

**§ 71.15 [Amended]**

■ 4. Section 71.15 is amended by removing the words “FAA Order 7400.9” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.31 [Amended]**

■ 5. Section 71.31 is amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.33 [Amended]**

■ 6. Paragraph (c) of § 71.33 is amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.41 [Amended]**

■ 7. Section 71.41 is amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.51 [Amended]**

■ 8. Section 71.51 is amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.61 [Amended]**

■ 9. Section 71.61 is amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.71 [Amended]**

■ 10. Paragraphs (b), (c), (d), (e), and (f) of § 71.71 are amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

**§ 71.901 [Amended]**

■ 11. Paragraph (a) of § 71.901 is amended by removing the words “FAA Order 7400.9M” and adding, in their place, the words “FAA Order 7400.9N.”

Issued in Washington, DC, on August 12, 2005.

**Sheri Edgett Baron,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05-16326 Filed 8-31-05; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 95**

**[Docket No. 30453; Amdt. No. 456]**

**IFR Altitudes; Miscellaneous Amendments**

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

**ACTION:** Correction.

**SUMMARY:** This action corrects errors in certain amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed listed in a final rule published in the **Federal Register** on August 2, 2005 (70 FR 44278).

**EFFECTIVE DATE:** 0901 UTC, September 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420),

Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 2, 2005 final rule was published in the **Federal Register** (70 FR 44278). This rule amended part 95 of the Federal Aviation Regulations (14 CFR part 95) by amending, suspending, or revoking IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95. In these amendments, the FAA inadvertently listed seven High Altitude RNAV Q Routes with GNSS MEAs only, failing to include DME/DME IRU RNAV MEAs. This action corrects that error.

**Correction to Final Rule**

■ Accordingly, and pursuant to the authority delegated to me, the legal descriptions for 94.4104 (Q104), 95.4106 (Q106), 95-4108 (Q108), 95.4110 (Q110), 95.4112 (Q-112), 95.4116 (Q-116), and 95.4118 (Q118) as published in the **Federal Register** on August 2, 2005 (70 FR 44278) and incorporated by reference in part 95 are corrected as follows:

**PART 95—[CORRECTED]**

**CORRECTION TO REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS**

[Amendment 456 Effective Date September 01, 2005]

From	To	MEA	MAA
<b>§ 95.4000 High Altitude RNAV Routes</b>			
<b>§ 95.4104 RNAV Route Q104 Is Added to Read</b>			
Cypress, FL VOR/DME ..... *18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.	Defun, FL FIX .....	#*18000	45000
<b>§ 95.4106 RNAV Route Q106 Is Added to Read</b>			
Smelz, FL FIX ..... *18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.	Gaday, AL FIX .....	#*18000	45000
<b>§ 95.4108 RNAV Route Q108 Is Added to Read</b>			
Gaday, AL FIX ..... *18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.	Clawz, GA FIX .....	#*18000	45000
<b>§ 95.4110 RNAV Route Q110 Is Added to Read</b>			
Kpasa, FL FIX .....	Feona, GA FIX .....	#*18000	45000

CORRECTION TO REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 456 Effective Date September 01, 2005]

From	To	MEA	MAA
*18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.			
<b>§ 95.4112 RNAV Route Q112 Is Added to Read</b>			
Inpin, FL FIX ..... *18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.	Defun, FL FIX .....	#*18000	45000
<b>§ 95.4116 RNAV Route Q116 Is Added to Read</b>			
Kpasa, FL FIX ..... *18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.	Ceeya, GA FIX .....	#*18000	45000
<b>§ 95.4118 RNAV Route Q118 Is Added to Read</b>			
Kpasa, FL FIX ..... *18000—GNSS MEA. #18000—DME/DME IRU RNAV MEA.	Lenie, GA FIX .....	#*18000	45000

**John M. Allen,**  
Acting Director, Flight Standards Service.  
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**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 242**

[Release No. 34-52355; File No. S7-10-04]

**Regulation NMS**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; extension of compliance date.

**SUMMARY:** The Commission is extending the compliance date for the amendment to Rule 301(b)(5) of Regulation ATS under the Securities Exchange Act of 1934 that was adopted in connection with Regulation NMS.

**DATES:** The effective date for amended Rule 301(b)(5) remains August 29, 2005. The compliance date for amended Rule 301(b)(5) is extended from August 29, 2005 to September 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Michael Gaw, (202) 551-5602, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** On June 29, 2005, the Securities and Exchange Commission (“Commission”) published in the **Federal Register** its release

adopting Regulation NMS<sup>1</sup> under the Securities Exchange Act of 1934 (“Exchange Act”). In connection with the adoption of Regulation NMS, the Commission amended Rule 301(b)(5) of Regulation ATS<sup>2</sup> under the Exchange Act (“Fair Access Rule”). The Fair Access Rule provides, among other things, that, if an alternative trading system accounts for a certain percentage of the average daily volume in a security over four of the preceding six months, it: (1) Must establish written standards for granting access to trading on its system, and (2) must not unreasonably prohibit or limit any person in respect to access to services offered by such system by applying these written standards in an unfair or discriminatory manner.<sup>3</sup> In adopting Regulation NMS, the Commission amended the Fair Access Rule to lower the fair access threshold from 20% of the average daily volume in a security to 5%. The Regulation NMS Adopting Release established an effective date and a compliance date of August 29, 2005 for the amended Fair Access Rule.

A number of questions have been raised during the implementation period regarding the application of the amended Fair Access Rule to different business models. The Commission and its staff are continuing to consider these issues as well as requests for exemptive relief. Delaying the compliance date for thirty days will permit the Commission

and its staff additional time to respond to the questions and exemptive requests.

For the reasons cited above and given the impending August 29, 2005 compliance date, the Commission, for good cause, finds that notice and solicitation of comment regarding the extension of the compliance date for the amended Fair Access Rule is impracticable, unnecessary, or contrary to the public interest.<sup>4</sup> The Commission notes that the compliance date is a few days away, and that a limited extension of the compliance date will provide the Commission and its staff with needed time to resolve implementation issues with respect to various market participants.

Further, the Commission notes that, in light of these time constraints, full notice and comment could not be completed prior to the August 29, 2005 compliance date. The change to the compliance date for amended Rule 301(b)(5) is effective immediately. This date is less than 30 days after publication in the **Federal Register**, in accordance with the Administrative Procedure Act, which allows effectiveness in less than 30 days after publication for “a substantive rule which grants or recognizes an exemption or relieves a restriction.”<sup>5</sup>

By the Commission.

<sup>1</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (“Regulation NMS Adopting Release”).

<sup>2</sup> See 17 CFR 242.300 *et seq.* Regulation ATS governs the activities of alternative trading systems.

<sup>3</sup> See 17 CFR 242.301(b)(5).

<sup>4</sup> See Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) (an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are “impracticable, unnecessary, or contrary to the public interest”).

<sup>5</sup> 5 U.S.C. 553(d)(1).