

received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd, Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking 202-267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by establishing Class E airspace extending upward from 700 feet above the surface for a new COPTER RNAV (POINT-IN-SPACE) SIAP at Mercy Medical Center Heliport, New Hampton, IA. Controlled airspace is needed for the safety and management of IFR operations.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. 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 I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Mercy Medical Center Heliport, New Hampton, IA.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 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 FAA Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

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

\* \* \* \* \*

#### ACE IA E5 New Hampton, IA [New]

New Hampton, Mercy Medical Center Heliport, IA

Point In Space

(Lat. 43°03'11" N., long. 92°19'38" W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Mercy Medical Center Heliport point in space at lat. 43°03'11" N., long. 92°19'38" W.

Issued in Fort Worth, TX, on October 26, 2010.

**Anthony D. Roetzel,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2010-28096 Filed 11-5-10; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 437

### Disclosure Requirements and Prohibitions Concerning Business Opportunities

**AGENCY:** Federal Trade Commission.

**ACTION:** Staff Report.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") announces the publication of the Staff Report on the Business Opportunity Rule. The Staff Report sets forth the staff's recommendations to the Commission on the various proposed amendments to the Business Opportunity Rule.

**DATES:** Comments on the Staff Report must be submitted on or before January 18, 2011.

**ADDRESSES:** Interested persons are invited to submit written comments electronically or in paper form by following the instructions in the **SUPPLEMENTARY INFORMATION** section below. Comments filed in electronic form should be submitted at: <https://ftcpublish.commentworks.com/ftc/busoppulestaffreport> (and following the instructions on the web-based form). Comments filed in paper form should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 113-H, Annex S, 600 Pennsylvania Ave., NW., Washington, DC 20580, in the manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Benway (202) 326-2024, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Room H-286, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The Business Opportunity Rule, 16 CFR part 437, requires the pre-sale disclosure of information to prospective purchasers about the business opportunity and the seller.<sup>1</sup> The Business Opportunity Rule, modeled on the original Franchise Rule, mandates that business opportunity sellers make 22 separate categories of disclosures to potential buyers. The Commission has concluded that these extensive disclosure requirements impose unnecessary compliance costs on both business opportunity sellers and buyers.

The Commission's experience in conducting numerous law enforcement sweeps of the business opportunity industry, however, demonstrates that

<sup>1</sup> 16 CFR 437 *et seq.*

fraud in the sale of business opportunities is not only prevalent but persistent. Accordingly, the Commission has engaged in an ongoing effort to amend the Business Opportunity Rule to adequately protect consumers from potentially fraudulent business opportunity sellers, while at the same time minimizing compliance costs. The Commission began by publishing an initial Notice of Proposed Rulemaking in 2006.<sup>2</sup> It published a revised Notice of Proposed Rulemaking in 2008 ("RNPR"),<sup>3</sup> and held a public workshop on June 1, 2009 to discuss proposed amended disclosure requirements.<sup>4</sup>

Pursuant to the Commission's Rules of Practice, and the rulemaking procedures specified earlier in the RNPR, the Commission now announces the availability of the Staff Report on the Business Opportunity Rule. The Staff Report summarizes the rulemaking record to date, analyzes the various alternatives suggested, and sets forth the staff's recommendation to the Commission on the proposed revised Rule. The Staff Report has not been endorsed or adopted by the Commission.

The Staff Report is available at the FTC's Web site at <http://www.ftc.gov>. It is also available from the Commission's Public Reference Room, Room H-130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

The Commission invites interested parties to submit written data, views, and arguments on the recommendations announced by the Staff Report by following the instructions in the **ADDRESSES** section of this notice. Comments, however, are to be limited to those matters not already part of the rulemaking record. Further, comments previously submitted in the ongoing rulemaking procedures are already part of the rulemaking record and need not be repeated. Written communications and summaries or transcripts of any oral communications respecting the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor will also be placed on the public record. See 16 CFR 1.26(b)(5).

Please note that comments will be placed on the public record—including on the publicly accessible FTC Web site, at <http://www.ftc.gov/os/publiccomments.shtml>—and therefore should not include any sensitive or confidential information. In particular,

comments should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any "[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential" as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper (rather than electronic) form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c).<sup>5</sup>

The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area, and at the Commission, is subject to delay due to heightened security precautions.

Because U.S. postal mail is subject to delay due to heightened security measures, please consider submitting your comments in electronic form. To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink <https://ftcpublic.commentworks.com/ftc/busopprrulestaffreport>. If this Notice appears at <http://www.regulations.gov/search/index.jsp>, you also may file an electronic comment though that Web site. The Commission will consider all comments that [regulations.gov](http://www.regulations.gov) forwards to it.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in electronic or paper form. Comments received will be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov>. As a matter of discretion, the FTC makes every effort to

remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found at the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

Upon completion of the comment period, the staff will make final recommendations to the Commission about the Rule. Assuming the Commission adopts the proposed revised Rule as recommended by the staff, or after the conclusion of the comment period determines to make changes to the proposed revised Rule, it will publish in a future Federal Register notice the final text of the Rule, a statement of Basis and Purpose on the Rule, and an announcement of when the revised Rule will become effective.

By direction of the Commission.

**Richard C. Donohue,**  
Acting Secretary.

[FR Doc. 2010-28044 Filed 11-5-10; 8:45 am]

BILLING CODE 6750-01-P

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

[Release No. 34-63236; File No. S7-32-10]

RIN 3235-AK77

### Prohibition Against Fraud, Manipulation, and Deception in Connection With Security-Based Swaps

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is proposing for comment a new rule under the Securities Exchange Act of 1934 ("Exchange Act") that is intended to prevent fraud, manipulation, and deception in connection with the offer, purchase or sale of any security-based swap, the exercise of any right or performance of any obligation under a security-based swap, or the avoidance of such exercise or performance.

**DATES:** Comments should be received on or before December 23, 2010.

**ADDRESSES:** Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/proposed.shtml>); or

<sup>2</sup> 71 FR 19,056 (Apr. 12, 2006).

<sup>3</sup> 73 FR 16,110 (Mar. 28, 2008).

<sup>4</sup> 74 FR 18,712 (Apr. 24, 2009).

<sup>5</sup> FTC Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).