

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2005-21871; Airspace
Docket No. 05-ACE-25]

**Modification of Class E Airspace;
Abilene Municipal Airport, KS**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; request for
comments.

SUMMARY: An examination of the
controlled airspace for Abilene
Municipal Airport, KS has revealed a
discrepancy in the size of the Class E
airspace area. This action modifies the
Class E5 airspace area beginning at 700
feet above the surface by deleting the
airspace area extension and increasing
the radius from 6.3-miles to 6.9-miles of
the airport. This action brings the Class
E5 airspace area into compliance with
FAA directives.

DATES: This direct final rule is effective
on 0901 UTC, October 27, 2005.
Comments for inclusion in the Rules
Docket must be received on or before
August 19, 2005.

ADDRESSES: Send comments on this
proposal to the Docket Management
System, U.S. Department of
Transportation, Room Plaza 401, 400
Seventh Street, SW., Washington, DC
20590-0001. You must identify the
docket number FAA-2005-21871/
Airspace Docket No. 05-ACE-25, at the
beginning of your comments. You may
also submit comments on the Internet at
<http://dms.dot.gov>. You may review the
public docket containing the proposal,
any comments received, and any final
disposition in person in the Dockets
Office between 9 a.m. and 5 p.m.,
Monday through Friday, except Federal
holidays. The Docket Office (telephone
1-800-647-5527) is on the plaza level
of the Department of Transportation
NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT:
Brenda Mumper, Air Traffic Division,
Airspace Branch, ACE-520A, DOT
Regional Headquarters Building, Federal
Aviation Administration, 901 Locust,
Kansas City, MO 64106; telephone:
(816) 329-2525.

SUPPLEMENTARY INFORMATION: This
amendment to 14 CFR 71 modifies the
Class E airspace beginning at 700 feet
above the surface at Abilene Municipal
Airport, KS to contain Instrument Flight
Rule (IFR) operations in controlled
airspace. The area will be depicted on
appropriate aeronautical charts. Class E

airspace areas are published in
Paragraph 6005 of FAA Order 7400.9M,
Airspace Designations and Reporting
Points, dated August 30, 2004, and
effective September 16, 2004, which is
incorporated by reference in 14 CFR
71.1. The Class E airspace designations
listed in this document will be
published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this
regulation will not result in adverse or
negative comment and, therefore, is
issuing it as a direct final rule. Previous
actions of this nature have not been
controversial and have not resulted in
adverse comments or objections. Unless
a written adverse or negative comment,
or a written notice of intent to submit
an adverse or negative comment is
received within the comment period,
the regulation will become effective on
the date specified above. After the close
of the comment period, the FAA will
publish a document in the **Federal
Register** indicating that no adverse or
negative comments were received and
confirming the date on which the final
rule will become effective. If the FAA
does receive, within the comment
period, an adverse or negative comment,
or written notice of intent to submit
such a comment, a document
withdrawing the direct final rule will be
published in the **Federal Register**, and
a notice of proposed rulemaking may be
published with a new comment period.

Comments Invited

Interested parties are invited to
participate in this rulemaking by
submitting such written data, views, or
arguments, as they may desire. Comments
that provide the factual basis
supporting the views and suggestions
presented are particularly helpful in
developing reasoned regulatory
decisions on the proposal. Comments
are specifically invited on the overall
regulatory, aeronautical, economic,
environmental, and energy-related
aspects of the proposal. Communications
should identify both
docket numbers and be submitted in
triplicate to the address listed above.
Commenters wishing the FAA to
acknowledge receipt of their comments
on this notice must submit with those
comments a self-addressed, stamped
postcard on which the following
statement is made: "Comments to
Docket No. FAA-2005-21871/Airspace
Docket No. 05-ACE-25." The postcard
will be date/time stamped and returned
to the commenter.

Agency Findings

The regulations adopted herein will
not have a substantial direct effect on
the States, on the relationship between
the national Government and the States,
or on the distribution of power and
responsibilities among the various
levels of government. Therefore, it is
determined that this final rule does not
have federalism implications under
Executive Order 13132.

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. Therefore, this regulation—(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.

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 the airspace necessary to
ensure the safety of aircraft and the
efficient use of airspace. This regulation
is within the scope of that authority
since it contains aircraft executing
instrument approach procedures to
Abilene Municipal Airport.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference,
Navigation (air).

Adoption of the Amendment

■ Accordingly, the Federal Aviation
Administration amends 14 CFR part 71
as follows:

**PART 71—DESIGNATION OF CLASS A,
CLASS B, CLASS C, CLASS D, AND
CLASS E AIRSPACE AREAS;
AIRWAYS; 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, 25 FR 9565, 3 CFR, 2559–
2563 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14
CFR 71.1 of Federal Aviation

Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

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

* * * * *

ACE KS E5 Abilene, KS

Abilene Municipal Airport, KS.

(Lat. 38°54'15" N., long 97°14'09" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Abilene Municipal Airport.

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Issued in Kansas City, MO, on July 18, 2005.

Elizabeth S. Wallis,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05-14979 Filed 7-28-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-21907; Airspace Docket No. 05-ANM-11]

RIN 2120-AA66

Revocation of Compulsory Reporting Point; MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the GARRI Intersection as a compulsory reporting point. GARRI Intersection is located between the de-commissioned Drummond, MT Very High Frequency Omni-directional Range/Tactical Air Navigation (VORTAC) and Butte, MT. The FAA has determined that this intersection is no longer needed in the National Airspace System (NAS).

EFFECTIVE DATE: 0901 UTC, September 1, 2005.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

The Drummond Very High Frequency Omni-directional Range (VOR) has been out of service since April 2003, for the reasons discussed below, and the site on which the VOR was located was leased

land. In 2002, the FAA learned that the landowner had constructed a house within 1,000 feet of the VOR without providing proper notice to the FAA. The VOR was temporarily taken out of service until the impacts of the house could be identified. A subsequent flight check of the VOR indicated that the house did not cause a problem; however, large vehicles parked near the VOR facility were interfering with the integrity of the signal. As such, the GARRI Intersection as a compulsory has been NOTAMed out of service. Additionally, subsequent to this NOTAM action the Drummond VOR was decommissioned on January 13, 2004.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking GARRI Intersection as a compulsory reporting point. GARRI Intersection is located between the de-commissioned Drummond, MT VORTAC and Butte, MT. The FAA has determined this intersection is no longer needed to support the NAS. This action improves air safety and aids air traffic management.

Domestic Low Altitude Reporting Points are published in paragraph 7001 of FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Low Altitude Reporting Points listed in this document will be removed subsequently in the order.

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. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (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.

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 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 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 7001 Domestic Low Altitude Reporting Points.

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7001 [Revoked]

GARRI:

INT Drummond, MT, 092° Butte, MT, 002° radials

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Issued in Washington, DC, July 22, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05-14973 Filed 7-28-05; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 41

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-52115; File No. S7-11-01]

Technical Amendments to Rules Setting Forth the Method for Determining Market Capitalization and Dollar Value of Average Daily Trading Volume; Application of the Definition of Narrow-Based Security Index

AGENCIES: Commodity Futures Trading Commission and Securities and Exchange Commission.

ACTION: Joint technical amendment.

SUMMARY: The Commodity Futures Trading Commission ("CFTC") and the Securities and Exchange Commission ("SEC") (collectively "Commissions") are adopting technical amendments to certain references in rules under the