals the average annual costs, "v" equals the percentage of total volume across exchanges over the last three years, and "t" equals the average annual cost for all exchanges. NFA, the only registered futures association regulated by the Commission, has no contracts traded; hence its fee is based simply on costs for the most recent three fiscal years.

This table summarizes the data used in the calculations and the resulting fee for each entity:

¹ See Section 237 of the Futures Trading Act of 1982, 7 USC 16a and 31 USC 9701. For a broader

discussion of the history of Commission fees, see 52 FR 46070 (Dec. 4, 1987).