

Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### 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):

**Boeing:** Docket No. FAA-2005-20473; Directorate Identifier 2004-NM-156-AD.

### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by April 18, 2005.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Boeing Model 757-200, -200PF, and -300 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 757-24A0099, and Boeing Alert Service Bulletin 757-24A0100; both dated March 25, 2004.

### Unsafe Condition

(d) This AD was prompted by reports indicating that during inspections on two airplanes, the ground brackets for the auxiliary power unit (APU) battery were found damaged. We are issuing this AD to detect and correct a damaged electrical bonding surface of the APU battery and APU start transformer rectifier unit (TRU) ground connections, which could cause overheating of the ground connections and lead to possible consequent ignition of the adjacent insulating blankets.

### 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 of Ground Connections

(f) Within 18 months after the effective date of this AD, perform a general visual inspection for damage of the ground brackets, ground wires, and terminal lugs of the APU battery and APU start transformer rectifier unit (TRU), and do any corrective and related investigative actions; by doing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 757-24A0099 (for Model 757-200 and -200PF series airplanes), or Boeing Alert Service Bulletin 757-24A0100 (for Model 757-300 series airplanes); both dated March 25, 2004; as applicable.

**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 normal available lighting conditions such as daylight, hangar lighting, flashlight or drop-light 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."

### Alternative Methods of Compliance (AMOCs)

(g) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Issued in Renton, Washington, on February 18, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-4080 Filed 3-2-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2005-20246; Airspace Docket No. 04-ASO-15]

RIN 2120-AA66

### Proposed Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Charlotte, NC

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish four Area Navigation (RNAV) Instrument Flight Rules (IFR) Terminal Transition Routes (RITTR) in the Charlotte, NC, terminal area. RITTR's are low altitude Air Traffic Service (ATS) routes, based on RNAV, for use by aircraft having IFR-approved Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipment. The purpose of RITTR is to expedite the handling of IFR overflight traffic through busy terminal airspace areas. The FAA is proposing this action to enhance safety and to improve the efficient use of the navigable airspace in the Charlotte, NC, terminal area.

**DATES:** Comments must be received on or before April 18, 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 FAA Docket No. FAA-2005-20246 and Airspace Docket No. 04-ASO-15, at the beginning of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**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 (FAA Docket No. FAA-2005-20246 and Airspace Docket No. 04-ASO-15) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2005-20246 and Airspace Docket No. 04-ASO-15." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## 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 **Federal Register's** Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal

Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

## Background

In March 2000, the Aircraft Owners and Pilots Association (AOPA) requested that the FAA take action to develop and chart IFR RNAV airways for use by aircraft having IFR-approved Global Positioning System (GPS) equipment. Of particular interest was the use of RNAV to assist IFR pilots transiting through busy terminal airspace areas. Due to the density of air traffic in some areas, en route aircraft are not always able to fly on the existing Federal airway structure when transiting congested terminal airspace. In such cases, air traffic control (ATC) is often required to provide radar vectors to reroute aircraft transitioning through the area to avoid the heavy flow of arriving and departing aircraft. AOPA stated that RNAV airways would facilitate more direct routings than are possible with the current Federal airway system and would provide pilots with easier access through terminal airspace. In addition, AOPA promoted the expanded use of RNAV airways throughout the National Airspace System (NAS) to exploit the benefits and capabilities of RNAV.

In response to the AOPA request, a cooperative effort was launched involving the FAA, AOPA, and the Government/Industry Aeronautical Charting Forum. This effort began with the development of RNAV routes to provide more direct routing for en route IFR aircraft to transition through busy terminal airspace areas. The first step in this effort was the development of 12 IFR transition routes to expedite the handling of IFR overflight traffic through the Charlotte/Douglas International Airport, NC, Class B airspace area. The Charlotte IFR Transition routes became effective on January 30, 2001, and are currently published in the Southeast U.S. volume of the Airport/Facility Directory (A/FD). The action proposed in this notice represents the next step in this effort. Specifically, the development of charted RITTR's to replace the Charlotte transition routes described above. These proposed RITTR's would be depicted on the appropriate low altitude IFR en route charts in lieu of publication in the A/FD.

In the future, the FAA plans to propose RITTR's at additional busy terminal areas where it is expected that they would enhance the safety and efficient use of the navigable airspace.

## RITTR Objective

The objective of the RITTR program is to enhance the expeditious movement of IFR overflight traffic around or through congested terminal airspace using IFR-approved RNAV equipment. RITTR's would enhance the ability of pilots to navigate through the area without reliance on ground-based navigation aids or ATC radar vectors. To facilitate this goal, and reduce ATC workload, RITTR routes are designed based on both the radar vector tracks routinely used by ATC to radar vector aircraft through or around the affected terminal area, and on existing VOR Federal airways. The routes would begin and terminate at fixes or NAVAIDs located along existing VOR Federal airways in order to provide connectivity with the low-altitude en route structure. Initially, only Global Navigation Satellite System (GNSS)-equipped aircraft that are capable of filing flight plan equipment suffix "/G" would be able to use RITTR's.

## RITTR Identification and Charting

RITTR routes would be identified by the letter "T" prefix followed by a three digit number. The "T" prefix is one of several International Civil Aviation Organization (ICAO) designators used to identify domestic RNAV routes. The FAA has been allocated the letter "T" prefix and the number block 200 to 500 for use in naming these routes. The FAA would use the "T" prefix for RNAV routes in the low altitude en route structure of the NAS, including RITTR.

RITTR's would be depicted in blue on the appropriate IFR en route low altitude chart(s). Each route depiction would include a Global Navigation Satellite System (GNSS) Minimum Enroute Altitude (MEA) to ensure obstacle clearance and communications reception. The FAA plans to publish information about the RITTR program in the Aeronautical Information Manual (AIM) and the Notices to Airmen Publication (NTAP). In addition, a Charting Notice would be issued by the FAA's National Aeronautical Charting Office to explain the charting changes associated with the RITTR's.

## Related Rulemaking

On April 8, 2003, the FAA published the Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes, and Reporting Points rule in the **Federal Register** (68 FR 16943). This

rule adopted certain amendments proposed in Notice No. 02–20, RNAV and Miscellaneous Amendments. The rule revised and adopted several definitions in FAA regulations including Air Traffic Service Routes, to be in concert with ICAO definitions; and reorganized the structure of FAA regulations concerning the designation of Class A, B, C, D, and E airspace areas; airways; routes; and reporting points. The purpose of the rule was to facilitate the establishment of RNAV routes in the NAS for use by aircraft with advanced navigation system capabilities.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to establish four RNAV IFR Terminal Transition Routes (RITTR) in the Charlotte, NC, terminal area. The routes would be designated T–200, T–201, T–202, and T–203, and would be depicted on the appropriate IFR Enroute Low Altitude charts. RITTR’s are low altitude Air Traffic Service routes, similar to VOR Federal airways, but based on GNSS navigation. RNAV-equipped aircraft capable of filing flight plan equipment suffix “/G” may file for these routes.

If implemented, the RITTR routes proposed in this notice would replace the 12 Charlotte IFR Transition Routes that are currently published in the A/FD. Those Transition Routes would then be cancelled and removed from the A/FD.

The RITTR’s described in this notice are being proposed to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route IFR operations transitioning through the Charlotte Class B airspace area.

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. Therefore, this proposed regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (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 proposed 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.

**Environmental Review**

RITTR’s are low altitude Air Traffic Service routes, comparable to VOR Federal airways, but based on area navigation systems. RITTR’s are designed using both existing VOR Federal airways and current radar vector tracks routinely used by ATC to route aircraft through or around the affected

terminal area. The FAA determined, therefore, that this action qualifies for a categorical exclusion from further environmental analysis under the National Environmental Policy Act of 1969 in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” paragraphs 311a, 311b, and 311k.

**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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6011—Area Navigation Routes.*

\* \* \* \* \*

**T-200 Foothills, GA to Florence, SC [New]**

Foothills, GA (ODF)	VORTAC	(Lat. 34°41’45” N., long. 83°17’52” W.)
RICHIE	WP	(Lat. 34°41’54” N., long. 80°59’23” W.)
Florence, SC (FLO)	VORTAC	(Lat. 34°13’59” N., long. 79°39’26” W.)

\* \* \* \* \*

**T-201 Columbia, SC to JOTTA [New]**

Columbia, SC (CAE)	VORTAC	(Lat. 33°51’26” N., long. 81°03’14” W.)
HUSTN	WP	(Lat. 34°53’20” N., long. 80°34’20” W.)
LOCAS	WP	(Lat. 35°12’05” N., long. 80°26’45” W.)
JOTTA	WP	(Lat. 36°00’53” N., long. 80°50’58” W.)

\* \* \* \* \*

**T-202 RICHE to GANTS [New]**

RICHE	WP	(Lat. 34°41’54” N., long. 80°59’23” W.)
HUSTN	WP	(Lat. 34°53’20” N., long. 80°34’20” W.)
GANTS	WP	(Lat. 35°27’12” N., long. 80°06’16” W.)

\* \* \* \* \*

**T-203 Columbia, SC to Pulaski, VA [New]**

Columbia, SC (CAE)	VORTAC	(Lat. 33°51’26” N., long. 81°03’14” W.)
LOCKS	WP	(Lat. 34°55’40” N., long. 81°17’37” W.)

Barretts Mountain, NC (BZM)	VOR/DME	(Lat. 35°52'08" N., long. 81°14'26" W.)
Pulaski, VA (PSK)	VORTAC	(Lat. 37°05'16" N., long. 80°42'46" W.)

\* \* \* \* \*

Issued in Washington, DC, on February 22, 2005.

**Edith V. Parish,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05-4138 Filed 3-2-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-149519-03]

RIN 1545-BC63

#### Section 707 Regarding Disguised Sales, Generally; Hearing Cancellation

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

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

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed rulemaking relating to treatment of transactions between a partnership and its partners as disguised sales of partnership interests between the partners under section 707(a)(2)(B) of the Internal Revenue Code.

**DATES:** The public hearing originally scheduled for Tuesday, March 8, 2005, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Treena Garrett of the Publications and Regulations Branch, Associate Chief Counsel (Procedure and Administration) (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Friday, November 26, 2004 (69 FR 68838), announced that a public hearing was scheduled for Tuesday, March 8, 2005, at 10 a.m. in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 707 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Thursday, February 24, 2005. Outlines of oral comments were due on Thursday, February 24, 2005.

The notice of proposed rulemaking and notice of public hearing, instructed

those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Monday, February 28, 2005, no one has requested to speak. Therefore, the public hearing scheduled for Thursday, March 8, 2005, is cancelled.

**Cynthia E. Grigsby,**

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

[FR Doc. 05-4142 Filed 2-28-05; 2:41 pm]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD07-04-148]

RIN 1625-AA09

#### Drawbridge Operation Regulations; CSX Railroad, Hillsborough River, Mile 0.7, Tampa, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the regulations governing the operation of the CSX Railroad Bridge across the Hillsborough River, mile 0.7, Tampa, Florida. Previously owned by the Seaboard System Railroad, the bridge is now called the CSX Railroad Bridge vice the Seaboard System Railroad Bridge. This proposed rule would allow the bridge to operate using an automated system without an onsite bridge tender. Currently, the bridge is required to open on signal.

**DATES:** Comments and related material must reach the Coast Guard on or before May 2, 2005.

**ADDRESSES:** You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Ave, Suite 432, Miami, FL 33131-3050. Commander (obr) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Branch, Seventh Coast Guard District, between 8 a.m. and 4:30 p.m.,

Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gwin Tate, Project Manager, Seventh Coast Guard District, Bridge Branch, 305-415-6743.

#### 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 [CGD07-04-148], 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 the Bridge Branch, Seventh Coast Guard District, 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

The CSX Railroad owner has requested that the Coast Guard remove the existing regulations governing the operation of the CSX Railroad Bridge over the Hillsborough River and allow the bridge to operate utilizing an automated system. The CSX Railroad Bridge is located on the Hillsborough River, mile 0.7, Tampa, Florida. The current regulation governing the operation of the CSX Railroad Bridge is published in 33 CFR 117.291 and requires the bridge to open on signal from 4 p.m. to 12 midnight Monday through Friday. At all other times, the draw shall be maintained in the fully open position.

Currently, there is only one train transit per day. Under the proposed rule, the bridge would remain in the open position to vessel traffic at all