

**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.

**DATES:** Comments and related material must reach the Coast Guard on or before February 7, 2005.

**ADDRESSES:** You may mail comments and related material to Marine Safety Office Mobile, Brookley Complex, Bldg 102, South Broad Street, Mobile, AL 36615-1390, Attn: LT Maurice York. Marine Safety Office Mobile maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Mobile, Brookley Complex, Bldg 102, South Broad Street, Mobile, AL 36615-1390 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (LT) Maurice York, Operations Department, Marine Safety Office Mobile, at (251) 441-5940.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [COTP Mobile 04-057], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine Safety Office Mobile at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

On September 11, 2001, both towers of the World Trade Center and the Pentagon were attacked by terrorists. The President has continued the national emergencies he declared following those attacks (69 FR 55313 (Sep. 13, 2004) (continuing the

emergency declared with respect to terrorist attacks); 69 FR 56923 (Sep. 22, 2004) (continuing emergency with respect to persons who commit, threaten to commit or support terrorism). The President also has found pursuant to law, including the Magnuson Act (50 U.S.C. 191 *et seq.*), that the security of the United States is and continues to be endangered following the terrorist attacks (E.O. 13,273, 67 FR 56215 (Sep. 3, 2002) (security of U.S. endangered by disturbances in international relations of U.S. and such disturbances continue to endanger such relations). In response to these terrorist acts and warnings, heightened awareness for the security and safety of all vessels, ports, and harbors is necessary.

On November 12, 2004, the Coast Guard published a temporary final rule entitled "Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL" (69 FR 65373). This temporary final rule established security zones around cruise ships when transiting the Mobile Ship Channel and Port of Mobile, as well as when moored in the Port of Mobile. This temporary final rule will expire at 6 p.m. on April 14, 2005. However, due to the increased security concerns surrounding the transit of cruise ships, the Captain of the Port Mobile is proposing to establish permanent security zones around all cruise ships while such vessels are transiting the Mobile Ship Channel or Port of Mobile, and while moored in the Port of Mobile.

**Discussion of Proposed Rule**

The Captain of the Port Mobile proposes to establish permanent security zones for the Port of Mobile and Mobile Ship Channel. This proposed rule would establish security zones that prohibit movement within 25 yards of all cruise ships while moored in the Port of Mobile, and would prohibit movement within 100 yards of any cruise ship while transiting the Mobile Ship Channel or the Port of Mobile. For the purpose of this rule the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories. This definition covers passenger vessels that must comply with 33 CFR parts 120 and 128.

These security zones would be enforced when a cruise ship transiting inbound passes the Mobile Sea Buoy in approximate position 28°07'50" N, 88°04'12" W, at all times during transit through the Mobile Ship Channel and Port of Mobile, and while moored in the

Port of Mobile. A security zone would also exist during each cruise ship's transit outbound of the Port of Mobile and the Mobile Ship Channel. Enforcement of the security zones would cease once the cruise ship passes the Mobile Sea Buoy on its outbound voyage.

These proposed security zones are needed to protect the safety of life, property, and the environment in the area. All vessels would be prohibited from moving within these zones unless specifically authorized by the Captain of the Port Mobile, or a designated representative. Persons or vessels that desire to enter into one of these proposed security zones for the purpose of passing or overtaking a cruise ship that is in transit on the Mobile Ship Channel or in the Port of Mobile would be required to contact the on-scene Coast Guard representative, request permission to conduct such action, and receive authorization from the on-scene Coast Guard representative prior to initiating such action. The on-scene Coast Guard representative may be contacted on VHF-FM channel 16. All persons and vessels authorized to enter into a security zone must obey any direction or order of the Captain of the Port or designated representative.

The Captain of the Port Mobile or a designated representative would inform the public through broadcast notice to mariners of the enforcement periods for the security zone.

**Regulatory Evaluation**

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

These proposed security zones would only be enforced while cruise ships are located shoreward of the Mobile Sea Buoy, are transiting the Mobile Ship Channel, and are moored in the Port of Mobile. Once a cruise ship is moored in the Port of Mobile, the security zone would be reduced to 25 yards. While the cruise ship is moored, other vessels would be able to safely transit around this zone provided they approach no

closer than 25 yards. Additionally, while a cruise ship is in transit on the Mobile Ship Channel or in the Port of Mobile, the Captain of the Port or a designated representative may allow other persons or vessels to enter into the security zone for the purpose of passing or overtaking a cruise ship if such persons or vessels obtain permission from the on-scene Coast Guard representative prior to initiating such action.

Notifications of the enforcement periods of this security zone would be made to the marine community through broadcast notice to mariners. The impacts on routine navigation are expected to be minimal.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the waters of the Port of Mobile or the Mobile Ship Channel while cruise ships are shoreward of Mobile Sea Buoy.

This proposed rule zone would not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This proposed rule would only be enforced while cruise ships are shoreward of the Mobile Sea Buoy; (2) Once a cruise ship is moored in the Port of Mobile, the security zone would be reduced to 25 yards and other vessels would be able to safely transit around this zone provided they approach no closer than 25 yards; (3) The Captain of the Port Mobile may permit vessels to transit through the security zone for the purpose of passing or overtaking a transiting cruise ship if permission is sought and obtained from the on-scene Coast Guard representative prior to initiating such action. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment

(see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant (LT) Maurice York, Operations Department, Marine Safety Office Mobile, at (251) 441–5940. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### **Collection of Information**

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### **Taking of Private Property**

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### **Civil Justice Reform**

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Protection of Children**

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### **Indian Tribal Governments**

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### **Energy Effects**

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that Order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or

adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because this rule is not expected to result in any significant adverse environmental impact as described in the National Environmental Policy Act of 1969 (NEPA).

A draft “Environmental Analysis Check List” and a draft “Categorical Exclusion Determination” are available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.835 to read as follows:

##### **§ 165.835 Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL.**

(a) *Definition.* As used in this section—

*Cruise Ship* means a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its

territories. This definition covers passenger vessels that must comply with 33 CFR parts 120 and 128.

(b) *Location.* The following areas are security zones: all waters of the Port of Mobile and Mobile Ship Channel?

(1) Within 100 yards of a cruise ship that is transiting shoreward of the Mobile Sea Buoy (located in approximate position 28°07′50″ N, 88°04′12″ W; NAD 83), and

(2) Within 25 yards of a cruise ship that is moored shoreward of the Mobile Sea Buoy.

(c) *Periods of enforcement.* This rule will only be enforced when a cruise ship is transiting the Mobile Ship Channel shoreward of the Mobile Sea Buoy, while transiting in the Port of Mobile, or while moored in the Port of Mobile. The Captain of the Port Mobile or a designated representative would inform the public through broadcast notice to mariners of the enforcement periods for the security zone.

(d) *Regulations.* (1) Under § 165.33, entry into a security zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

(2) While a cruise ship is transiting on the Mobile Ship Channel shoreward of the Mobile Sea Buoy, and while transiting in the Port of Mobile, all persons and vessels are prohibited from entering within 100 yards of a cruise ship.

(3) While a cruise ship is moored in the Port of Mobile, all persons and vessels are prohibited from entering within 25 yards of a cruise ship.

(4) Persons or vessels that desire to enter into the security zone for the purpose of passing or overtaking a cruise ship that is in transit on the Mobile Ship Channel or in the Port of Mobile must contact the on-scene Coast Guard representative, request permission to conduct such action, and receive authorization from the on-scene Coast Guard representative prior to initiating such action. The on-scene Coast Guard representative may be contacted on VHF–FM channel 16.

(5) All persons and vessels authorized to enter into this security zone must obey any direction or order of the Captain of the Port or designated representative. The Captain of the Port Mobile may be contacted by telephone at (251) 441–5976. The on-scene Coast Guard representative may be contacted on VHF–FM channel 16.

(6) All persons and vessels must comply with the instructions of the Captain of the Port Mobile and designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned,

warrant, and petty officers of the U.S. Coast Guard.

Dated: December 6, 2004.

**Steven D. Hardy,**

*Captain, U.S. Coast Guard, Captain of the Port Mobile.*

[FR Doc. 05–379 Filed 1–6–05; 8:45 am]

**BILLING CODE 4910–15–P**

#### DEPARTMENT OF COMMERCE

##### **37 CFR Part 404**

[Docket No. 040305084–4084–01]

**RIN 0692–AA19**

#### **Assistant Secretary for Technology Policy; Licensing of Government Owned Inventions**

**AGENCY:** Assistant Secretary for Technology Policy, Department of Commerce (DOC).

**ACTION:** Notice of proposed rule making; request for comments.

**SUMMARY:** This proposed rule incorporates several changes made by the Technology Transfer Commercialization Act of 2000 with respect to the granting of licenses by Federal agencies on Federally owned inventions. It also streamlines the licensing procedures to focus primarily on statutory requirements.

**DATES:** Comments must be received no later than February 7, 2005.

**ADDRESSES:** Comments on the proposed revisions must be submitted to: Mr. John Raubitschek, Office of the Chief Counsel for Technology, Room 4835, HCHB, Department of Commerce, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Raubitschek, Patent Counsel, at telephone: (202) 482–8010.

**SUPPLEMENTARY INFORMATION:** *Summary of the Proposed Amendments:*

1. DOC proposes to revise the index of sections to remove § 404.9 which would become reserved and to modify the title of § 404.7 to add “co-exclusive.”

2. DOC proposes to revise § 404.1 to change the effective date of the regulation and remove the reference to the first licensing regulation in 1981. Other proposed changes include the adding of additional examples of licenses which would not be subject to the regulation, including exchange of rights in settlements of patent disputes, licenses and assignments of certain joint inventions as authorized by 35 U.S.C. 202(e) or of inventions under cooperative research and development agreements (CRADAs) as authorized by