

## ESTIMATED COSTS

| Action                      | Work hours | Average labor rate per hour | Parts          | Cost per airplane | Number of U.S.-registered airplanes | Fleet cost |
|-----------------------------|------------|-----------------------------|----------------|-------------------|-------------------------------------|------------|
| Inspection, per cycle ..... | 8          | \$65                        | None required. | \$520             | 63                                  | \$32,760   |
| Replacement .....           | 10         | 65                          | 0 .....        | 650               | 63                                  | 40,950     |

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Gulfstream Aerospace LP (Formerly Israel Aircraft Industries, Ltd.):** Docket No. FAA-2004-19564; Directorate Identifier 2004-NM-103-AD.

**Comments Due Date**

(a) The Federal Aviation Administration must receive comments on this AD action by December 10, 2004.

**Affected ADs**

- (b) None.

**Applicability**

(c) This AD applies to Model Galaxy and Gulfstream 200 airplanes, certificated in any category, serial numbers 004 through 084 inclusive.

**Unsafe Condition**

(d) This AD was prompted by a report of an oxygen leak in the cockpit mask box. We are issuing this AD to prevent a broken oxygen supply line, which could result in oxygen being unavailable to the flightcrew.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Inspection**

(f) Within 50 flight hours after the effective date of this AD, perform a general visual inspection for damage of the flexible supply lines of the pilot and copilot oxygen mask boxes. Use the Accomplishment Instructions of Gulfstream Alert Service Bulletin 200-35A-202, Revision 1, dated August 27, 2003, to do the inspection. If any damage is found, perform corrective actions before further flight in accordance with the service bulletin. All replacement parts must be new or serviceable. Repeat the inspection thereafter at intervals not to exceed 50 flight hours until the replacement required by paragraph (g) of this AD has been done.

**Note 1:** For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

**Replacement**

(g) Within 300 flight hours after the effective date of this AD, replace the flexible supply lines with new rigid tubes, in accordance with the Accomplishment Instructions of Gulfstream Alert Service Bulletin 200-35A-202, Revision 1, dated August 27, 2003. This replacement terminates the repetitive inspection requirement of paragraph (f) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(h) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

**Related Information**

(i) Israeli airworthiness directive 35-03-07-12, dated July 21, 2003, also addresses the subject of this AD.

Issued in Renton, Washington, on November 1, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-25034 Filed 11-9-04; 8:45 am]

**BILLING CODE 4910-13-P**

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

[Docket No. FAA-2004-19504; Airspace Docket No. 04-ACE-64]

**Proposed Establishment of Class E2 Airspace; Wichita Colonel James Jabara Airport, KS.**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to create a Class E surface area at Wichita Colonel James Jabara Airport, KS.

**DATES:** Comments for inclusion in the Rules Docket must be received on or before December 22, 2004.

**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-2004-19504/ Airspace Docket No. 04-ACE-64, 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:

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2525.

#### 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-2004-19504/Airspace Docket No. 04-ACE-64". 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 Regulation (14 CFR Part 71) to establish Class E airspace designated as a surface area for Colonel James Jabara Airport at Wichita, KS. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures. Weather observations would be provided by an Automated Surface Observing System (ASOS) and communications would be direct with Wichita Approach Control. The area 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. The Class E airspace designation 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.

#### 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 Wichita Colonel James Jabara Airport, KS

Wichita, Colonel James Jabara Airport, KS (Lat. 37°44'51" N., long. 97°13'16" W.)

Within a 4-mile radius of Colonel James Jabara Airport; excluding that airspace within the Wichita Mid-Continent Airport, KS Class C airspace area and the Wichita, McConnell AFB, KS Class D airspace area.

\* \* \* \* \*

Issued in Kansas City, MO, on October 29, 2004.

**Anthony D. Roetzel,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 04-24977 Filed 11-9-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-114726-04]

RIN 1545-BD23

#### Distributions From a Pension Plan Under a Phased Retirement Program

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice of proposed rulemaking contains proposed amendments to the Income Tax Regulations under section 401(a) of the Internal Revenue Code. These proposed regulations provide rules permitting distributions to be made from a pension plan under a phased retirement program and set forth requirements for a bona fide phased retirement program. The proposed regulations will provide the public with guidance regarding distributions from qualified pension plans and will affect administrators of, and participants in, such plans.

**DATES:** Written or electronic comments and requests for a public hearing must be received by February 8, 2005.