

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

[Docket No. FAA-2004-19581; Airspace Docket No. 04-ACE-71]

**Proposed Establishment of Class E Airspace; and Modification of Class E5 Airspace; Ankeny, IA**

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

**ACTION:** Notice of proposed rulemaking.

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

**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-2004-19581/Airspace Docket No. 04-ACE-71, 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) 329-2524.

**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-2004-19581/Airspace Docket No. 04-ACE-71." The postcard will be date/time stamped and returned to the commenter.

**Availability of NPRM's**

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 Document's 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 NPRM's 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 Ankeny, IA. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures to Ankeny Regional Airport. Weather observations would be provided by an Automatic Weather Observing/Reporting System (AWOS) and communications would be direct with Des Moines 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 Ankeny, IA. An examination of this airspace area revealed there is inadequate controlled airspace to protect for diverse departures. The examination also identified that one of the airspace extensions is unnecessary and the other does not comply with FAA airspace directives. This proposal would correct these discrepancies by expanding the area from a 7-mile to a 7.1-mile radius of Ankeny Regional

Airport, eliminating the north extension, modifying the northeast extension, defining airspace of appropriate dimensions to protect aircraft departing and executing instrument approach procedures to Ankeny Regional Airport and bringing the airspace area into compliance with FAA directives. Both 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 Ankeny Regional 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 IA E2 Ankeny, IA**

Ankeny Regional Airport, IA  
(Lat. 41°41'28" N., long. 93°33'59" W.)  
Ankeny NDB  
(Lat. 41°41'55" N., long. 93°33'50" W.)

Within a 4.6-mile radius of Ankeny Regional Airport, and within 2.5 miles each side of the 046° bearing from the Ankeny NDB extending from the 7-mile radius of the airport to 7 miles northeast of the NDB, excluding that portion within the Des Moines Class C airspace area.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE IA E5 Ankeny, IA**

Ankeny Regional Airport, IA  
(Lat. 41°41'28" N., long. 93°33'59" W.)  
Ankeny NDB  
(Lat. 41°41'55" N., long. 93°33'50" W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Ankeny Regional Airport, and within 2.5 miles each side of the 046° bearing from the Ankeny NDB extending from the 7.1-mile radius of the airport to 7 miles northeast of the NDB, excluding that portion within the Des Moines Class C and E airspace areas.

\* \* \* \* \*

Issued in Kansas City, MO, on January 3, 2005.

**Anthony D. Roetzel,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05–969 Filed 1–18–05; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF JUSTICE**

**Civil Rights Division**

**28 CFR Parts 35 and 36**

[CRT Docket No. 2004–DRS01]

RIN 1190–AA46 and 1190–AA44

**Nondiscrimination on the Basis of Disability in State and Local Government Services; Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities**

**AGENCY:** Department of Justice, Civil Rights Division.

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On September 30, 2004, the Department of Justice published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register**, 69 FR 58768, in order to begin the process of adopting Parts I and III of the revised guidelines implementing the Americans with Disabilities Act of 1990 (ADA) and the Architectural Barriers Act of 1968 (ABA), published by the Architectural and Transportation Barriers Compliance Board (Access Board) on July 23, 2004, at 69 FR 44083. The comment period is scheduled to close on January 28, 2005. The Department of Justice is extending the comment period until May 31, 2005, in order to provide additional time for the public to prepare comments.

**DATES:** All comments must be received by May 31, 2005.

**ADDRESSES:** Submit electronic comments and other data to <http://www.adaanprm.org> or <http://www.regulations.gov>. See

**SUPPLEMENTARY INFORMATION—***Electronic Submission of Comments and Electronic Access* for file formats and other information about electronic filing. Address all written comments concerning the ANPRM to P.O. Box 1032, Merrifield, VA 22116–1032.

**FOR FURTHER INFORMATION CONTACT:**

Anne Beckman or Kate Nicholson, Attorneys, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, at (202) 307–0663 (voice or TTY). This is not a toll-free number. Information may also be obtained from the Department's toll-free ADA Information Line at (800) 514–0301 (voice) or (800) 514–0383 (TTY).

You may obtain copies of this notice in large print, audiotape, or computer disk by calling the ADA Information Line at (800) 514–0301 (voice and (800) 514–0383 (TTY). This notice is also

available in an accessible format on the ADA Home Page at <http://www.ada.gov>.

**SUPPLEMENTARY INFORMATION:**

**Extension of Comment Period**

The Department of Justice published an ANPRM in the **Federal Register**, 69 FR 58768, on September 30, 2004, in order to begin the process of adopting Parts I and III of the revised guidelines implementing the ADA and the ABA, which were published by the Access Board on July 23, 2004, at 69 FR 44083. Following publication of the ANPRM, the Department received requests from a variety of interested parties to extend the deadline for public comment, citing the complexity of the data requests, the need to distribute surveys, the overlap of the comment period with the holiday season, and the need for additional time in order to provide an informed response to the Department's questions. The Department has decided to extend the comment period until May 31, 2005. The Department believes this extension is ample for an "advance" notice of proposed rulemaking, which is merely a preparatory stage in rulemaking process. Interested parties will receive another opportunity to comment when the Department issues a formal notice of proposed rulemaking. The revised guidelines, which are the subject of the ANPRM, will have no legal effect on the public until they are adopted by the Department of Justice in the final stage of the rulemaking process.

Comments on the ANPRM may be provided by May 31, 2005 online at <http://www.adaanprm.org>, or by mail, at P.O. Box 1032, Merrifield, VA 22116–1032.

**R. Alexander Acosta,**

*Assistant Attorney General, Civil Rights Division.*

[FR Doc. 05–1015 Filed 1–18–05; 8:45 am]

**BILLING CODE 4410–13–M**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R05–OAR–2004–OH–0003; FRL–7850–5]

**Approval and Promulgation of State Implementation Plans; Ohio; Revised Oxides of Nitrogen (NO<sub>x</sub>) Regulation and Revised NO<sub>x</sub> Trading Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On June 28, 2004, Ohio submitted an oxides of nitrogen (NO<sub>x</sub>) State Implementation Plan (SIP)