

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by removing amendment 39–12722 (67 FR 19655, April 23, 2002) and adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA–2004–19451;  
Directorate Identifier 2002–NM–138–AD.

**Comments Due Date**

(a) The Federal Aviation Administration must receive comments on this AD action by November 26, 2004.

**Affected ADs**

(b) This AD supersedes AD 2002–08–14, amendment 39–12722 (67 FR 19655, April 23, 2002).

**Applicability:** (c) This AD applies to all Airbus Model A300 B2 and B4; A300 B4–600, B4–600R, and F4–600R (collectively called A300–600); and A310 series airplanes; certificated in any category.

**Unsafe Condition**

(d) This AD was prompted by a decision by the FAA and a civil airworthiness authority to require modification or replacement of all affected parking brake operated valves (PBOV). We are issuing this AD to prevent loss of the yellow hydraulic system, which provides all the hydraulics for certain spoilers; elements of the hydraulics for flaps, stabilizer, pitch and yaw feel systems, pitch and yaw autopilot, and yaw damper; and elevator, rudder, and aileron.

**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.

**Restatement of Certain Requirements of AD 2002–08–14****Inspection and Functional Check**

(f) Within 7 days after May 8, 2002 (the effective date of AD 2002–08–14, amendment 39–12722), identify the part and serial number of the PBOV to determine whether the PBOV is an affected part, as identified by Airbus Service Bulletin A300–32A0441 (for Model A300 B2 and B4 series airplanes), A300–32A6087 (for Model A300–600 series airplanes), or A310–32A2124 (for Model A310 series airplanes), all dated September 10, 2001; as applicable.

(1) If the PBOV is NOT an affected part, no further action is required by this AD.

(2) If the PBOV is an affected part: Except as required by paragraph (g) of this AD, prior to further flight, test the PBOV in accordance with the applicable service bulletin; and thereafter perform follow-on and corrective actions (including repetitive tests and repair of the PBOV or replacement with a serviceable PBOV) at the time specified by and in accordance with the service bulletin, as applicable.

(g) If the applicable service bulletin identified in paragraph (f) of this AD specifies to contact “SEE32” for corrective action: Prior to further flight, perform the corrective action in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA,

Transport Airplane Directorate, or the Direction Generale de l’Aviation Civile (DGAC) (or its delegated agent).

**Parts Installation**

(h) As of May 8, 2002 (the effective date of AD 2002–08–14) no person may install an affected PBOV on any airplane, unless that PBOV is in compliance with all applicable requirements of this AD. Affected PBOVs are identified by Airbus Service Bulletin A300–32A0441 (for Model A300 B2 and B4 series airplanes), A300–32A6087 (for Model A300–600 series airplanes), or A310–32A2124 (for Model A310 series airplanes), all dated September 10, 2001; as applicable.

**New Requirements of This AD****PBOV Modification/Replacement**

(i) Within 7 months after the effective date of this AD: Modify all affected PBOVs, or replace them with new PBOVs, in accordance with Airbus Service Bulletin A300–32A0441 (for Model A300 B2 and B4 series airplanes), A300–32A6087 (for Model A300–600 series airplanes), or A310–32A2124 (for Model A310 series airplanes), all dated September 10, 2001; as applicable. The modification or replacement of all affected PBOVs terminates the requirements of this AD.

**Alternative Methods of Compliance (AMOCs)**

(j) 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**

(k) French airworthiness directive 2001–510(B) R1, dated May 15, 2002, also addresses the subject of this AD.

Issued in Renton, Washington, on October 18, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04–24033 Filed 10–26–04; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA–2004–19449; Directorate Identifier 2004–NM–07–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Airplanes Equipped With Pratt & Whitney PW4000 Series Engines**

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for

certain McDonnell Douglas Model MD–11 and MD–11F airplanes equipped with Pratt & Whitney PW4000 series engines. This proposed AD would require, for each engine, replacing, with a tube assembly, the existing hose assembly that connects the oil pressure transmitter to the main oil circuit. This proposed AD is prompted by a report indicating that, for each engine, the existing hose assembly does not meet zero-flow fireproof capability requirements. We are proposing this AD to prevent, if there is an engine fire, failure of the oil pressure indicator and the low-oil pressure warning, which could result in an unannounced shutdown of that engine; and oil leakage, which may feed the engine fire.

**DATES:** We must receive comments on this proposed AD by December 13, 2004.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL–401, Washington, DC 20590.

- By fax: (202) 493–2251.

- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024).

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, on the plaza level of the Nassif Building, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

*Technical information:* Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

*Plain language information:* Marcia Walters, [marcia.walters@faa.gov](mailto:marcia.walters@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Docket Management System (DMS)**

The FAA has implemented new procedures for maintaining AD docket electronically. As of May 17, 2004, new AD actions are posted on DMS and assigned a docket number. We track each action and assign a corresponding directorate identifier. The DMS AD docket number is in the form "Docket No. FAA-2004-99999." The Transport Airplane Directorate identifier is in the form "Directorate Identifier 2004-NM-999-AD." Each DMS AD docket also lists the directorate identifier ("Old Docket Number") as a cross-reference for searching purposes.

**Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2004-19449; Directorate Identifier 2004-NM-07-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that website, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can

review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications that affect you. You can get more information about plain language at <http://www.faa.gov/language> and <http://www.plainlanguage.gov>.

**Examining the Docket**

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

**Discussion**

We have received a report indicating that, on certain McDonnell Douglas Model MD-11 and MD-11F airplanes, the hose assembly that connects the oil pressure transmitter to the main oil circuit on Pratt & Whitney PW4000 series engines does not meet zero-flow fireproof capability requirements. An oil line in this location should have zero-flow fireproofing, but the existing hose assembly provides only low-flow fireproofing. Low-flow fireproofing, if not corrected, could result in failure of the oil pressure indicator and the low-oil pressure warning if there is an engine fire, which could result in an unannounced shutdown of that engine;

and oil leakage, which may feed the engine fire.

**Relevant Service Information**

We have reviewed Boeing Alert Service Bulletin MD11-79A008, dated December 11, 2001. The service bulletin describes procedures for replacing the existing hose assemblies that connect the oil pressure transmitters to the main oil circuit, with tube assemblies. The service bulletin also describes procedures for testing the engine oil system after the replacement. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

The service bulletin refers to Pratt & Whitney Alert Service Bulletin PW4MD11 A79-9, dated October 25, 2001, as an additional source of service information for replacing the hose assemblies.

**FAA's Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require, for each engine, replacing the existing hose assembly that connects the oil pressure transmitter to the main oil circuit, with a tube assembly. The proposed AD would require you to use the Boeing service information described previously to perform these actions.

**Costs of Compliance**

This proposed AD would affect about 76 airplanes worldwide, and 34 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S. registered airplanes	Fleet cost
Replacement .....	2	\$65	No charge .....	\$130	34	\$4,420

**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):

**McDonnell Douglas:** Docket No. FAA-2004-19449; Directorate Identifier 2004-NM-07-AD.

#### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by December 13, 2004.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to McDonnell Douglas Model MD-11 and MD-11F airplanes, as listed in Boeing Alert Service Bulletin MD11-79A008, dated December 11, 2001; certificated in any category; equipped with Pratt & Whitney PW4000 series engines.

#### Unsafe Condition

(d) This AD was prompted by a report indicating that, for each engine, the existing hose assembly that connects the oil pressure transmitter to the main oil circuit does not meet zero-flow fireproof capability requirements. We are proposing this AD to prevent, if there is an engine fire, failure of the oil pressure indicator and the low-oil pressure warning, which could result in an unannounced shutdown of that engine; and oil leakage, which may feed the engine fire.

#### 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.

#### Replacement of Hose Assemblies

(f) Within 18 months after the effective date of this AD: For each engine, replace the existing hose assembly, part number (P/N) 113286, that connects the oil pressure transmitter to the main oil circuit, with tube assembly P/N 221-5318-501. Do the replacement in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11-79A008, dated December 11, 2001.

**Note 1:** Boeing Alert Service Bulletin MD11-79A008 refers to Pratt & Whitney Alert Service Bulletin PW4MD11 A79-9, dated October 25, 2001, as an additional source of service information for replacing the hose assemblies.

#### Alternative Methods of Compliance (AMOCs)

(g) The Manager, Los Angeles 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 October 18, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04-24032 Filed 10-26-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-150562-03]

RIN 1545-BC67

#### Section 1045 Application to Partnerships; Hearing Cancellation

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

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

**SUMMARY:** This document cancels a public hearing on a notice of proposed rulemaking that relates to partnership and their partners. The notice of public hearing under section 1045 of the Internal Revenue Code appeared in the **Federal Register** on Thursday, July 15, 2004, (69 FR 42370). The change in date of the public hearing and extension of time to submit outlines of oral comments appeared in the **Federal Register** on Thursday, September 2, 2004, (69 FR 53664).

**DATES:** The public hearing originally scheduled for November 2, 2004, at 10 a.m., changed to November 9, 2004, at 10 a.m., has been cancelled.

**FOR FURTHER INFORMATION CONTACT:** Sonya M. Cruse of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration), at (202) 622-4693 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Thursday, July 15, 2004, (69 FR 42370), announced that a public hearing was scheduled for

November 2, 2004, at 10 a.m., in the auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under section 1045 of the Internal Revenue Code. However, a change in date of public hearing; extension of time to submit outlines of oral comments notice that appeared in the **Federal Register** on September 2, 2004, (69 FR 53664), announced that a public hearing was scheduled for November 9, 2004, at 10 a.m., in the auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC.

The public comment period for these regulations expired on October 19, 2004. The notice of proposed rulemaking 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 Friday, October 22, 2004, no one has requested to speak. Therefore, the public hearing scheduled for November 9, 2004, is cancelled.

**Cynthia E. Grigsby,**

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

[FR Doc. 04-24054 Filed 10-26-04; 8:45 am]

**BILLING CODE 4830-01-U**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 25

[REG-163679-02]

RIN 1545-BB72

#### Qualified Interest; Hearing

**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 the gift tax special valuation rules.

**DATES:** The public hearing originally scheduled for Thursday, October 28, 2004, at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Guy R. Traynor, Procedures and Administration, Publications & Regulations Branch, at (202) 622-3693 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Monday, July 26,