''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. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Talkeetna Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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 71.1 of Federal Aviation Administration Order 7400.9U, *Airspace Designations and Reporting Points,* signed August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas

* * * * *

AAL AK E2 Talkeetna, AK [Revised]

Talkeetna Airport, AK
(Lat. 62°19′14″ N., long. 150°05′37″ W.)
Talkeetna VOR/DME
(Lat. 62°17′55″ N., long. 150°06′20″ W.)

Within a 5-mile radius of the Talkeetna Airport, and within 2.5 miles each side of the Talkeetna VOR/DME 191° radial and within 1 mile each side of the Talkeetna VOR/DME 207° radial extending from the 5-mile radius to 8.4 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

* * * * *

Paragraph 6005 Class E Airspace Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AAL AK E5 Talkeetna, AK [Revised]

Talkeetna Airport, AK
(Lat. 62°19′14″ N., long. 150°05′37″ W.)
Talkeetna VOR/DME
(Lat 62°17′55″ W., long. 150°06′20″ W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Talkeetna Airport and within 3.2 miles each side of the Talkeetna VOR/DME 191° radial and within 2.5 miles each side of the Talkeetna VOR/DME 207° radial extending from the 7.5-mile radius to 12.4 miles southwest of the airport and that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of Talkeetna Airport.

Issued in Anchorage, AK, on July 12, 2011.

Michael A. Tarr,

Manager, Alaska Flight Services.

[FR Doc. 2011–18451 Filed 7–21–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 417

[Docket No.: FAA–2011–0181; Amendment No. 417–2]

RIN 2120–AJ84

Launch Safety: Lightning Criteria for Expendable Launch Vehicles

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; Confirmation of effective date.

SUMMARY: This action confirms the effective date of July 25, 2011, for the direct final rule issued June 8, 2011. No comments were received on this final rule.

This action amends flight criteria for mitigating against naturally occurring lightning and lightning triggered by the flight of an expendable launch vehicle through or near an electrified environment in or near a cloud. These changes also increase launch availability and implement changes already adopted by the United States Air Force.

DATES: The direct final rule published June 8, 2011 (76 FR 33139) is effective on July 25, 2011.

ADDRESSES: The complete docket for the direct final rule, Docket No. FAA–2011–0181, may be examined at *http://www.regulations.gov* at any time or go to Docket operations in Room W12–140 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.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this rule contact Karen Shelton-Mur, Office of Commercial Space Transportation, AST–300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7985; facsimile (202) 267–5463, e-mail *Karen.Shelton-Mur@faa.gov.*

For legal questions concerning this rule contact Laura Montgomery, Senior Attorney for Commercial Space Transportation, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3150; facsimile (202) 267–7971, e-mail *laura.montgomery@faa.gov.*

SUPPLEMENTARY INFORMATION:

Direct Final Rule Procedure

The FAA anticipated that this regulation would not result in adverse or negative comment and therefore is issued as a direct final rulemaking. Because the changes to the lightning commit criteria will increase launch availability and are already for U.S. Government launchs at Air Force launch ranges, the public interest is well served by this rulemaking.

The comment period closed July 8, 2011, and the FAA received no comments.

Conclusion

In light of the fact that no comments were submitted in response to the direct final rule, the FAA has determined that no further rulemaking action is necessary. Therefore, Amendment No. 417–2 takes effect as of July 25, 2011.

Issued in Washington, DC on July 18, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

[FR Doc. 2011–18586 Filed 7–21–11; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 321

Mortgage Acts and Practices—Advertising

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Final rule.

SUMMARY: Pursuant to the 2009 Omnibus Appropriations Act (Omnibus Appropriations Act), as clarified by the Credit Card Accountability, Responsibility and Disclosure Act of 2009 (Credit CARD Act), the Commission issues this Final Rule and Statement of Basis and Purpose (SBP) relating to unfair or deceptive acts and practices that may occur with regard to mortgage advertising. This Final Rule, among other things: Prohibits any misrepresentation in any commercial communication regarding any term of any mortgage credit product; and imposes certain recordkeeping requirements.

DATES: This final rule is effective August 19, 2011.

ADDRESSES: Requests for copies of this Rule and this SBP should be sent to: Public Reference Branch, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Room 130, Washington, DC 20580. The complete record of this proceeding is also available at that address. Relevant portions of the proceeding, including the Final Rule and SBP, are available at *http://www.ftc.gov*. On July 21, 2011, the Commission's rulemaking authority under the Omnibus Appropriations Act transfers to the Consumer Financial Protection Bureau (contact information available at *http://www.consumerfinance.gov*).

FOR FURTHER INFORMATION CONTACT: Laura Johnson or Carole Reynolds, Attorneys, Division of Financial Practices, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–3224.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Authority

On March 11, 2009, President Obama signed the Omnibus Appropriations Act.[1] Section 626 of that Act directed the Commission to commence, within 90 days of enactment, a rulemaking proceeding with respect to mortgage loans.[2] Section 626 also directed the FTC to use notice and comment procedures under Section 553 of the Administrative Procedure Act [3] to promulgate these rules.[4]

On May 22, 2009, President Obama signed the Credit CARD Act.[5] Section 511 of this statute clarified the Commission's rulemaking authority under the Omnibus Appropriations Act.[6]

1. Covered Acts and Practices

Section 511 of the Credit CARD Act specified that the FTC rulemaking ''shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services.'' [7] The Omnibus Appropriations Act, as clarified by the Credit CARD Act, does not otherwise specify what the Commission should include in, or exclude from, a rule, but rather directs the FTC to issue mortgage rules that ''relate to'' unfairness or deception.[8]

Section 5 of the FTC Act broadly proscribes unfair or deceptive acts or practices in or affecting commerce. An act or practice is deceptive if there is a representation, omission of information, or practice that is likely to mislead consumers who are acting reasonably under the circumstances, and the representation, omission, or practice is one that is material, *i.e.,* likely to affect consumers' decisions to purchase or use the product or service at issue.[9] Section 5(n) of the FTC Act sets forth a three-part test to determine whether an act or practice is unfair. First, the practice must be one that causes or is likely to cause substantial injury to consumers. Second, the injury must not be outweighed by countervailing benefits to consumers or to competition. Third, the injury must be one that consumers could not reasonably have avoided.[10]

Accordingly, the Commission interprets the Omnibus Appropriations Act, as clarified by the Credit CARD Act, to allow it to issue rules that prohibit or restrict unfair or deceptive conduct or that are reasonably related to the goal of preventing unfair or deceptive practices. The FTC notes, however, that all of the conduct prohibited by the Final Rule is itself deceptive.

2. Covered Entities

Section 511 of the Credit CARD Act also clarified that the Commission's rulemaking authority is limited to entities over which the FTC has jurisdiction under the FTC Act.[11] Under the FTC Act, the Commission has jurisdiction over any person, partnership, or corporation that engages in unfair or deceptive acts or practices in or affecting commerce, except, among others: [12] banks,[13] savings and loan

[1] Omnibus Appropriations Act, 2009, Public Law 111–8, 123 Stat. 524 (Omnibus Appropriations Act).

[2] *Id.* § 626(a), 123 Stat. at 678.

[3] 5 U.S.C. 553.

[4] Omnibus Appropriations Act § 626(a). Because Congress directed the Commission to use APA rulemaking procedures, the FTC did not use the procedures set forth in Section 18 of the Federal Trade Commission Act (FTC Act), 15 U.S.C. 57a.

[5] Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111–24, 123 Stat. 1734 (Credit CARD Act).

[6] *Id.* § 511.

[7] *Id.* § 511(a)(1)(B). In a separate rulemaking, the Commission issued a final rule with respect to mortgage assistance relief services. *See* Mortgage Assistance Relief Services (MARS), Final Rule, 75 FR 75092 (Dec. 1, 2010), *available at http://www.ftc.gov/os/fedreg/2010/december/R911003mars.pdf.*

[8] Credit CARD Act § 511(a)(1)(B).

[9] Federal Trade Commission Policy Statement on Deception, *appended to In re Cliffdale Assocs., Inc.,* 103 F.T.C. 110, 174–84 (1984) (Deception Policy Statement).

[10] 15 U.S.C. 45(n). Additionally, Section 5(n) of the FTC Act provides that ''[i]n determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.''

[11] Credit CARD Act § 511(a)(1)(C).

[12] *See* 15 U.S.C. 44, 45(a)(2).

[13] The FTC Act defines ''banks'' by reference to a listing of certain distinct types of depository institutions. *See* 15 U.S.C. 44, 57a(f)(2). That list includes: National banks, Federal branches of foreign banks, member banks of the Federal Reserve System, branches and agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, banks insured by the Federal Deposit Insurance Corporation (FDIC), and insured state branches of foreign banks. The Commission has jurisdiction over entities that are affiliated with banks, such as parent or subsidiary companies, that are not themselves banks. This jurisdiction is held concurrently with the Federal bank regulatory agencies (the Board of Governors of the Federal Reserve System (Federal Reserve Board or Board), the Office of the Comptroller of the Currency (OCC), the FDIC, and the Office of Thrift Supervision (OTS)) and the National Credit Union Administration (NCUA) as to their respective institutions. *See* Gramm-Leach-Bliley Act, Public Law 106–102, § 133(a), 113 Stat. 1338, 1383 (1999) (codified at 15 U.S.C. 41 note (a)); *Minnesota* v. *Fleet Mortg. Corp.,* 181 F. Supp. 2d 995 (D. Minn. 2001). The FTC also has jurisdiction over non-bank entities that provide services to or on behalf of a bank, such as credit card marketing. *See, e.g., FTC* v. *CompuCredit Corp.,* No. 08–1976, at 6–15 (N.D. Ga. Oct. 8, 2008) (magistrate judge's non-final report and recommendation) (finding that the FTC has jurisdiction under FTC Act against entity that contracted to provide services to a bank); *FTC* v. *Am. Std. Credit Sys.,* 874 F. Supp. 1080, 1086 (C.D. Cal. 1994) (dismissing argument that entity that contracted to perform credit card marketing and