

**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.

\* \* \* \* \*

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.*

\* \* \* \* \*

7001 [Revoked]

GARRI:

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

\* \* \* \* \*

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]

**BILLING CODE 4910-13-P**

## **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