

extending from the 4.1-mile radius to 4.9 miles south of the airport.

\* \* \* \* \*

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

\* \* \* \* \*

#### ACE IA E5 Ames, IA,

Ames Municipal Airport, IA,  
(Lat. 41°59'31" N., long. 93°37'19" W.)

*That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Ames Municipal Airport.*

\* \* \* \* \*

Issued in Kansas City, MO, on December 22, 2004.

**Rosalyn R. Ward,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05-373 Filed 1-6-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19579; Airspace Docket No. 04-ACE-69]

#### Proposed Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Newton, KS

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to create a Class E surface area at Newton, KS. It also proposes to modify the Class E5 airspace at Newton, KS.

**DATES:** Comments for inclusion in the Rules Docket must be received on or before March 1, 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-2004-19579/Airspace Docket No. 04-ACE-69, 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-530A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed 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-2004-19579/Airspace Docket No. 04-ACE-69." The postcard will be date/time stamped and returned to the commenter.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Documents' Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### The Proposal

This notice proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace designated as a surface area for an airport at Newton, KS. Controlled airspace extending upward from the

surface of the earth is needed to contain aircraft executing instrument approach procedures to Newton-City-County Airport. Weather observations would be provided by an Automatic Weather Observing/Reporting System (AWOS) and communications would be direct with Wichita Terminal Radar Approach Control Facility.

This notice also proposes to revise the Class E airspace area extending upward from 700 feet above the surface at Newton, KS. An examination of this Class E airspace area for Newton, KS revealed discrepancies in its extension. This proposal would correct these discrepancies. The areas would be depicted on appropriate aeronautical charts.

Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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 proposed 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 proposed regulation is within the scope of that authority since it would contain aircraft executing instrument approach procedures to Newton-City-County Airport.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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, 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 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

**ACE KS E2 Newton, KS,**

Newton-City-County Airport, KS,  
(Lat. 38°05'26" N., long. 97°16'31" W.)  
Newton NDB,

(Lat. 38°03'51" N., long. 97°16'24" W.)

Within a 4.2-mile radius of Newton-City-County Airport and within 2.5 miles each side of the 185° bearing from the Newton NDB extending from the 4.2-mile radius of the airport to 7 miles south of the NDB.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE KS E5 Newton, KS,**

Newton-City-County Airport, KS,  
(Lat. 38°05'26" N., long. 97°16'31" W.)  
Newton NDB

(Lat. 38°03'51" N., long. 97°16'24" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Newton-City-County Airport, and within 2.5 miles each side of the 185° bearing from the Newton NDB extending from the 6.7-mile radius of the airport to 7 miles south of the NDB.

\* \* \* \* \*

Dated: Issued in Kansas City, MO, on December 22, 2004.

**Rosalyn R. Ward,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05–374 Filed 1–6–04; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[REG–128767–04]

RIN 1545–BD48

**Treatment of Disregarded Entities Under Section 752; Hearing Cancellation**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides cancellation of a public hearing for proposed regulations that provide rules under section 752 for taking into account certain obligations of a business entity that is disregarded as separate from its owner under section 856(i), 1361(b)(3), or §§ 301.7701–1 through 301.7701–3 (disregarded entity) for purposes of characterizing and allocating partnership liabilities.

**DATES:** The public hearing originally scheduled for January 14, 2005, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:**

Robin R. Jones of the Publications and Regulations Branch, Legal Processing Division at (202) 622–7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking appeared in the **Federal Register** on Thursday, August 12, 2004 (69 FR 49832). The notice of public hearing appeared in the **Federal Register** on Tuesday, November 30, 2004 (69 FR 69557) announcing that a public hearing was scheduled for January 14, 2005, at 10 a.m., in the auditorium. The subject of the public hearing is proposed regulations under section 752 of the Internal Revenue Code. The public comment period for these regulations expired on November 10, 2004. Outlines of oral comments were due on December 24, 2004.

The notice of public hearing, instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Tuesday, January 4, 2005, no one has requested to speak. Therefore, the public hearing scheduled for January 14, 2005, is cancelled.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 05–393 Filed 1–4–05; 4:19 pm]

**BILLING CODE 4830–01–U**

**DEPARTMENT OF HOMELAND SECURITY****33 CFR Part 151**

[USCG–2004–19621]

RIN 1625–AA89

**Dry Cargo Residue Discharges in the Great Lakes; Correction**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of inquiry; correction.

**SUMMARY:** The Coast Guard published a document in the **Federal Register** of December 27, 2004, requesting information about the current status of dry cargo operations on the Great Lakes. The document contained an incorrect **ACTION** caption.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander Mary Sohlberg, U.S. Coast Guard, Environmental Standards Division, telephone: (202) 267–0713, e-mail: [msohlberg@comdt.uscg.mil](mailto:msohlberg@comdt.uscg.mil).

**Correction**

In the **Federal Register** of December 27, 2004, in FR Doc. 04–28227, (69 FR 77147), correct the **ACTION** caption to read:

**ACTION:** Notice of inquiry.

Dated: December 30, 2004.

**David L. Nichols,**

*CDR, USCG Chief, Office of Regulations and Administrative Law, Acting.*

[FR Doc. 05–215 Filed 1–6–05; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[COTP Mobile–04–057]

RIN 1625–AA87

**Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish permanent security zones around all cruise ships while transiting or moored in the Port of Mobile and Mobile Ship Channel shoreward of the Mobile Sea Buoy. These proposed security zones are needed to ensure the safety and security of these vessels. Entry into these proposed zones would be prohibited unless specifically authorized by the Captain of the Port Mobile or a designated representative.