

operators is estimated to be \$3,705, or \$65 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

**Bombardier, Inc. (Formerly de Havilland, Inc.):** Docket 2002–NM–297–AD.

**Applicability:** Model DHC–8–301, –311, and –315 airplanes, serial numbers 100 through 583, inclusive; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent an incorrect angle of attack (AOA) indication to the stall warning system in flight, which could result in an inadvertent stall and consequent loss of control of the airplane, accomplish the following:

#### Service Bulletin References

(a) The term "service bulletin," as used in this AD, means the Accomplishment Instructions of Bombardier Alert Service Bulletin A8–27–94, Revision "A", dated February 5, 2002.

**Note 1:** Bombardier Alert Service Bulletin A8–27–94 references Rosemount Aerospace Alert Service Bulletin 0861CAB–27A–07, dated September 28, 2001, as an additional source of service information for testing the AOA sensors. The Rosemount service bulletin is included with the Bombardier service bulletin.

#### Inspection To Determine Modification

(b) Within 1,000 flight hours or 18 months after the effective date of this AD, whichever occurs first, inspect the right and left AOA sensor vanes to determine whether modification (MOD) "J" has been incorporated. Instead of inspecting the sensors, a review of airplane maintenance records is acceptable if the MOD level of the sensor can be positively determined from that review. If MOD "J" has been incorporated in both sensors, no further action is required by this paragraph.

#### Movement Tests

(c) For any AOA sensor vane that does not have MOD "J" installed: Prior to further flight following the inspection required by paragraph (b) of this AD, do a movement test of the AOA sensor vane per the service bulletin.

(d) If the result of the movement test in paragraph (c) of this AD is less than 110 grams, repeat the movement test prior to the accumulation of 5,000 flight hours or 24 months after accomplishing the initial test, whichever occurs first. Do the test per the service bulletin.

#### Corrective Action

(e) If the result of any movement test in paragraph (c) or paragraph (d) of this AD is 110 grams or more, replace the AOA sensor vane with a reworked MOD "J" sensor vane, per the service bulletin, at the applicable time in paragraph (e)(1), (e)(2), or (e)(3) of this AD.

(1) If the result of the movement test in paragraph (c) of this AD is between 110 and 169 grams inclusive, replace the sensor vane at the earlier of 1,000 flight hours, or 18

months after accomplishing the movement test in paragraph (c) of this AD.

(2) If the result of any repeat movement test in paragraph (d) of this AD is between 110 and 169 grams inclusive, replace the sensor vane at the earlier of 1,000 flight hours or 6 months after accomplishing the movement test in paragraph (d) of this AD.

(3) If the result of the movement test is 170 grams or more, replace the sensor vane within 5 days after accomplishing the movement test in paragraph (c) or paragraph (d) of this AD.

#### Parts Installation

(f) As of the effective date of this AD, no person may install a sensor vane, part number 861CAB, on any airplane unless MOD "J" has been incorporated.

#### Reporting and Parts Modification

(g) Although the Rosemount service bulletin contains procedures for sending test findings to the manufacturer, and for sending removed parts to the manufacturer for modification, this AD does not require those actions.

#### Actions Accomplished Per Previous Release of Service Bulletin

(h) Actions accomplished before the effective date of this AD per Bombardier Alert Service Bulletin A8–27–94, dated October 25, 2001, are considered acceptable for compliance with the corresponding action specified in this AD.

#### Alternative Methods of Compliance

(i) In accordance with 14 CFR 39.19, the Manager, New York Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in Canadian airworthiness directive CF–2001–46, dated December 3, 2001.

Issued in Renton, Washington, on April 16, 2004.

**Michael J. Kaszycki,**

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

[FR Doc. 04–9382 Filed 4–23–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG–106681–02]

RIN 1545–BA59

#### Modification of Check the Box; Correction

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

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document corrects a notice of proposed rulemaking (REG–

106681-02) that was published in the **Federal Register** on Thursday, April 1, 2004 (69 FR 17117) that clarifies that qualified REIT subsidiaries, qualified subchapter S subsidiaries, and single owner eligible entities that are disregarded as entities separate from their owners are treated as separate entities for purposes of any Federal tax liability for which the entity is liable.

**FOR FURTHER INFORMATION CONTACT:**

James M. Gergurich, (202) 622-3070 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The notice of proposed rulemaking (REG-106681-02) that is the subject of this correction is under section 856 of the Internal Revenue Code.

**Need for Correction**

As published, the notice of proposed rulemaking and notice of public hearing (REG-106681-02) contains an error that may prove to be misleading and is in need of clarification.

**Correction of Publication**

Accordingly, the notice of proposed rulemaking and notice of public hearing (REG-106681-02) which is the subject of FR. Doc. 04-7088, is corrected as follows:

**§ 1.1361-4 [Corrected]**

1. On page 17119, column 1, § 1.1361-4, paragraph (a)(6)(i), line 3, the language "otherwise not treated as a corporation" is corrected to read "generally not treated as a corporation".

Cynthia E. Grigsby,

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

[FR Doc. 04-9311 Filed 4-23-04; 8:45 am]

BILLING CODE 4830-01-P

**POSTAL SERVICE**

**39 CFR Part 111**

**Merged Five-Digit and Five-Digit Scheme Pallets for Periodicals, Standard Mail and Package Services Mail**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the *Domestic Mail Manual* (DMM) to allow mailers to place (to merge) onto the same 5-digit pallet or 5-digit scheme pallet (using DMM labeling list L001) both carrier route packages of flat-size and irregular parcel mailpieces,

and 5-digit presort destination packages of flat-size mailpieces not meeting the criteria for the automated flat sorting machine (AFSM) 100, as well as 5-digit presort destination packages of irregular parcel mailpieces.

Current DMM M045 mailing standards allow mailers to place 5-digit packages and carrier route packages of flat-size pieces together only on 5-digit metro pallets, 3-digit pallets, sectional center facility (SCF) pallets, and (for Periodicals mail only) area distribution center (ADC) pallets, and (for Standard Mail and Package Services mail) auxiliary service facility (ASF) and bulk mail center (BMC) pallets, or when mailers prepare mailings under the advanced preparation options in DMM M900.

**DATES:** Submit comments on or before May 26, 2004.

**ADDRESSES:** Mail or deliver comments to the Manager, Mailing Standards, ATTN: Neil Berger, U.S. Postal Service, 1735 N. Lynn Street, Room 3025, Arlington, VA 22209-6038. Written comments may also be submitted by facsimile transmission to (703) 292-4058. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the Postal Service Headquarters Library, 11th Floor North, 475 L'Enfant Plaza, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Neil Berger, Mailing Standards, at (703) 292-3645; or Thomas L. DeVaughan, Package Services, at (703) 292-3640.

**SUPPLEMENTARY INFORMATION:** Current pallet preparation standards in DMM M045.3.0 prohibit mailers from placing 5-digit packages and carrier route packages of flat-size pieces together on either 5-digit scheme or 5-digit pallets. These standards permit the placement together of such packages beginning with the "5-digit metro" pallet level.

The current prohibition applies generally to packages of flats including upgraded flat sorting machine (UFSM) 1000-compatible automation flats and irregular parcels, which are generally flat-shape pieces that exceed the maximum dimensions for flats, although the operational need for this prohibition is relevant only to flat-size pieces compatible with the automation flat sorting machine 100 (AFSM 100). Keeping 5-digit packages separate from carrier route packages on 5-digit and 5-digit scheme pallets allows 5-digit packages to be properly identified and distributed in processing facilities so that the pieces can be further sorted down to the carrier route level on AFSM 100 equipment. The DMM criteria for

AFSM 100-compatible flats (DMM C820.2.0) can be viewed using *Postal Explorer* at <http://pe.usps.gov>.

The 5-digit packages of non-AFSM 100-compatible flat-size pieces (that is, flats compatible with the UFSM 1000) are generally further sorted down to carrier routes at the delivery unit where the carriers are located and not at the mail processing facility. As a consequence, it is more practical to have the 5-digit packages of UFSM 1000-compatible flats prepared on the same 5-digit or 5-digit scheme pallets with the corresponding carrier route packages so that both the carrier route and noncarrier route mail can be cross-docked at the mail processing facility to the delivery unit.

Adding these merged pallets to the current pallet sort levels should improve operational efficiencies and increase customer service. DMM C820.3.0 contains the criteria for UFSM 1000-compatible flats. Unlike the limitations under the advance preparation options under DMM M920, M930, and M940, merging of mailpieces onto 5-digit, and 5-digit scheme pallets under proposed M045.3.0, can be accomplished without limitations (*i.e.*, use of the "A" and "C" or the "B" and "D" indicators in the City State Product, along with a 5% threshold for 5-digit packages).

Because the maximum weight of Standard Mail must be less than 16 ounces, and the maximum physical size permitted for Standard Mail Enhanced Carrier Route (ECR) flats, mailers would not see as many merged pallet opportunities with Standard Mail as with Periodicals and Bound Printed Matter mail.

This proposed rule also standardizes the presentation and language of the mailing standards used for pallet preparation and labeling in DMM E230, L001, L802, M011, M041.5.0, and M045.3.0, including the standards for Package Services irregular parcels and for Standard Mail and Package Services machinable parcels.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. of 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions to the *Domestic Mail Manual*, incorporated in the Code of Federal Regulations. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Postal Service.