

Instrument Approach Procedure (SIAP) at City-County Airport, Madras, OR. This will improve the safety of Instrument Flight Rules (IFR) aircraft executing the new RNAV GPS SIAP at City-County Airport, Madras, OR.

**EFFECTIVE DATE:** 0901 UTC, July 05, 2007. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Ed Haeseker, Federal Aviation Administration, Western Service Area, System Support, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 917-6714.

**SUPPLEMENTARY INFORMATION:**

**History**

On February 23, 2007, the FAA published in the **Federal Register** a notice of proposed rulemaking to revise Class E airspace at Redmond, OR (72 FR 8137). This action would improve the safety of IFR aircraft executing this new RNAV GPS approach procedure at City-County Airport, Madras, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9P dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising Class E airspace at Redmond, OR. Additional controlled airspace is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at City-County Airport, Madras, OR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 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 amends 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 14 CFR 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 part 71.1 of the Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

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

\* \* \* \* \*

**ANM OR E5 Redmond, OR [Revised]**

Redmond, Roberts Field, OR  
(Lat. 44°15'15" N, long. 121°09'00" W)  
City-County Airport, Madras, OR  
(Lat. 44°40'13" N, long. 121°09'19" W)  
Deschutes VORTAC  
(Lat. 44°15'10" N, long. 121°18'13" W)

That airspace extending upward from 700 feet above the surface within 1.8 miles north and 11.8 miles south of the Deschutes VORTAC 059° radial to 28.8 miles east of the VORTAC, and within 1.8 miles each side of the 230° bearing from the Roberts Field Airport extending 8.7 miles southwest of the airport, and within 1.8 miles each side of Deschutes VORTAC 162° radial extending from the VORTAC to 4.3 miles south of the VORTAC, and within 1.8 miles each side of the Deschutes VORTAC 281° radial extending from the VORTAC to 4.3 miles west of the VORTAC, and within 3.5 miles west and 7.0 miles east of the Deschutes VORTAC 014° radial extending from 9.5 miles north of the VORTAC to 30.5 miles north; that airspace extending upward from 1,200 feet above the surface within a 32.2-mile radius of the VORTAC between the 006° and 048° radials, within a 27-mile radius of the VORTAC between the 048° radial and a line 5.3 miles west of and parallel to the 189° radial; that airspace extending upward from

1,700 feet above the surface within a line beginning at Deschutes VORTAC extending north on V-25 to V-112, east on V-112 to V-4, southeast on V-4 to V-357, southwest on V-357 to V-122, west on V-122 to V-452, northwest on V-452 to V-269, east on V-269 to the Deschutes VORTAC.

\* \* \* \* \*

Issued in Seattle, Washington, on March 30, 2007.

**Steven M. Osterdahl,**

*Director of Operations, En Route and Oceanic, Western Service Area.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 95**

[Docket No. 30547; Amdt. No. 467]

**IFR Altitudes; Miscellaneous Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATES:** 0901 UTC, May 10, 2007.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125), telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

**The Rule**

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and

safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

**Conclusion**

The FAA has determined that this 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. For the same reason, the FAA certifies that this amendment 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 95**

Airspace, Navigation (air).

Issued in Washington, DC on April 5, 2007.

**James J. Ballough,**

*Director, Flight Standards Service.*

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, May 10, 2007.

■ 1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

**REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS**

[Amendment 467, effective date May 10, 2007]

From	To	MEA
<b>§ 95.6001 VICTOR ROUTES—U.S.</b>		
<b>§ 95.6018 VOR Federal Airway V18 Is Amended to Read in Part</b>		
BAETT, MS FIX .....	CONEE, MS FIX .....	2500
<b>§ 95.6026 VOR Federal Airway V26 Is Amended to Read in Part</b>		
REDWOOD FALLS, MN VOR/DME .....	BEEGR, MN FIX .....	*3000
*2500—MOCA		
BEEGR, MN FIX .....	LYDIA, MN FIX .....	*5500
*2400—MOCA		
LYDIA, MN FIX .....	FARMINGTON, MN VORTAC .....	*3500
*2500—MOCA		
FARMINGTON, MN VORTAC .....	PRESS, WI FIX .....	*3500
*2800—MOCA		
PRESS, WI FIX .....	ELPAS, WI FIX .....	*5500
*2600—MOCA		
ELPAS, WI FIX .....	EAU CLAIRE, WI VORTAC .....	*3500
*2800—MOCA		
<b>§ 95.6084 VOR Federal Airway V84 Is Amended to Read in Part</b>		
PIVOT, MI FIX .....	*JYBEE, MI FIX .....	**4000
*4000—MRA		
**1900—MOCA		
*JYBEE, MI FIX .....	PULLMAN, MI VOR/DME .....	**4000
*4000—MRA		
**2200—MOCA		
<b>§ 95.6191 VOR Federal Airway V191 Is Amended to Read in Part</b>		
DECATUR, IL VORTAC .....	ROBERTS, IL VOR/DME .....	2800
NEWT, IL FIX .....	BOJAK, IL FIX .....	*5000
*2100—MOCA		
<b>§ 95.6481 VOR Federal Airway V481 Is Amended to Read in Part</b>		
JOHNSTONE POINT, AK VOR/DME .....	FIDAL, AK FIX.	
	S BND .....	5000
	N BND .....	10000
FIDAL, AK FIX .....	ROBES, AK FIX.	

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 467, effective date May 10, 2007]

From	To	MEA
KLUNG, AK FIX .....	S BND .....	8000
	N BND .....	10000
GULKANA, AK VOR/DME .....	GULKANA, AK VOR/DME. N BND .....	6500
	S BND .....	10000
DOZEY, AK FIX .....	DOZEY, AK FIX. N BND .....	12000
	S BND .....	4000
PAXON, AK FIX .....	PAXON, AK FIX. S BND .....	7000
	N BND .....	12000
DONEL, AK FIX .....	DONEL, AK FIX .....	*12000
	*BIG DELTA, AK VORTAC. N BND .....	7000
	S BND .....	12000
*7800—MCA BIG DELTA, AK VORTAC, S BND		
*10500—MCA DONEL, AK S BND		

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BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9323]

RIN 1545-BF64

Revisions to Regulations Relating to Repeal of Tax on Interest of Nonresident Alien Individuals and Foreign Corporations Received From Certain Portfolio Debt Investments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations under sections 871 and 881 of the Internal Revenue Code (Code) relating to the exclusion from gross income of portfolio interest paid to a nonresident alien individual or foreign corporation. These regulations clarify how the portfolio interest rules apply with respect to interest paid to a partnership (or simple or grantor trust) that has foreign partners (or beneficiaries or owners). These regulations also retroactively remove the rule in Treasury Regulation § 1.1441-1(b)(7)(iii) that would impose interest under section 6601 when no underlying tax liability is due.

DATES: Effective Date: These regulations are effective on April 12, 2007.

Applicability Dates: The regulations relating to the application of the 10-percent shareholder test for interest paid

to partnerships applies to interest paid after April 12, 2007. However, taxpayers may choose to apply the rules in the final regulations to interest paid during any taxable year which is not closed by the period of limitations, provided they do so consistently with respect to all relevant partnerships during such years. The regulations removing the rule imposing interest and penalties on withholding agents when no underlying tax has in fact been imposed apply to payments made after December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn Holman of the Office of the Associate Chief Counsel (International), (202) 622-3840 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Section 871(a) of the Code imposes a tax of 30 percent on U.S. source fixed or determinable annual or periodic (FDAP) income, including interest, received by a nonresident alien individual to the extent the amount so received is not effectively connected with the conduct of a trade or business within the United States. Section 881(a) imposes a similar tax with respect to FDAP income, including interest, received by a foreign corporation. Both sections 871(h)(3)(A) and 881(c)(3)(B) provide, among other limitations, that portfolio interest does not include interest received by a 10-percent shareholder, as defined in section 871(h)(3)(B).

Explanation of Provisions and Summary of Comments

The IRS and the Treasury Department issued proposed regulations (REG-

118775-06) under sections 871(h) and 881(c) in the Federal Register (71 FR 34047) on June 13, 2006. The proposed regulations address the application of the 10-percent shareholder test when U.S. source interest is paid to a partnership that has a nonresident alien individual or foreign corporation as a partner. The proposed regulations provide that, for interest paid on obligations issued on or after the date that final regulations are published, the 10-percent shareholder test is to be applied only at the partner level and at the time that the withholding agent would otherwise be required to withhold.

No public hearing was requested or held. However, a few comments were received. After consideration of the comments, the proposed regulations are adopted in these final regulations, with two modifications. In addition, these final regulations implement section 5 of Notice 2006-99 (46 IRB 907) (See § 601.601(d)(2) of this chapter), modifying § 1.1441-1(b)(7)(iii), as discussed below.

1. Time for Applying the 10-Percent Shareholder Test

The proposed regulations provide that the 10-percent shareholder test applies at the time the withholding agent would otherwise be required to withhold. The regulations then provide an example in which the test is stated to apply on the “earliest” of when the interest is distributed, the date the statement under section 6031(c) is mailed, or the due date for furnishing the statement. In order to make clear that the test may be applied on multiple dates (and not only on the date of a first partial distribution of such interest), the example has been