

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AEA-03]

Amendment to Class E Airspace; Palmyra, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace at Palmyra Airpark, Palmyra, NY. The airport has been reclassified from public to private use and instrument procedures to the airport have been cancelled. The need for Class E airspace no longer exists for Instrument Flight Rules (IFR) operations at the airport. This action will result in the airspace reverting to Class G airspace.

EFFECTIVE DATE: 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4251.

SUPPLEMENTARY INFORMATION:**History**

On February 19, 1999, a proposal to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to remove the Class E airspace extending upward from 700 feet above the surface at Palmyra Airpark, Palmyra, NY, was published in the **Federal Register** (64 FR 8272).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet AGL are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be removed subsequently from the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) removes Class E airspace at Palmyra, NY. The need for controlled airspace extending from 700 feet AGL at the Palmyra Airpark no longer exists. This area will be removed from the appropriate aeronautical charts.

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 will not have 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—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AEA NY E5, Palmyra, NY [Removed]

* * * * *

Issued in Jamaica, New York on March 23, 1999.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 99-8015 Filed 3-31-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AEA-02]

Establishment of Class E Airspace; Logan, WV

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Logan, WV. The development of new Standards Instrument Approach Procedures (SIAP) based on the Global Positioning System (GPS) to Logan County Airport, Logan, WV, requires the establishment of controlled airspace extending upward from 700 feet Above Ground Level (AGL) to accommodate the SIAPs and for Instrument Flight Rules (IFR) operations to the airport. This action is intended to provide adequate Class E airspace to contain IFR operations to Logan County Airport at Logan, WV.

EFFECTIVE DATE: 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:**History**

On February 19, 1999, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Logan, WV, was published in the **Federal Register** (64 FR 8271). A GPS RWY 6 SIAP and GPS RWY 24 SIAP have been developed for Logan County Airport. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAPs and for IFR operations at the airport.

The notice proposed to establish controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were

received. The rule is adopted as proposed.

The coordinated for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet AGL are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Logan, WV, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 6 SIAP and GPS RWY 24 SIAP to Logan County Airport.

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 will not have 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—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective

September 16, 1998, is amended as follows:

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

* * * * *

AEA WV E5 Logan, WV [New]

Logan County Airport, WV
(Lat. 37°51'20" N., long. 81°54'57" W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Logan County Airport.

* * * * *

Issued in Jamaica, New York on March 23, 1999.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 99–8014 Filed 3–31–99; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 275 and 279

[Release No. IA–1794; File No. S7–2–99]

RIN 3235–AH60

Transition Rule for Ohio Investment Advisers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (“Commission”) is adopting a new rule and form amendments under the Investment Advisers Act of 1940 for investment advisers that will be subject to a new Ohio investment adviser statute. The new rule provides a transition process for these investment advisers to switch from Commission to state registration.

EFFECTIVE DATES: Rule 203A–6 (17 CFR 275.203A–6) will become effective May 3, 1999. Amendments to Schedule I to Form ADV (279.1) will become effective on December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Jeffrey O. Himstreet, Attorney, at (202) 942–0716, Task Force on Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: The Commission is adopting rule 203A–6 (17 CFR 275.203A–6) and technical amendments to Schedule I of Form ADV (17 CFR 279.1 W), both under the Investment Advisers Act of 1940 (15 U.S.C. 80b) (“Advisers Act” or “Act”).

I. Background

Under the Advisers Act, as amended by the Investment Advisers Supervision Coordination Act (“Coordination Act”),¹ the Commission has regulatory responsibility for investment advisers that have at least \$25 million of assets under management or advise a registered investment company.² The Commission also has regulatory responsibility for advisers that have their principal place of business in a state that has not enacted an investment adviser statute, regardless of their assets under management.³ At the time the Coordination Act was adopted, Ohio was one of four states that did not have an investment adviser statute.⁴ Recently, Ohio enacted investment adviser legislation that will become effective on March 18, 1999.⁵

On January 29, 1999, we issued a release proposing rule 203A–6 (“Proposing Release”) to assist the Ohio Division of Securities and to facilitate the transition of regulatory responsibilities for smaller Ohio advisers.⁶ We also proposed technical, corresponding changes to Schedule I to Form ADV. We received two comment letters in response to the proposal, both of which supported the new rule and form amendments.⁷ The Commission is adopting rule 203A–6 and technical revisions to Schedule I to Form ADV as proposed.

II. Discussion

Under new rule 203A–6, new Ohio advisers (*i.e.*, those advisers that are not currently registered with the Commission) that would not be eligible for Commission registration would

¹ Title III of the National Securities Markets Improvement Act of 1996, Pub. L. No. 104–290, 110 Stat. 3416 (1996) (codified in scattered sections of the United States Code).

² 15 U.S.C. 80b–3A(a).

³ See Rules implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 1633 (May 15, 1997) [64 FR 28112 (May 22, 1997)] at II.E.1.

⁴ Colorado, Iowa and Wyoming also did not have investment adviser statutes at the time Congress enacted the Coordination Act. Since that time, Colorado and Iowa have enacted investment adviser legislation, and we recently amended Schedule I to Form ADV to reflect these developments. Technical Changes to Schedule I to Form ADV, Investment Advisers Act Release No. 1733A (Jan. 7, 1999) [64 FR 2120 (Jan. 13, 1999)].

⁵ H.B. 695, 122d Gen. Ass., Reg. Sess. (Ohio 1997–1998).

⁶ Transition Rule for Ohio Investment Advisers, Investment Advisers Act Release No. 1787 (Jan. 29, 1999) [64 FR 5722 (Feb. 5, 1999)].

⁷ Letter from Thomas Geyer, Commissioner, Ohio Securities Division to Jonathan G. Katz, Secretary, SEC (Feb. 17, 1999), File No. S7–2–99; Letter from Peter C. Hildreth, President, North American Securities Administrators Association, Inc. to Jonathan G. Katz, Secretary, SEC (Mar. 8, 1999), File No. S7–2–99.