

**ACE KS E5 Liberal, KS [Revised]**

Liberal Municipal Airport, KS  
(Lat. 37°02'39"N., long. 100°57'36"W.)

Liberal VORTAC

(Lat. 37°02'40"N., long. 100°58'16"W.)

Liberal Municipal Airport ILS

(Lat. 37°03'27"N., long. 100°57'23"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Liberal Municipal Airport and within 2.6 miles each side of the 027° radial of the Liberal VORTAC extending from the 6.4-mile radius to 8.7 miles northeast of the VORTAC and within 2.6 miles each side of the 153° radial of the Liberal VORTAC extending from the 6.4-mile radius to 8.7 miles southeast of the VORTAC and within 3 miles either side of the ILS localizer course extending from the 6.4-mile radius to 12 miles south of the airport and within 3 miles each side of the 206° radial of the Liberal VORTAC extending from the 6.4-mile radius to 8.7 miles southwest of the VORTAC.

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Issued in Kansas City, MO, on December 16, 1998.

**Christopher R. Blum,**

*Acting Manager, Air Traffic Division,  
Central Region.*

[FR Doc. 99-990 Filed 1-14-99; 8:45 am]

BILLING CODE 4910-13-M

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

[Airspace Docket No. 98-ACE-47]

**Amendment to Class E Airspace;  
Grinnell, IA**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which revises Class E airspace at Grinnell, IA.

**DATES:** The direct final rule published at 63 FR 64181 is effective on 0901 UTC, March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on November 19, 1998 (63 FR 64181). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse

comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on December 29, 1998.

**Jack L. Skelton,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-992 Filed 1-14-99; 8:45 am]

BILLING CODE 4910-13-M

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

[Airspace Docket No. 98-ACE-46]

**Amendment to Class E Airspace;  
Concordia, KS**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which revises Class E airspace at Concordia, KS.

**DATES:** The direct final rule published at 63 FR 63140 is effective on 0901 UTC, March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on November 12, 1998 (63 FR 63140). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on December 29, 1998.

**Jack L. Skelton,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-993 Filed 1-14-99; 8:45 am]

BILLING CODE 4910-13-M

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

[Airspace Docket No. 98-AEA-14]

RIN 2120-AA66

**Amendment of Legal Description of Jet Route J-522 in the Vicinity of Rochester, NY**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the legal description of Jet Route 522 (J-522) in the Rochester, NY, area, between the Toronto Flight Information Region/Control Area (FIR/CTA) and the Hancock Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME), NY. Specifically, this action adds Rochester as a navigation facility and changeover point on J-522. This action will enhance the management of air traffic operations and allow for better utilization of the navigable airspace.

**EFFECTIVE DATE:** Effective 0901 UTC, March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sheri Edgett Baron, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**The Rule**

This action amends 14 CFR part 71 by amending the legal description of J-522 located in the Rochester, NY, area, between the Toronto FIR/CTA and the Hancock VOR/DME. The FAA is taking this action to enhance the management of air traffic operations and allow for better utilization of the navigable airspace. The segment of J-522 between KLOPS DME Fix and the EXTOL Intersection is unusable for navigation in the current configuration and must be realigned. Realignment J-522 by adding Rochester as a navigation facility and changeover point will allow the airway to be used for navigation.

Since this action merely involves changes in the legal description of J-

522, and does not involve a change in the dimensions or operating requirements of that airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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.

Jet route designations are published in paragraph 2004 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 jet route designation listed in this document will be published subsequently in the Order.

#### 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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR 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 the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1, as follows:

*Paragraph 2004—Jet Routes*

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J-522 [Revised]

From Brainerd, MN; Green Bay, WI; Traverse City, MI; Au Sable, MI; Toronto, ON, Canada; INT Toronto 096° and Rochester, NY, 300° radials; Rochester, NY; Hancock, NY; to Kingston, NY. The airspace within Canada is excluded.

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Issued in Washington, DC, on January 7, 1999.

**Reginald C. Matthews,**

*Acting Program Director for Air Traffic Airspace Management.*

[FR Doc. 99-996 Filed 1-14-99; 8:45 am]

BILLING CODE 4910-13-P

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 275

[Release No. IA-1780; File Nos. S7-31-96; S7-7-86]

RIN 3235-AH59

#### Technical Amendments Under the Investment Advisers Act of 1940

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Corrections to final regulations.

**SUMMARY:** The Commission is making technical corrections to rules 204-1 and 202(a)(1)-1 under the Investment Advisers Act of 1940 ("Advisers Act"). Rule 204-1 was published Thursday, May 22, 1997 (62 FR 28112), under the Investment Advisers Act of 1940 ("Advisers Act"). Rule 204-1 relates to the investment adviser application for registration with the Commission. Rule 202(a)(1)-1 was published on Wednesday, September 17, 1986 (51 FR 32906), under the Advisers Act. Rule 202(a)(1)-1 relates to certain transactions not deemed "assignments" for purposes of section 205 of the Advisers Act.

**EFFECTIVE DATE:** The rule corrections will become effective on January 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey O. Himstreet, Attorney, at (202) 942-0533, Task Force on Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 5-6, Washington, D.C. 20549.

#### SUPPLEMENTARY INFORMATION:

##### A. Rule 204-1

Rule 204-1 sets forth the circumstances that require the filing of an amended investment adviser registration form. Last year, the Commission adopted amendments to

rule 204-1 to require that, among other things, an adviser file an amended Schedule I annually within 90 days of the end of the adviser's fiscal year.<sup>1</sup> In adopting that amendment and renumbering the provisions of the rule, paragraph (d) of rule 204-1 was inadvertently omitted from the rule.

Prior to effectiveness of the implementing rules, rule 204-1(d)<sup>2</sup> stated that every document required to be filed with the Commission pursuant to rule 204-1 shall constitute a "report" for purposes of sections 204<sup>3</sup> and 207<sup>4</sup> of the Advisers Act. This correction restores the language contained originally in paragraph (d) by placing this language in new paragraph (c) of rule 204-1.

##### B. Rule 202(a)(1)-1

Rule 202(a)(1)-1 provides that a transaction that does not result in a change of control or management of an adviser is "not an assignment for purposes of section 205(2) of the Act."<sup>5</sup> In 1987, Congress amended and renumbered section 205 of the Advisers Act,<sup>6</sup> and, as a result rule 202(a)(1)-1 contains an incorrect reference. The Commission is correcting this reference.

## II. Certain Findings

Under the Administrative Procedure Act ("APA"), notice of proposed rulemaking is not required when the agency for good cause finds "that notice

<sup>1</sup> See 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)], at section II.L.1.

<sup>2</sup> 17 CFR 275.204-1(d) (1995).

<sup>3</sup> 15 U.S.C. 80b-4. Section 204 requires SEC-registered advisers generally to "make and keep for prescribed periods" certain records, to furnish copies of those records as required by Commission rule, and to "make and disseminate such reports as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors." Section 204 also grants Commission representatives authority to inspect the records of SEC-registered advisers. *Id.*

<sup>4</sup> 15 U.S.C. 80b-7. Section 207 makes it unlawful for any person willfully to make any untrue statement of a material fact or to omit to state any material fact required to be stated "in any registration application or report" filed with the Commission under section 203 or 204. *Id.*

<sup>5</sup> 17 CFR 270.202(a)(1)-1. Section 205(2) prohibited certain advisers from entering into, extending, or renewing any advisory contract that allowed an assignment of the advisory contract without consent of the party to the contract. See Section 205 of the Advisers Act [15 U.S.C. 80b-5 (1985)].

<sup>6</sup> 100 Pub. L. 181, 111 Stat. 1249 (Dec. 4, 1987) (codified in scattered sections of 15 U.S.C.). The amendments to section 205 and other sections of the federal securities laws also were part of a bill to extend authorization of appropriations to the Commission. *Id.* Congress also amended section 205 in 1996, among other reasons, to grant the Commission the ability to exempt any person or transaction from section 205(a)(1). Pub. L. No. 104-296, 110 Stat. 3416 (1996).