

**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 97**

Air traffic control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on December 29, 2006.

**James J. Ballough,**  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, LDA w/GS, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, MLS, TLS, GLS, WAAS PA, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; § 97.35 COPTER SIAPs, § 97.37 Takeoff Minima and Obstacle Departure Procedures. Identified as follows:

\* \* \* *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
12/05/07 .....	CA	CHICO .....	CHICO MUNI .....	6/7633	VOR/DME RWY 13L, AMDT 7B.
12/04/07 .....	NC	KINSTON .....	KINSTON REGL JETPORT AT STALLINGS FLD.	6/7677	RNAV (GPS) RWY 5, AMDT 1A.
12/15/06 .....	AZ	PHOENIX .....	PHOENIX SKY HARBOR INTL .....	6/8608	ILS RWY 7L, AMDT 10A.
12/22/06 .....	GA	ATLANTA .....	NEWNAN COWETA COUNTY .....	6/9072	RNAV (GPS) RWY 14, ORIG.
12/22/06 .....	GA	ATLANTA .....	NEWNAN COWETA COUNTY .....	6/9073	RNAV (GPS) RWY 32, AMDT 1.
12/22/06 .....	GA	ATLANTA .....	NEWNAN COWETA COUNTY .....	6/9074	LOC RWY 32, AMDT 1.
12/22/06 .....	GA	ATLANTA .....	NEWNAN COWETA COUNTY .....	6/9075	VOR/DME–A, AMDT 7.
12/27/06 .....	MN	MINNEAPOLIS .....	FLYING CLOUD .....	6/9250	COPTER OR ILS RWY 10R, ORIG–C.

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**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**15 CFR Part 6**

[Docket No.: 0612213340–6339–01]

RIN 0690–AA35

**Civil Monetary Penalties; Adjustments**

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule is being issued to adjust civil monetary penalties (CMPs) provided by law within the jurisdiction of the Department of Commerce (the Department). Recent changes to the International Emergency Economic Powers Act (IEEPA), as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (Patriot Act), Public Law 109–177, increased the penalties for two violations. The intent of this rule is to

make the Department’s regulations consistent with those changes.

**DATES:** This rule is effective January 9, 2007.

**ADDRESSES:** Office of General Counsel, Department of Commerce, 1401 Constitution Avenue, NW., MS 5876, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Peter Robbins, 202–482–0846.

**SUPPLEMENTARY INFORMATION:** As part of its obligations under the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, as amended by the Debt Collection Improvement Act of 1996, the Department regularly evaluates CMPs to ensure that they continue to maintain their deterrent value and that penalty amounts due to the Federal Government are properly accounted for and collected. Under some circumstances, the Department may also need to adjust a portion of the CMPs within its jurisdiction in order to make them consistent with statutory changes.

The recent Patriot Act adjusted certain CMPs under IEEPA. A civil monetary penalty is defined as any penalty, fine, or other sanction that:

1. Is for a specific monetary amount as provided by Federal law;
2. Is assessed or enforced pursuant to Federal law; and
3. Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

This rule adjusts the affected CMPs that are codified at 15 CFR 6.4(a)(4) and 15 CFR 6.4(a)(5) in order to make them consistent with the statutory changes. The actual penalty assessed for a particular violation will continue to be dependent upon a variety of factors.

**Rulemaking Requirements**

It has been determined that this rule is not significant for purposes of Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Department for good cause finds that notice and an opportunity for comment required by the Administrative Procedure Act are unnecessary for this rulemaking. It is unnecessary to ask for notice and comment because the USA Patriot Act changed two CMPs within the Department’s jurisdiction. As such, the corresponding changes to the Department’s regulations are wholly non-discretionary. This rule merely

adjusts the Department's CMPs according to the statutory mandate. For the same reasons, there exists good cause to waive the thirty day delay in effectiveness of the rule, pursuant to 5 U.S.C. 553(d)(3).

Because notice and opportunity for comment are not required by 5 U.S.C. 553, or any other law, a Regulatory Flexibility Analysis is not required and none was prepared.

This rule does not contain information collection requirements for purposes of the Paperwork Reduction Act.

#### List of Subjects in 15 CFR Part 6

Law enforcement, Penalties.

**Lisa Casias,**

*Deputy Chief Financial Officer and Director for Financial Management.*

■ For the reasons set forth in the preamble, subtitle A of Title 15 of the Code of Federal Regulations is amended as follows:

#### PART 6—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

■ 1. The authority citation for part 6 continues to read as follows:

**Authority:** Sec. 4, as amended, and sec. 5, Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104-134, 110 Stat. 1321, 28 U.S.C. 2461 note.

■ 2. Section 6.4 is amended by revising the introductory text and paragraphs (a)(4) and (a)(5) to read as follows:

#### § 6.4 Adjustments to penalties.

The civil monetary penalties provided by law within the jurisdiction of the respective agencies or bureaus of the Department, as set forth below in this section, are hereby adjusted in accordance with the inflation adjustment procedures prescribed in Section 5, from the amounts of such penalties in effect prior to December 14, 2004, to the amounts of such penalties, as thus adjusted, except for the penalties stated in paragraphs (a)(4) and (a)(5) which became adjusted on March 9, 2006.

(a) \* \* \*

(4) 50 U.S.C. 1705(a), International Emergency Economic Powers Act—Export Administration Regulation Violation, from \$11,000 to \$50,000.

(5) 50 U.S.C. 1705(a), International Emergency Economic Powers Act—Chemical Weapons Convention Implementation Act, Import Restriction Violation, from \$11,000 to \$50,000.

\* \* \* \* \*

[FR Doc. E7-85 Filed 1-8-07; 8:45 am]

BILLING CODE 3510-17-P

## FEDERAL TRADE COMMISSION

### 16 CFR Part 18

#### Guides for the Nursery Industry

**AGENCY:** Federal Trade Commission.

**ACTION:** Confirmation of guides.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") has completed its regulatory review of the Guides for the Nursery Industry ("Guides" or "Nursery Guides"), as part of the Commission's systematic review of all current Commission regulations and guides, and, with the exception of correcting a misspelled word, has determined to retain the Guides in their current form.

**DATES:** This action is effective as of January 9, 2007.

**ADDRESSES:** Requests for copies of this notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580. The notice also is available on the Internet at the Commission's Web site, <http://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Janice Podoll Frankle, (202) 326-3022, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580. E-mail: [jfrankle@ftc.gov](mailto:jfrankle@ftc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Commission has determined, as part of its oversight responsibilities, to review its rules and guides periodically to seek information about their costs and benefits as well as their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission.

##### II. Background

The Commission issued its Nursery Guides in 1979.<sup>1</sup> These Guides address numerous sales practices for outdoor plants, trees, and flowers, including deceptive claims regarding quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, growth ability, price, and origin or place where grown.

In 1994, as part of its periodic review, the Commission amended the Nursery Guides.<sup>2</sup> Specifically, the Commission amended Guide 6 (Plants collected from

<sup>1</sup> Industry guides are administrative interpretations of laws issued by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. 16 CFR 1.5.

<sup>2</sup> 59 FR 64546 (December 14, 1994).

the wild state) and the related definitions. Guide 6 now advises sellers that it is unfair or deceptive to offer for sale plants collected from the wild state without disclosing that fact.<sup>3</sup> Additionally, the Commission amended Guides 1-8 to update legal terminology. Specifically, the Commission deleted the expressions "it is an unfair trade practice" and "has the capacity and tendency or effect of deceiving purchasers," neither of which the Commission uses in its orders, rules, or guides. The Commission substituted the language "it is an unfair or deceptive act or practice" and "misrepresents directly or by implication."<sup>4</sup>

On June 13, 2006, the Commission published a **Federal Register** notice ("FRN") seeking comment on the Nursery Guides as part of the Commission's ongoing project to review periodically its rules and guides to determine their current effectiveness and impact.<sup>5</sup> The FRN sought comment on the continuing need for the Guides; the costs and benefits of the Guides; how the 1994 amendments to Guide 6 affected the nursery industry and purchasers; and what effects, if any, technological or economic changes have had on the Guides.

### III. Regulatory Review Comments

The Commission received two comments in response to the FRN,<sup>6</sup> one from an individual<sup>7</sup> and one from the American Nursery & Landscape Association ("ANLA"). ANLA, a national trade organization formed in 1875, represents nursery and greenhouse crop growers, landscape design and installation professionals, independent garden retailers, horticultural distributors, and industry suppliers. ANLA stated that these entities collectively comprise what is commonly referred to as the "green industry," which generates annual economic output estimated at over \$147 billion. According to ANLA, the Nursery Guides cover many of the

<sup>3</sup> Guide 6 also provides that plants propagated from plants lawfully collected from the wild state may be designated as "nursery-propagated."

<sup>4</sup> See the Commission's 1983 Statement on Deception found in the appendix to Cliffdale Associates, 103 F.T.C. 110, 174 (1984).

<sup>5</sup> 71 FR 34045 (June 13, 2006).

<sup>6</sup> The comments are cited in this notice by the name of the commenter. All comments are on the public record and available for public inspection in the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. The comments also are available on the Internet at the Commission's Web site, <http://www.ftc.gov>.

<sup>7</sup> Barb Sachau ("Sachau").