

History

On May 19, 2004, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E5 airspace at Dayton, TN, (69 FR 28870). This action provides adequate Class E5 airspace for IFR operations at Cleveland, TN, Hardwick Field Airport. Designations for Class E are published in FAA Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E5 airspace at Dayton, TN.

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).

Adoption of the 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 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASO TN E5 Dayton, TN [Revised]

Dayton, Mark Anton Airport, TN
(Lat. 35°29'10" N, long. 84°55'52" W)
Hardwick Field Airport
(Lat. 35°13'12" N, long. 84°55'57" W)
Hardwick NDB
(Lat. 35°09'13" N, long. 84°54'21" W)

Bledsoe County Hospital, Pikeville, TN

Point in Space Coordinates
(Lat. 35°37'34" N, long. 85°10'38" W)

Bradley Memorial Hospital, Cleveland, TN

Point in Space Coordinates
(Lat. 35°10'52" N, long. 84°52'56" W)

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Mark Anton Airport, and that airspace with a 6.5-mile radius of Hardwick Field Airport and within 3.5 miles northwest and 5.3 miles southeast of the 224° bearing from the HDI NDB extending from the 6.5-mile radius to 10 miles southwest of the NDB, and that airspace with a 6-mile radius of the point in space (lat. 35°34' N, long. 85°10'38" W) serving Bledsoe County Hospital, Pikeville, TN, and that airspace within a 6-mile radius of the point in space (lat. 35°10'52" N, long. 84°52'56" W) serving Bradley Memorial Hospital, Cleveland, TN; excluding that airspace within the CHA Class C airspace area and that airspace within the Athens, TN, Class E airspace area.

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Issued in College Park, Georgia, June 23, 2004.

Richard E. Biscomb,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 04–15554 Filed 7–7–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 388

[Docket No. RM04–11–000; Order No. 648]

Revised Fees for Record Requests

Issued June 28, 2004.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its regulations to provide for the posting of all fees for specialized handling in finding, duplicating, downloading and printing of records generally available to the public at no cost through the Internet. These fees are posted on the Commission's Web site and are updated as required. This revision will eliminate the requirements for section 388.109(a)(4) through section 388.109(a)(6) of the regulations, which identify fees for the reproduction, printing and delivery of specific types of documents, information, media and related services. Eliminating specific fees from the regulations and identifying them on the Commission's Web site will enable the Commission to offer the availability of new and improved technology and methods of delivery as they become available rather than waiting for the regulation review and approval process to be completed.

EFFECTIVE DATE: This final rule is effective immediately upon issuance.

FOR FURTHER INFORMATION CONTACT:

Katherina Quijada-Cusack, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8748, Katherina.Quijada-Cusack@ferc.gov

SUPPLEMENTARY INFORMATION:

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Sudeen G. Kelly. Revised Fees for Record Requests; Docket No. RM04–11–000, Order No. 648.

Final Rule

Issued June 28, 2004.

I. Introduction

1. The Federal Energy Regulatory Commission is amending section 388.109(a) of its regulations to provide for the posting of all fees for specialized handling in finding, duplicating, downloading and printing records that are generally available to the public at no cost through the Internet. These fees

are posted on the Commission's Web site.

II. Background

2. The Commission makes public documents available for viewing, printing and downloading through the Internet.¹ This is accomplished using a variety of electronic systems. Using the Internet for accessing documents available to the public provides improved functionality, reliability and timeliness to members of the public seeking information about Commission proceedings and other matters.² The Commission also makes computer workstations available for use by the public in the Public Reference Room.

3. Documents available electronically are also available to the public in various other media. Since these documents are available to the public at no charge through the Internet, the Commission recovers costs incurred for producing the documents in the various other media formats. These charges are delineated on the Commission's Web site.

III. Discussion

4. Those wishing to access Commission documents available to the public are increasingly using the Internet to gain access to this information. There has been a corresponding increase in the efforts expended by the Commission to make this information available through the Commission's Web site. Much of the historical data contained in the Commission's archives has been converted to electronic images on the Internet and new documents available to the public are being placed on the Internet as they are received. Although all of this information is available to the public at no cost, the Commission wants to ensure that it does not limit access to those who may want or need this information in an alternative format or media. Therefore, the Commission is making these documents and information available at cost in a variety of media and formats. A table of these costs is maintained on the Commission's Web site.

IV. Regulatory Flexibility Act Certification

5. The Regulatory Flexibility Act (RFA) requires agencies to prepare certain statements, descriptions, and analyses of proposed rules that will have a significant economic impact on a substantial number of small entities.³

The Commission is not required to make such an analysis if a rule would not have such an effect.

6. The Commission does not believe that this rule would have such an impact on small entities. Charges for the specialized handling in finding, duplicating, downloading and printing of records generally available to the public at no cost through the Internet remain modest and the Commission considers it very unlikely that any person or entity would require such a large volume of documents for these charges to have a significant impact.

V. Environmental Statement

7. Issuance of this Final Rule does not represent a major federal action having a significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act of 1969.⁴ Part 380 of the Commission's regulations lists a number of exemptions where an Environmental Analysis or Environmental Impact Statement will not be done. Included are exemptions for procedural, ministerial or internal administrative actions, and for information gathering, analysis and dissemination.⁵ This rulemaking is exempt under those provisions.

VI. Information Collection Statement

8. The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rule.⁶ This Final Rule contains no information reporting requirements, and is not subject to OMB approval.

VII. Document Availability

9. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Web site and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502-8371. User assistance for the Commission's Web site is available during normal business hours from FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676 or for TTY, contact (202) 502-8659.

⁴ Order No. 486, 52 FR 47897 (Dec. 17, 1987); FERC Stats. & Regs. [Regulations Preambles 1986-1990] ¶ 30,783 (Dec. 10, 1984) (*codified at* 18 CFR Part 380).

⁵ 18 CFR 380.4(1) and (5).

⁶ 5 CFR Part 1320.

VIII. Effective Date and Congressional Notification

10. This final rule will take effect immediately upon issuance. Pursuant to 5 U.S.C. 804(3)(A), agencies are not required to notify Congress of any final rule that is a rule of particular applicability, including a rule that approves or prescribes rates, services, corporate or financial structures, reorganizations, or accounting practices. The Commission finds that this final rule is covered by the exception. The only impact of this rule is to provide for the posting of all fees for the specialized handling in finding, duplicating, downloading and printing of records generally available to the public at no cost through the Internet. It is therefore a rule of particular applicability prescribing a rate, and the provisions of 5 U.S.C. 801 regarding Congressional review of final rules do not apply.

11. The Commission is issuing this as a final rule without a period for public comment. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure and practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only matters of agency procedure and will not significantly affect regulated entities or the general public. Therefore, the Commission finds notice and comment procedures to be unnecessary.

12. In addition, because this final rule concerns a matter of agency procedure and is not a substantive rule, the effective date provisions in 5 U.S.C. 553(d)(3) are not applicable, and this final rule therefore is effective immediately upon issuance.

List of Subjects in 18 CFR Part 388

Confidential business information, Freedom of information.

By the Commission.

Magalie R. Salas,
Secretary.

■ In consideration of the foregoing, the Commission amends part 388, chapter I, Title 18, of the *Code of Federal Regulations* as follows:

PART 388—INFORMATION AND REQUESTS

■ 1. The authority citation for part 388 continues to read as follows:

Authority: 5 U.S.C. 301-305, 551, 552 (as amended), 553-557; 42 U.S.C. 7101-7352.

■ 2. In § 388.109, revise paragraph (a)(1) and remove paragraphs (a)(4), (5), and (6).

¹ 18 CFR 388.106.

² See 67 FR 10910 (Mar. 11, 2002).

³ 5 U.S.C. 601-612.

§ 388.109 Fees for record requests.

(a) *Fees for records available through the Public Reference Room—(1) General Rule.* The fee for finding and duplicating records available in the Commission's Public Reference Room will vary depending on the size and complexity of the request. A person can obtain a copy of the schedule of fees in person or by mail from the Public Reference Room. This schedule is also available on the Commission's Web site. Copies of documents also may be made on self-service duplicating machines located in the Public Reference Room. In addition, copies of data extracted from the Commission's files through electronic media are available on a reimbursable basis, upon written request to the Public Reference Room.

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[FR Doc. 04-15453 Filed 7-7-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[TD 9135]

RIN 1545-BB44

Rents and Royalties

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the inclusion in gross income of advance rentals. The regulations authorize the Commissioner to provide rules allowing for the inclusion of advance rentals in gross income in a year other than the year of receipt. The regulations will affect taxpayers that receive advance payments for the use of certain items (such as intellectual property and computer software) to be designated by the Commissioner.

DATES: *Effective Date:* These regulations are effective July 8, 2004.

Applicability Date: The amendments made by these regulations apply after December 18, 2002.

FOR FURTHER INFORMATION CONTACT: Edwin B. Cleverdon, (202) 622-7900 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

On December 18, 2002, the IRS published a notice of proposed rulemaking (REG-151043-02) in the *Federal Register* (67 FR 77450),

proposing amendments to 26 CFR part 1 under section 61 of the Internal Revenue Code (Code) regarding the inclusion in gross income of advance rentals. The notice of proposed rulemaking invited comments and requests for a public hearing, but no comments were received and no public hearing was requested or held.

Contemporaneously with the publication of the notice of proposed rulemaking, the IRS published a proposed revenue procedure in Notice 2002-79 (2002-2 C.B. 964) that, when final, implements the amendments made by these final regulations. The proposed revenue procedure was finalized, with modifications, as Rev. Proc. 2004-34 (2004-22 I.R.B. 991). Comments received in connection with the proposed revenue procedure, including comments concerning the proposed treatment of advance rentals, are addressed in Announcement 2004-48 (2004-22 I.R.B. 998), which accompanies Rev. Proc. 2004-34.

Explanation of Provisions

This document contains amendments to 26 CFR part 1 relating to the inclusion in gross income of advance rentals under section 61 of the Code. Prior to amendment, § 1.61-8(b) provided that, except as provided in section 467 and the regulations thereunder, advance rentals must be included in gross income in the year of receipt regardless of the period covered or the method of accounting employed by the taxpayer. The amendments authorize the Commissioner to provide, through administrative guidance, rules for deferring income inclusion of advance rentals to a taxable year other than the year of receipt. This amendment ensures that the Commissioner, in modifying Rev. Proc. 71-21 (1971-2 C.B. 549), may provide deferral rules for the use of intellectual property and computer software.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small

Business Administration for comment on its impact on small business. The Chief Counsel for Advocacy did not submit any comments on the regulations.

Drafting Information

The principal author of these regulations is Edwin B. Cleverdon of the Office of Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

§ 1.61-8 [Amended]

■ **Par. 2.** The first sentence of § 1.61-8(b) is amended by adding the language “and except as otherwise provided by the Commissioner in published guidance (see § 601.601(d)(2) of this chapter),” immediately after “thereunder,”.

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

Approved: June 30, 2004.

Gregory Jenner,

Acting Assistant Secretary of the Treasury.

[FR Doc. 04-15543 Filed 7-7-04; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Parts 157 and 602**

[TD 9134]

RIN 1545-BB14

Excise Tax Relating to Structured Settlement Factoring Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to the manner and method of reporting and paying the nondeductible 40 percent excise tax