

(g)(3), the operating procedures for disconnecting the battery from its charging source must be furnished.

(i) Information on the total quantity of usable fuel for each fuel tank, and the effect on the usable fuel quantity, as a result of a failure of any pump, must be furnished.

(j) Procedures for the safe operation of the airplane's systems and equipment, both in normal use and in the event of malfunction, must be furnished.

#### 24. SC 23.1587 Performance Information

Instead of compliance with § 23.1587, the following apply:

Unless otherwise prescribed, performance information must be provided over the altitude and temperature ranges required by SC 23.45(b).

(a) For all airplanes, the following information must be furnished—

(1) The stalling speeds  $V_{SO}$  and  $V_{S1}$  with the landing gear and wing flaps retracted, determined at maximum weight under § 23.49, and the effect on these stalling speeds of angles of bank up to 60 degrees;

(2) The steady rate and gradient of climb with all engines operating, determined under § 23.69(a);

(3) The landing distance, determined under SC 23.75 for each airport altitude and standard temperature, and the type of surface for which it is valid;

(4) The effect on landing distances of operation on other than smooth hard surfaces, when dry, determined under SC 23.45(g); and

(5) The effect on landing distances of runway slope and 50 percent of the headwind component and 150 percent of the tailwind component.

(b) Not Applicable.

(c) Not Applicable.

(d) In addition to paragraph (a) of this section the following information must be furnished—

(1) The accelerate-stop distance determined under SC 23.55;

(2) The takeoff distance determined under SC 23.59(a);

(3) At the option of the applicant, the takeoff run determined under SC 23.59(b);

(4) The effect on accelerate-stop distance, takeoff distance and, if determined, takeoff run, of operation on other than smooth hard surfaces, when dry, determined under SC 23.45(g);

(5) The effect on accelerate-stop distance, takeoff distance, and if determined, takeoff run, of runway slope and 50 percent of the headwind component and 150 percent of the tailwind component;

(6) The net takeoff flight path determined under SC 23.61(b);

(7) The enroute gradient of climb/descent with one engine inoperative, determined under § 23.69(b);

(8) The effect, on the net takeoff flight path and on the enroute gradient of climb/descent with one engine inoperative, of 50 percent of the headwind component and 150 percent of the tailwind component;

(9) Overweight landing performance information (determined by extrapolation and computed for the range of weights between the maximum landing and maximum takeoff weights) as follows—

(i) The maximum weight for each airport altitude and ambient temperature at which the airplane complies with the climb requirements of SC 23.63(d)(2); and

(ii) The landing distance determined under SC 23.75 for each airport altitude and standard temperature.

(10) The relationship between IAS and CAS determined in accordance with § 23.1323(b) and (c).

(11) The altimeter system calibration required by § 23.1325(e).

Issued in Kansas City, Missouri on March 28, 2006.

**David R. Showers,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 06-3294 Filed 4-5-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30487; Amdt. No. 3160]

#### Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and/or Weather Takeoff Minimums for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under

instrument flight rules at the affected airports.

**DATES:** This rule is effective April 6, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 6, 2006.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*For Purchase—*Individual SIAP and Weather Takeoff Minimums copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs and Weather Takeoff Minimums mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:**

Donald P. Pate, Flight Procedure Standards Branch (AFS-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 Title 14 of the Code of Federal Regulations, part 97 (14 CFR part 97), establishes, amends, suspends, or revokes SIAPs and/or Weather Takeoff Minimums. The complete

regulatory description of each SIAP and/or Weather Takeoff Minimums is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, 8260-5 and 8260-15A. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs and/or Weather Takeoff Minimums, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs and/or Weather Takeoff Minimums but refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP and/or Weather Takeoff Minimums contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs and/or Weather Takeoff Minimums. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and/or Weather Takeoff Minimums as contained in the transmittal. Some SIAP and/or Weather Takeoff Minimums amendments may have been previously issued by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP, and/or Weather Takeoff Minimums amendments may require making them effective in less than 30 days. For the remaining SIAPs and/or Weather Takeoff Minimums, an effective date at least 30 days after publication is provided.

Further, the SIAPs and/or Weather Takeoff Minimums contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and/or Weather Takeoff Minimums, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between

these SIAPs and/or Weather Takeoff Minimums and safety in air commerce, I find that notice and public procedure before adopting these SIAPs and/or Weather Takeoff Minimums are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs and/or Weather Takeoff Minimums 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 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on March 24, 2006.

**James J. Ballough,**

*Director, Flight Standards Service.*

### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, under Title 14, Code of Federal Regulations, part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and Weather Takeoff Minimums 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:

\* \* \* *Effective 13 April 2006*

Lexington-Parsons, TN, Beech River Regional, VOR-A, Orig  
Lexington-Parsons, TN, Beech River Regional, RNAV (GPS) RWY 1, Orig

Lexington-Parsons, TN, Beech River Regional, RNAV (GPS) RWY 19, Orig

\* \* \* *Effective 11 May 2006*

Machias, ME, Machias Valley, NDB RWY 36, Amdt 1, CANCELLED

Las Vegas, NV, McCarran Intl, RNAV (GPS) RWY 1R, Amdt 1

Angleton/Lake Jackson, TX, Brazoria County, ILS OR LOC RWY 17, Amdt 4

\* \* \* *Effective 8 June 2006*

Concord, CA, Buchanan Field, Takeoff Minimums and Textual DP, Amdt 1

Napa, CA, Napa County, RNAV (GPS) RWY 36L, Orig

Santa Monica, CA, Santa Monica Muni, Takeoff Minimums and Textual DP, Amdt 6

Tallahassee, FL, Tallahassee Regional, ILS OR LOC RWY 27, ILS RWY 27, (CAT II), Amdt 9

Brunswick, GA, Malcolm McKinnon, NDB RWY 22, Amdt 1, CANCELLED

Cornelia, GA, Habersham County, RNAV (GPS) RWY 6, Orig

Cornelia, GA, Habersham County, RNAV (GPS) RWY 24, Orig

Cornelia, GA, Habersham County, VOR/DME RWY 6, Amdt 6

Cornelia, GA, Habersham County, Takeoff Minimums and Textual DP, Amdt 2

Auburn-Lewiston, ME, Auburn-Lewiston Muni, NDB RWY 4, Amdt 11, CANCELLED

Frenchville, ME, Northern Aroostook Regional, NDB RWY 32, Amdt 6, CANCELLED

Omaha, NE, Eppley Airfield, RNAV (GPS) RWY 14L, Orig

Omaha, NE, Eppley Airfield, RNAV (GPS) RWY 32R, Orig

Omaha, NE, Eppley Airfield, ILS OR LOC/DME RWY 14L, Orig

Concord, NC, Concord Regional, RNAV (GPS) RWY 2, Orig

Concord, NC, Concord Regional, RNAV (GPS) RWY 20, Orig

Concord, NC, Concord Regional, GPS RWY 20, Orig, CANCELLED

Statesville, NC, Statesville Regional, RNAV (GPS) RWY 28, Amdt 2

Chamberlain, SD, Chamberlain Muni, RNAV (GPS) RWY 13, Orig

Chamberlain, SD, Chamberlain Muni, RNAV (GPS) RWY 31, Orig

Chamberlain, SD, Chamberlain Muni, GPS RWY 31, Orig, CANCELLED

Mc Kinney, TX, Collin County Regional at Mc Kinney, RNAV (GPS) RWY 17, Orig

Mc Kinney, TX, Collin County Regional at Mc Kinney, RNAV (GPS) RWY 35, Orig

Mc Kinney, TX, Collin County Regional at Mc Kinney, GPS RWY 17, Orig-D, CANCELLED

Mc Kinney, TX, Collin County Regional at Mc Kinney, GPS RWY 35, Orig-C, CANCELLED

Spokane, WA, Spokane Intl, ILS OR LOC RWY 21, ILS RWY 21 (CAT II), ILS RWY 21 (CAT III) Amdt 20

Beckley, WV, Raleigh County Memorial, ILS OR LOC RWY 19, Amdt 5

\* \* \* *Effective 3 August 2006*

Huslia, AK, Huslia, RNAV (GPS) RWY 3, Amdt 1

Huslia, AK, Huslia, RNAV (GPS) RWY 21, Amdt 1  
 Huslia, AK, Huslia, VOR/DME RWY 3, Orig Barre/Montpelier, VT, Edward F. Knapp State, DF RWY 35, Amdt 3, CANCELLED  
 Barre/Montpelier, VT, Edward F. Knapp State, DF Vectoring Altitudes, Orig, CANCELLED

The FAA published an Amendment in Docket No. 30484, Amdt No. 3158 to Part 97 of the Federal Aviation Regulations (Vol 71, FR No. 52, Page 13756; dated March 17, 2006) under section 97.27 effective 11 May 2006, cancellation which is hereby rescinded as follows:

Fort Pierce, FL, St. Lucie County Intl, NDB RWY 9, Orig-A, CANCELLED  
 Tampa, FL, Tampa Intl, NDB OR GPS RWY 36L, Amdt 13B, CANCELLED

[FR Doc. 06-3186 Filed 4-5-06; 8:45 am]

BILLING CODE 4910-13-P

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 279

[Release No. IA-2504]

#### Technical Amendments to Form ADV, Form ADV-W, Form ADV-H, Form ADV-E

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** The Securities and Exchange Commission (“Commission” or “SEC”) is making technical amendments to Form ADV under the Investment Advisers Act of 1940 (“Advisers Act”). Form ADV is the form advisers use to register with the Commission and the state securities regulatory authorities. The Commission is also making technical amendments to Form ADV-W, Form ADV-H, and Form ADV-E.

**DATES:** *Effective Date:* April 7, 2006.

**FOR FURTHER INFORMATION CONTACT:** Vivien Liu, Senior Counsel, or Jennifer L. Sawin, Assistant Director, at 202-551-6787 or *IArules@sec.gov*, Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-5041.

**SUPPLEMENTARY INFORMATION:** Under section 203A(a) of the Advisers Act, an adviser that is “regulated or required to be regulated” as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless the adviser has \$25 million of assets under management, or advises an investment company

registered under the Investment Company Act of 1940.<sup>1</sup> All investment advisers—regardless of the amount of assets they manage or whether they advise a registered investment company—may register with the Commission if their principal office and place of business is located in a state that has not enacted a statute regulating advisers.<sup>2</sup>

Recently the U.S. Virgin Islands enacted a statute regulating investment advisers.<sup>3</sup> As a consequence, an investment adviser with a principal office and place of business in the Virgin Islands may not register with the Commission unless it has at least \$25 million of assets under management, advises a registered investment company or is eligible to rely on one of the exemptions from the prohibition on registration contained in rule 203A-2.<sup>4</sup>

The Commission is making technical amendments to Part 1A, Item 2 of Form ADV, as well as to Form ADV-W and Form ADV-E, to reflect the addition of the U.S. Virgin Islands to the group of states with investment adviser statutes.<sup>5</sup> Form ADV-W is the form advisers use to withdraw from registration, and Form ADV-E is the cover page used to submit independent public accountants’ certification of surprise examinations under the adviser custody rule, rule

<sup>1</sup> 15 U.S.C. 80b-3a. The Commission has adopted various additional exemptions from the prohibition on SEC registration. See rule 203A-2 (17 CFR 275.203A-2).

<sup>2</sup> *Rules Implementing Amendments to the Investment Advisers Act of 1940*, Investment Advisers Act Release No. 1633 (May 15, 1997) (62 FR 28112 (May 22, 1997)). Section 202(a)(19) (15 U.S.C. 80b-2(a)(19)) of the Advisers Act defines “state” to include, in addition to the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, or any other possession of the United States.

<sup>3</sup> 9 V.I. Code Ann. §§ 601-672 (2004).

<sup>4</sup> Absent eligibility for Commission registration, these advisers are subject to the registration provisions of U.S. Virgin Islands law. In addition, advisers ineligible for Commission registration that have their principal office and place of business in the U.S. Virgin Islands may be required to register in one or more other states, if they have six or more clients that are residents of that state or have a place of business in that state. See Advisers Act section 222(d)(15) U.S.C. 80b-18a(d)).

<sup>5</sup> 17 CFR 279.1 (Form ADV); 17 CFR 279.2 (Form ADV-W); 17 CFR 279.8 (Form ADV-E). These changes include not only removing reference to the Virgin Islands from Item 2.A(2) in Part 1A of Form ADV (concerning an adviser’s eligibility to register with the Commission), but also adding check-boxes for the Virgin Islands to Item 2.B. in Part 1A of Form ADV (concerning state notice filings for SEC-registered investment advisers), and paragraph (b) of the Status section of Form ADV-W (concerning withdrawals from state investment adviser registration). These check-boxes will appear on the paper version of the Forms, but will not be available for use by electronic filers on IARD until the IARD system is reprogrammed to support the Virgin Islands’ participation in the system as a state securities administrator.

206(4)-2.<sup>6</sup> In addition, the Commission is making amendments to Form ADV-H, the form advisers use to apply for a hardship exemption from the requirement to register with the Commission electronically, and to Item 16 of the General Instructions to Form ADV, to update the Commission’s mailing address.

### I. Certain Findings

Under the Administrative Procedure Act (“APA”), notice of proposed rulemaking is not required when the agency, for good cause, finds “that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”<sup>7</sup> The Commission is making technical amendments to Part 1A, Item 2 of Form ADV, Form ADV-W and Form ADV-E in light of new legislation in the U.S. Virgin Islands and to update out-of-date cross-references, and making technical amendments to Form ADV-H and the General Instructions to Form ADV to update the Commission’s mailing address. The Commission, therefore, finds that publishing the amendments for comment is unnecessary.<sup>8</sup>

Publication of a substantive rule not less than 30 days before its effective date is required by the APA except as otherwise provided by the agency for good cause.<sup>9</sup> For the same reasons described above with respect to notice and opportunity for comment, the Commission finds that there is good cause for making these technical amendments effective on April 7, 2006.

### II. Consideration of Promotion of Efficiency, Competition, and Capital Formation

Section 202(c) of the Advisers Act requires the Commission, when engaging in rulemaking that requires it to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency,

<sup>6</sup> 17 CFR 275.206(4)-2. The Commission is also updating Form ADV-E’s cross-references to the rule to reflect the recent amendments to the rule.

<sup>7</sup> 5 U.S.C. 553(b).

<sup>8</sup> For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. See 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility Act analyses, the term “rule” means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term “rule” does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

<sup>9</sup> 5 U.S.C. 553(d).