

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,

2004 (69 FR 44476), announced that a public hearing was scheduled for October 28, 2004 at 10 a.m., in the auditorium of the Internal Revenue Service building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 2702 of the Internal Revenue Code. The public comment period for these proposed regulations expired on October 25, 2004.

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 topics to be addressed by October 7, 2004. As of October 25, 2004, no one has requested to speak. Therefore, the public hearing scheduled for October 28, 2004 is cancelled.

**Guy R. Traynor,**

*Federal Register Liaison, Publications & Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures & Administration).*

[FR Doc. 04-24129 Filed 10-25-04; 2:01 pm]

**BILLING CODE 4830-01-P**

## **FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

### **29 CFR Parts 2700, 2701, 2702, and 2704**

#### **Procedural Rules**

**AGENCY:** Federal Mine Safety and Health Review Commission.

**ACTION:** Advanced notice of proposed rulemaking.

**SUMMARY:** The Federal Mine Safety and Health Review Commission (the "Commission") is seeking suggestions regarding changes to improve its procedural rules (29 CFR part 2700), Government in the Sunshine Act regulations (29 CFR part 2701), regulations implementing the Freedom of Information Act (29 CFR part 2702), and regulations implementing the Equal Access to Justice Act (29 CFR part 2704).

**DATES:** Written and electronic comments must be submitted on or before January 25, 2005.

**ADDRESSES:** Written comments should be mailed to Thomas Stock, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001. Persons submitting written comments shall provide an original and three copies of their comments. Electronic comments should state

"Comments on Advanced Notice of Proposed Rulemaking" in the subject line and be sent to [tstock@fmshrc.gov](mailto:tstock@fmshrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Thomas Stock, General Counsel, Office of the General Counsel, 601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001, telephone 202-434-9935; FAX: 202-434-9944.

**SUPPLEMENTARY INFORMATION:** The Commission is reviewing its rules set forth in 29 CFR parts 2700, 2701, 2702, and 2704 to determine if revisions would aid the efficient adjudication of proceedings before the Commission and its judges. In particular, the Commission is considering revisions to its procedural rules set forth in part 2700. Since it last significantly revised its procedural rules in March 1993, the Commission has identified several rules that require further revision, clarification, or expansion. Revisions to part 2700 that the Commission is considering are described in the following text. The Commission will also examine its procedures for processing requests for relief from final judgment. The Commission requests comments from members of the interested public regarding the procedural rule revisions for consideration described in this notice. The Commission also invites submission of other revisions to the procedural rules (part 2700) not described in this notice that will lead to the more efficient adjudication of cases.

While no specific revisions to the Commission's regulations implementing the Government in Sunshine Act (part 2701), the Freedom of Information Act (part 2702), and the Equal Access to Justice Act (part 2704) are set forth in this notice, the Commission encourages members of the interested public to comment on any revisions or additions to those regulations.

#### **Subpart A—General Provisions**

##### *29 CFR 2700.5(d) and 29 CFR 2700.7(c)*

Commission Procedural Rule 5(d) currently provides that a notice of contest of a citation or order; a petition for assessment of penalty; a complaint for compensation; a complaint of discharge, discrimination or interference; an application for temporary reinstatement; and an application for temporary relief shall be filed by personal delivery or by registered or certified mail, return receipt requested. 29 CFR 2700.5(d). Commission Procedural Rule 7(c) also requires that such documents, in addition to a proposed penalty assessment, shall be served by personal delivery or by registered or certified

mail, return receipt requested. 29 CFR 2700.7(c); *see also* 29 CFR 2700.45(a) (providing in part for service by certified mail of pleadings in a temporary reinstatement proceeding). Although not explicitly required by the Commission's procedural rules in all circumstances (*cf.* 29 CFR 2700.66(a) (requiring show cause orders to be mailed by registered or certified mail, return receipt requested)), the Commission as a matter of practice generally mails by certified mail, return receipt requested, a judge's decision after hearing, default orders, and orders that require timely action by a party.

The Commission is reviewing the use of certified mail for parties' filings and documents issued by the Commission. On one hand, certified mail can be costly and time-consuming. On the other hand, the return receipt associated with certified mail provides reliable information regarding the service of documents. The Commission will balance these competing factors in considering whether mailing by certified mail is appropriate. The Commission is also reviewing forms of mailing and delivery that might be an acceptable substitute for certified mail.

In addition, Commission Procedural Rule 5(d) provides that certain documents, including petitions for discretionary review, may be filed by facsimile transmission. 29 CFR 2700.5(d). The Commission is reviewing whether notices designating a petition for discretionary review as an opening brief may also be filed by facsimile transmission.

##### *29 CFR 2700.5(e)*

Commission Procedural Rule 5(e) currently sets forth the number of copies to be submitted in cases before a judge and the Commission. 29 CFR 2700.5(e). Experience has indicated that not all judges require the number of copies required by the rule but, rather, that one copy should suffice. The Commission is considering requiring fewer copies than are currently required by the rule.

##### *29 CFR 2700.8*

Commission Procedural Rule 8 provides in part that the last day of a period computed shall be included unless that day is a Saturday, Sunday, or Federal holiday, in which event the period runs until the next business day. 29 CFR 2700.8. The rule further provides that when a period of time prescribed in the rules is less than seven days, intermediate Saturdays, Sundays, and Federal holidays shall be excluded in the computation of time. *Id.* Rule 8 also states that when the service of a document is by mail, 5 days shall be