



# Federal Register

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**Monday,  
October 31, 2005**

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**Part XVI**

**Department of the  
Treasury**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF THE TREASURY (TREAS)**

**DEPARTMENT OF THE TREASURY**

**31 CFR Subtitle A, Chs. I and II**

**Semiannual Agenda and Fiscal Year 2006 Regulatory Plan**

**AGENCY:** Department of the Treasury.

**ACTION:** Semiannual regulatory agenda and annual regulatory plan.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866 (“Regulatory Planning and Review,” September 30, 1993), which require the publication by the Department of a semiannual agenda of regulations. E.O. 12866 also requires the publication by the Department of a regulatory plan for fiscal year 2006.

**FOR FURTHER INFORMATION CONTACT:** The Agency Contact identified in the item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** On November 25, 2002, the President signed the Homeland Security Act of 2002 (the Act), establishing the Department of Homeland Security (DHS). The Act transferred the U.S. Customs Service from the Department of

the Treasury to DHS, where it is now known as the Bureau of Customs and Border Protection. Notwithstanding the transfer of the Customs Service to DHS, the Act provides that the Secretary of the Treasury retains sole legal authority over the customs revenue functions, and authorizes the Secretary to delegate any of this retained authority to the Secretary of Homeland Security. By Treasury Department Order No. 100-16, the Secretary of the Treasury delegated to the Secretary of Homeland Security authority to prescribe regulations pertaining to the customs revenue functions. This Order further provided that the Secretary of the Treasury retained the sole authority to approve any such regulations concerning import quotas or trade bans; user fees; marking and labeling; copyright and trademark enforcement; and the completion of entry or substance of entry summary, including duty assessment and collection, classification, valuation, application of the U.S. Harmonized Schedules, eligibility or requirements for preferential trade programs, and the establishment of recordkeeping requirements. Accordingly, these regulations are now listed in the semiannual regulatory agenda of the Departmental Offices of the Department

of the Treasury. Because of limitations in the computer software used to prepare the agenda, the agency information under the heading “For Further Information Contact” for many of these regulations incorrectly indicates the Bureau of Customs and Border Protection contact person is an employee of the Department of the Treasury rather than the Department of Homeland Security.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

For this edition of Treasury’s regulatory agenda, one regulation of Office of the Comptroller of the Currency is included in the Regulatory Plan, which appears in part II of this issue of the **Federal Register**. This entry is listed in the table of contents below and is denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

**Dated:** September 28, 2005.

**Richard S. Carro,**

*Senior Advisor to the General Counsel for Regulatory Affairs.*

**Departmental Offices—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2390	19 CFR 111 Remote Location Filing .....	1505-AB20
2391	Uniform Rules of Origin .....	1505-AB49
2392	Revision of Outbound Redelivery Procedures and Liabilities .....	1505-AB52
2393	19 CFR 101 Centralization of the Continuous Bond Program at the CBP National Finance Center .....	1505-AB54
2394	NAFTA: Post-Entry Claims and Merchandise Processing Fee Exemption .....	1505-AB58

**Departmental Offices—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2395	31 CFR 501 Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Economic Sanctions Enforcement Guidelines .....	1505-AA95
2396	Country-of-Origin Marking .....	1505-AB21
2397	Expanded Methods of Payment of Duties, Taxes, Interest, and Fees .....	1505-AB22
2398	19 CFR 4 User and Navigation Fees; Other Reimbursable Charges .....	1505-AB24
2399	19 CFR 10 African Growth and Opportunity Act and Generalized System of Preferences .....	1505-AB26
2400	19 CFR 10 United States-Caribbean Basin Trade Partnership Act and Caribbean Basin Initiative .....	1505-AB28
2401	19 CFR 24 Reimbursable Customs Inspectional Services—Increase in Hourly Rate Charge .....	1505-AB29
2402	19 CFR 12 Dog and Cat Protection Act .....	1505-AB31
2403	19 CFR 141 Single Entry for Unassembled or Disassembled Entities Imported on Multiple Conveyances .....	1505-AB34
2404	19 CFR 10 Implementation of the Andean Trade Promotion and Drug Eradication Act .....	1505-AB37
2405	Trade Benefits Under the African Growth and Opportunity Act .....	1505-AB38

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## Departmental Offices—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2406	19 CFR 24 Fees for Customs Processing at Express Courier Facilities .....	1505-AB39
2407	Trade Benefits Under the Caribbean Basin Economic Recovery Act .....	1505-AB40
2408	19 CFR 10 United States—Chile Free Trade Agreement .....	1505-AB47
2409	19 CFR 10 United States—Singapore Free Trade Agreement .....	1505-AB48
2410	Recordation of Copyrights and Enforcement Procedures To Prevent Importation of Piratical Articles .....	1505-AB51
2411	19 CFR 141 Conditional Release Period and Customs Bond Obligations for Food, Drugs, Devices, and Cosmetics .....	1505-AB57
2412	19 CFR 12 Country of Origin of Textile and Apparel Products .....	1505-AB60
2413	Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material Imported from the Pre-Hispanic Cultures of the Republic of Nicaragua .....	1505-AB61

## Departmental Offices—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2414	31 CFR Ch II Possible Regulation of Access to Accounts at Financial Institutions Through Payment Service Providers .....	1505-AA74
2415	Financial Activities of Financial Subsidiaries .....	1505-AA80
2416	Financial Subsidiaries .....	1505-AA81
2417	12 CFR 1501.2 Secretary's Determination of Real Estate Brokerage .....	1505-AA84
2418	12 CFR 1501.2 Secretary's Determination of Other Activities Financial in Nature .....	1505-AA85
2419	Terrorism Risk Insurance Program; Recoupments of Federal Share of Compensation for Insured Losses .....	1505-AB10
2420	19 CFR 4 Harbor Maintenance Fee .....	1505-AB11
2421	Donated Cargo Exemption From Harbor Maintenance Fee .....	1505-AB12
2422	19 CFR 142 Reconciliation .....	1505-AB16
2423	19 CFR 181 North American Free Trade Agreement (NAFTA)—Implementation of Duty-Deferral Program Provisions .....	1505-AB17

## Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2424	Amendments to the Government Securities Act Regulations: Exemption for Holdings Subject to Fiduciary Standards .....	1505-AB06
2425	Terrorism Risk Insurance Program; Additional Claims Issues .....	1505-AB09
2426	Expanded Weekly Entry Procedure for Foreign Trade Zones .....	1505-AB27
2427	Tariff Treatment Related to Disassembly Operations Under the North American Free Trade Agreement (NAFTA) ..	1505-AB41
2428	Federal Benefit Payments Under Certain District of Columbia Retirement Plans .....	1505-AB55

## Financial Crimes Enforcement Network—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2429	Customer Identification Programs for Pawn Brokers .....	1506-AA39

## Financial Crimes Enforcement Network—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2430	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Delegation of Authority To Assess Civil Money Penalties on Depository Institutions .....	1506-AA08
2431	Customer Identification Programs for Travel Agents .....	1506-AA38

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## Financial Crimes Enforcement Network—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2432	Customer Identification Programs for Loan and Finance Companies .....	1506-AA40
2433	Customer Identification Programs for Sellers of Vehicles .....	1506-AA41
2434	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Travel Agencies .....	1506-AA69
2435	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Loan and Finance Companies .....	1506-AA73
2436	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Persons Involved in Real Estate Closings and Settlements .....	1506-AA79
2437	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Businesses Engaged in Vehicle Sales, Including Automobiles, Airplane, and Boat Sales .....	1506-AA80

## Financial Crimes Enforcement Network—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2438	31 CFR 103 Amendment to the Bank Secrecy Act Regulations Regarding Reporting of Cross-Border Transportation of Certain Monetary Instruments .....	1506-AA15
2439	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Exemptions From the Requirement To Report Transactions in Currency .....	1506-AA23
2440	31 CFR 103.30 Amendment to the Bank Secrecy Act Regulations—Requirement that Nonfinancial Trades or Businesses Report Certain Currency Transactions .....	1506-AA25
2441	31 CFR 103.175-103.178 Due Diligence Requirements for Correspondent Accounts and Private Banking Accounts .....	1506-AA29
2442	31 CFR 103.121 Customer Identification Programs for Banks, Savings Associations, and Credit Unions .....	1506-AA31
2443	31 CFR 103.16 Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations Requirement That Insurance Companies Report Suspicious Transactions .....	1506-AA36
2444	31 CFR 103.15 Amendment to the Bank Secrecy Act Regulations—Requirement That Mutual Funds Report Suspicious Transactions .....	1506-AA37
2445	31 CFR 103.184 Imposition of Special Measures Against the Country of Nauru .....	1506-AA43
2446	Financial Crimes Enforcement; Amendments to the Bank Secrecy Act Regulations—Nomenclature Changes .....	1506-AA61
2447	Imposition of Special Measures Against the Commercial Bank of Syria as a Financial Institution of Primary Money Laundering Concern .....	1506-AA64
2448	Imposition of Special Measure Against First Merchant Bank OSH Ltd, Incl. its Subsidiaries, FMB Finance Ltd, First Merchant International Inc, First Merchant Finance Ltd, and First Merchant Trust Ltd .....	1506-AA65
2449	Imposition of Special Measure Against Infobank as a Financial Institution of Primary Money Laundering Concern ..	1506-AA67
2450	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Mutual Funds .....	1506-AA68
2451	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Insurance Companies .....	1506-AA70
2452	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Investment Advisors .....	1506-AA71
2453	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Financial Institutions .....	1506-AA72
2454	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Money Services Businesses .....	1506-AA74
2455	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Commodity Trading Advisors .....	1506-AA75
2456	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Operators of a Credit Card System .....	1506-AA76
2457	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Unregistered Investment Companies .....	1506-AA77
2458	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Dealers in Precious Metals, Stones, or Jewels .....	1506-AA78

**TREAS****Financial Crimes Enforcement Network—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
2459	31 CFR 103 Amendments to the Bank Secrecy Act Regulations—Special Reporting and Recordkeeping Requirements—Money Services Businesses (MSBs) .....	1506-AA19

**Financial Management Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2460	31 CFR 245 Claims on Account of Treasury Checks .....	1510-AA51
2461	31 CFR 256 Payments Under Judgment and Private Relief Acts .....	1510-AA52
2462	Foreign Exchange Operations .....	1510-AB03
2463	Withholding of District of Columbia, State, City, and County Income or Employment Taxes by Federal Agencies ...	1510-AB06

**Financial Management Service—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2464	31 CFR 901.9 Federal Claims Collection Standard—Collection by Installments .....	1510-AA91
2465	Federal Government Participation in the ACH .....	1510-AB00
2466	Payment of Federal Taxes and the Treasury Tax and Loan Program .....	1510-AB01
2467	Federal Government Participation in the Automated Clearing House .....	1510-AB04
2468	Offset of Federal Payments (Other Than Tax Refund and Federal Benefit Payments) To Collect Past-Due, Legally Enforceable Nontax Debt—Grant Payments Amendment .....	1510-AB05

**Financial Management Service—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
2469	31 CFR 285.7 Salary Offset .....	1510-AA70
2470	Administrative Wage Garnishment Clarifications .....	1510-AB02

**Alcohol and Tobacco Tax and Trade Bureau—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
2471	Proposed Revisions to the Beer Regulations .....	1513-AB05
2472	Use of the Word "Pure" or its Variants in the Labeling and Advertising of Alcohol Beverages. ....	1513-AB16

**Alcohol and Tobacco Tax and Trade Bureau—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2473	Denatured Spirits, Articles, and Nonbeverage Products .....	1513-AB03
2474	Labeling and Advertising of Wines, Distilled Spirits, and Malt Beverages .....	1513-AB07
2475	Allergen Ingredient Labeling for Alcohol Beverages .....	1513-AB08
2476	Alternating Brewery Proprietors .....	1513-AB09
2477	Petition To Establish the Outer Coastal Plain American Viticultural Area .....	1513-AB13
2478	Petition To Establish the Rattlesnake Hills American Viticultural Area .....	1513-AB14
2479	Petition To Establish the Saddle Rock-Malibu American Viticultural Area .....	1513-AB15
2480	Availability of Information .....	1513-AA98

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## Alcohol and Tobacco Tax and Trade Bureau—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2481	Firearms and Ammunition Excise Taxes, Consignment Sales of Imported Articles .....	1513-AB12
2482	27 CFR 252 Exportation of Liquors .....	1513-AA00
2483	27 CFR 270 Determination of Tax and Recordkeeping on Large Cigars .....	1513-AA16
2484	27 CFR 19, Subpart W Proposed Revisions to the Distilled Spirits Plant Regulations .....	1513-AA23
2485	27 CFR 44 Regulatory Changes From Customs Service Final Rule .....	1513-AA26
2486	27 CFR 40 Shipments of Tobacco Products or Cigarette Papers or Tubes Without Payment of Tax .....	1513-AA27
2487	27 CFR 17 Tax-Paid Distilled Spirits Used in Manufacturing Products Unfit for Beverage Use .....	1513-AA37
2488	27 CFR 4 Proposed Addition of New Grape Variety Names for American Wines .....	1513-AA42
2489	27 CFR 40 Marks, Labels, Notices, and Bonds for, and Removal of, Tobacco Products, and Cigarette Papers and Tubes .....	1513-AA49
2490	27 CFR 40 In-Transit Stops of Tobacco Products, and Cigarette Papers and Tubes Without Payment of Tax .....	1513-AA52
2491	Proposed Establishment of Alta Mesa Viticultural Area .....	1513-AA82
2492	Proposed Establishment of the Cosumnes River Viticultural Area .....	1513-AA83
2493	Proposed Establishment of Sloughhouse Viticultural Area .....	1513-AA84
2494	Proposed Establishment of Mokelumne River Viticultural Area .....	1513-AA85
2495	Proposed Establishment of Jahant Viticultural Area .....	1513-AA86
2496	Proposed Establishment of Borden Ranch Viticultural Area .....	1513-AA87
2497	Proposed Establishment of Clements Hills Viticultural Area .....	1513-AA88
2498	Proposed Establishment of the Mt. Oso Viticultural Area .....	1513-AA89

## Alcohol and Tobacco Tax and Trade Bureau—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2499	New Certification Requirements for Imported Wine .....	1513-AB00
2500	Wahluke Slope Viticultural Area .....	1513-AB01
2501	Petition To Establish San Antonio Valley as a New American Viticultural Area .....	1513-AB02
2502	Proposed Change to Vintage Date Requirements .....	1513-AB11
2503	Administrative Changes to Alcohol, Tobacco, and Firearms Regulations Due to the Homeland Security Act of 2002 .....	1513-AA80
2504	Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for Use by the United States in Law Enforcement Activities .....	1513-AA99
2505	27 CFR 275 Implementation of Public Law 105-33, Section 9302, Requiring the Qualification of Tobacco Product Importers and Miscellaneous Technical Amendments .....	1513-AA10
2506	27 CFR 4 Proposal To Recognize Synonyms for Petite Sirah and Zinfandel Grape Varieties .....	1513-AA32
2507	27 CFR 9 Proposed Red Hill Douglas County, Oregon American Viticultural Area .....	1513-AA39
2508	27 CFR 9 Petition To Establish "Eola Hills" as a New American Viticultural Area .....	1513-AA41
2509	27 CFR 4 Organic Claims in Labeling and Advertising of Alcohol Beverages .....	1513-AA46
2510	27 CFR 9 Petition To Expand the Livermore Valley Viticultural Area .....	1513-AA54
2511	27 CFR 9 San Francisco Bay and Central Coast Viticultural Areas—Boundary Realignment/Expansion .....	1513-AA55
2512	27 CFR 9 Petition To Establish "Chehalem Mountains" as a New American Viticultural Area .....	1513-AA57
2513	27 CFR 7 Labeling and Advertising of Malt Beverages .....	1513-AA60
2514	Petition To Establish the "Fort Ross Seaview" Viticultural Area .....	1513-AA64
2515	Petition No. 2 To Expand the Russian River Valley Viticultural Area .....	1513-AA67
2516	Petition To Establish the "Shawnee Hills" Viticultural Area .....	1513-AA70
2517	Proposed Amended Boundaries for the Santa Lucia Highlands and the Arroyo Seco Viticultural Area .....	1513-AA72
2518	Petition To Establish "Texoma" as a Viticultural Area .....	1513-AA77
2519	Proposed Establishment of Covelo Viticultural Area .....	1513-AA90
2520	Petition To Establish "Calistoga" as an American Viticultural Area .....	1513-AA92
2521	Ramona Valley Viticultural Area .....	1513-AA94
2522	Dos Rios Viticultural Area .....	1513-AA95
2523	Materials Authorized for the Treatment of Wine and Juice; Processes Authorized for the Treatment of Wine, Juice, and Distilling Material .....	1513-AA96
2524	Niagara Escarpment Viticultural Area .....	1513-AA97
2525	Suspension of Special (Occupational) Tax .....	1513-AB04

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## Alcohol and Tobacco Tax and Trade Bureau—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2526	27 CFR 4 Prohibition of Alcohol Beverage Containers and Standard of Fill for Distilled Spirits and Wine .....	1513-AA07
2527	27 CFR 24.278 Implementation of Wine Credit Provisions of Public Law 104-188 .....	1513-AA05
2528	27 CFR 24.66 Implementation of Public Law 105-34, Section 1416, Relating to Refund of Tax for Domestic Wine Returned to Bond Regardless of Merchantability (Taxpayer Relief Act of 1997) .....	1513-AA06
2529	27 CFR 4 Amended Standard of Identity for Sherry .....	1513-AA08
2530	27 CFR 275 Prohibited Marks on Packages of Tobacco Products and Cigarette Papers and Tubes Imported or Brought Into the United States .....	1513-AA14
2531	27 CFR 9 Petition To Establish "Santa Maria Bench" as a New American Viticultural Area .....	1513-AA51

## Alcohol and Tobacco Tax and Trade Bureau—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2532	27 CFR 9 Petition To Establish "Alexandria Lakes" as a New American Viticultural Area .....	1513-AA45
2533	Administrative Changes to the Publication of the TTB Bulletin .....	1513-AB06
2534	Determination of Sale Price of Large Cigars .....	1513-AB10
2535	27 CFR 31 Liquor Dealers; Recodification of Regulations .....	1513-AA19
2536	27 CFR 9 Petition To Establish "Ribbon Ridge" as a New American Viticultural Area .....	1513-AA58
2537	Petition To Establish the "High Valley" Viticultural Area .....	1513-AA79
2538	Proposed Establishment of Horse Heaven Hills .....	1513-AA91

## Comptroller of the Currency—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2539	Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Domestic Capital Modifications .....	1557-AC95

## Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2540	12 CFR 4 Regulatory Burden Reduction and Technical Amendments .....	1557-AC79
2541	Identity Theft Detection, Prevention, and Mitigation Program for Financial Institutions and Creditors .....	1557-AC87
2542	Implementation of a Revised Basel Capital Accord (Basel II) ( <b>Reg Plan Seq No. 98</b> ) .....	1557-AC91
2543	One-Year Post-Employment Restrictions for Senior Examiners .....	1557-AC94
2544	Securities Offering Disclosure Rules; Nonpublic Offerings .....	1557-AC98

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2545	Fair Credit Reporting: Use of Medical Information .....	1557-AC85
2546	Fair Credit Reporting: Affiliate Marketing Regulations .....	1557-AC88
2547	Securities Borrowing Transactions .....	1557-AC90
2548	Assessment of Fees .....	1557-AC96
2549	12 CFR 1-3 District of Columbia-Chartered Banks .....	1557-AC97

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## Comptroller of the Currency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2550	Recordkeeping Requirements for Bank Exceptions From Securities Broker or Dealer Registration .....	1557-AB93
2551	Interagency Proposal To Consider Alternative Forms of Privacy Notices Under the Gramm-Leach-Bliley Act .....	1557-AC80
2552	Accuracy and Integrity of Information Furnished to a Consumer Reporting Agency .....	1557-AC89

## Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2553	12 CFR 25 Community Reinvestment Act Regulation (12 CFR 25) .....	1557-AB98
2554	Electronic Filing and Disclosure of Beneficial Ownership Reports .....	1557-AC75

## Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2555	Partnerships and Deemed Dispositions of Unrealized Receivables and Inventory Items .....	1545-BC65

## Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2556	Computation of a Branch's Taxable Income; Taxation of Exchange Gain or Loss on Branch Remittances .....	1545-AM12
2557	Outbound Transfers of Property to Foreign Corporations .....	1545-AM97
2558	Foreign Insurance Company—Domestic Election .....	1545-AO25
2559	Taxation of Global Trading .....	1545-AP01
2560	Integrated Financial Transaction .....	1545-AR20
2561	Agreements for Payment of Tax Liabilities in Installments .....	1545-AU97
2562	Substantiating Travel Expense Deductions for Members of Congress .....	1545-AV55
2563	Transportation of Persons and Property by Air .....	1545-AW19
2564	Source of Income From Certain Space and Ocean Activities and for Communications Income .....	1545-AW50
2565	Rules for Sourcing Certain Transportation Income, Space, or Ocean Activity Income, and Related Foreign Base Company Shipping Income .....	1545-AX02
2566	Definition of Accounting Method .....	1545-AX21
2567	Inspection of Written Determinations .....	1545-AX40
2568	Awarding of Costs and Certain Fees .....	1545-AX46
2569	Modification to Section 367(a) Stock Transfer Regulations .....	1545-AX77
2570	Definition of Passive Foreign Investment Company Under Section 1297 .....	1545-AX78
2571	Clarification of Foreign-Based Tax Company Sales Income Rules .....	1545-AX91
2572	Guidance on Changes to the Laws for Corporate Estimated Taxes .....	1545-AY22
2573	Taxable Years of Controlled Foreign Corporations (CFCs) and Foreign Personal Holding Companies (FPHCs) .....	1545-AY30
2574	Dollar-Value LIFO .....	1545-AY39
2575	Special Rules Relating to Transfers of Intangibles to Foreign Corporations .....	1545-AY41
2576	Previously Taxed Earnings and Profits Under Subpart F .....	1545-AY54
2577	Liabilities Assumed in Certain Corporate Transactions .....	1545-AY74
2578	Disclosure of Returns and Return Information in Judicial and Administrative Tax Proceedings .....	1545-AY89
2579	Transactions Involving Obligations of Consolidated Group Members .....	1545-BA11
2580	Deductibility of Employer Contributions for Deferred Compensation .....	1545-BA13
2581	Suspension of Statutes of Limitation in John Doe and Third-Party Summons Disputes, and Expansion of Taxpayers' Rights To Receive Notice and Seek Judicial Review of Third Party Summonses .....	1545-BA31
2582	Allocation and Apportionment Rules: Guidance on Selected Issues .....	1545-BA64
2583	Provisions Regarding Cross-Border Transactions .....	1545-BA65
2584	Circular 230—Phase 2 Nonshelter Revisions .....	1545-BA72
2585	Allocation of New Markets Tax Credit .....	1545-BA84



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## Internal Revenue Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2586	Communications Excise Tax; Taxable Communication Services .....	1545-BB04
2587	Cost Sharing .....	1545-BB26
2588	Accrual Rules for Creditable Foreign Taxes and Guidance on Change in Taxable Year .....	1545-BB27
2589	Application of Separate Limitations to Dividends From Noncontrolled Section 902 Corporation .....	1545-BB28
2590	Substitute Dividend Payments in Securities Lending and Similar Transactions .....	1545-BB56
2591	Loss on Subsidiary Stock .....	1545-BB61
2592	Liquidation of an Interest .....	1545-BB71
2593	REMIC Residuals—Timing of Income for Foreign Holders .....	1545-BB84
2594	Dependent Care Credit .....	1545-BB86
2595	Determination of Single-Sum Distributions From Cash Balance Plans .....	1545-BB93
2596	General Allocation and Accounting Regulations .....	1545-BC07
2597	Utility Allowance Regulation Update .....	1545-BC22
2598	Guidance on PFIC Purging Elections .....	1545-BC37
2599	Additional Guidance Regarding Mark-to-Market Accounting for Traders in Securities and/or Commodities, Including Foreign Currency Instruments .....	1545-BC48
2600	Stewardship Expenses .....	1545-BC52
2601	Suspension of Running of Period of Limitation During a Proceeding To Enforce or Quash a Designated or Related Summons .....	1545-BC55
2602	Guidance Under Section 2053 Regarding Post-Death Events .....	1545-BC56
2603	Below-Market Loans .....	1545-BC78
2604	Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974 .....	1545-BC82
2605	Definition of Loss for Purposes of the Straddle Rules .....	1545-BC83
2606	Sickness or Accident Disability Payments .....	1545-BC89
2607	Revision of Section 301.6103(j)-1 for Disclosure to the Bureau of Economic Analysis, Department of Commerce ...	1545-BC93
2608	Guidance Regarding the Active Trade or Business Requirement Under Section 355(b) .....	1545-BC94
2609	Support Test in the Case of a Child of Divorced Parents .....	1545-BD01
2610	Public Inspection of Written Determinations Under Section 6110 of the Internal Revenue Code (Temporary) .....	1545-BD09
2611	Current Liability Interest Rate Under Section 412(b)(5) (Temporary) .....	1545-BD14
2612	Definition of Qualified Foreign Corporation .....	1545-BD15
2613	REMIC Interest-Only Regular Interests .....	1545-BD18
2614	Escrow Accounts, Trusts, and Other Funds Used During Deferred Exchanges of Like-Kind Property .....	1545-BD19
2615	Section 42 Qualified Contract Provisions .....	1545-BD20
2616	Payments for Which No Return of Information Is Required Under Section 6041 .....	1545-BD21
2617	Definition of Disqualified Person .....	1545-BD28
2618	Transfers of Restricted Stock .....	1545-BD44
2619	Application of Sections 304(b)(6) and 367 in Cross Border Section 304 Transactions .....	1545-BD46
2620	Aggregate Computation; Allocation of Research Credit II .....	1545-BD60
2621	Declaratory Judgment—Gift Tax Value .....	1545-BD67
2622	Use of Electronic Technologies for Providing Notices and Transmitting Elections and Consents .....	1545-BD68
2623	Disabled Access Credit .....	1545-BD69
2624	Section 704(b)(2) and Substantiality .....	1545-BD70
2625	Regulations Under Section 706 Regarding Determination of Distributive Share When A Partner's Interest Changes	1545-BD71
2626	Shareholder's Basis in Stock of an S Corporation .....	1545-BD72
2627	Guidance Under Section 6501(c)(1) Regulations .....	1545-BD73
2628	Guidance Under Section 707(c) Regarding Guaranteed Payments .....	1545-BD74
2629	Possible Update and Revision of Treasury Regulation Sections 1.381(c)(4) and (5)-1 .....	1545-BD81
2630	Amendments to 26 CFR Section 1.263(a)-5 Regarding Treatment of Capitalized Costs .....	1545-BD82
2631	Guidance Regarding Selected Issues Under Section 336(e) .....	1545-BD84
2632	Revision of Section 301.6103(j)-1 for Disclosure to the Bureau of Economic Analysis, Department of Commerce (Temporary) .....	1545-BE02
2633	Reduction of Fuel Excise Tax Evasion .....	1545-BE03
2634	Elimination of Country-by-Country Reporting to Shareholders of Foreign Taxes Paid by Regulated Investment Companies .....	1545-BE09
2635	Intra-Group Gross Receipts Under Section 41 .....	1545-BE14
2636	Capitalization of Amounts Paid To Repair or Improve Tangible Property .....	1545-BE18
2637	Farmer and Fisherman Income Averaging Under the American Jobs Creation Act of 2004 (AJCA) .....	1545-BE23
2638	Employer Comparable Contributions To Health Savings Accounts Under Section 4980G .....	1545-BE30

## TREAS

## Internal Revenue Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2639	Tractors, Trailers, Trucks, and Tires .....	1545-BE31
2640	Income Attributable to Domestic Production Activities .....	1545-BE33
2641	Guidance Under Subpart F Relating to Partnerships .....	1545-BE34
2642	Release of Lien or Discharge of Property .....	1545-BE35
2643	Farmer and Fisherman Income Averaging Under the American Jobs Creation Act of 2004 (AJCA) (Temporary) .....	1545-BE39
2644	Definition of Dependent and Other Related Provisions .....	1545-BE40
2645	Disregarded Entities and Collections .....	1545-BE43
2646	Balanced System for Measuring Organizational and Employee Performance Within the Internal Revenue Service .....	1545-BE45
2647	Balanced System for Measuring Organizational and Employee Performance Within the Internal Revenue Service (Temporary) .....	1545-BE46
2648	Information Returns Required With Respect to Certain Foreign Corporations and Other Conforming Changes .....	1545-BE47
2649	Low-Income Housing Credit Allocation and Certification; Revisions .....	1545-BE50
2650	Special Depreciation Allowance-Extended Placed-in Service Date .....	1545-BE55
2651	Special Depreciation Allowance-Extended Placed-in-Service Date (Temporary) .....	1545-BE56
2652	Limitation on Transfer of Built-in Losses .....	1545-BE58
2653	Limitation on Transfer of Built-in Losses (Temporary) .....	1545-BE59
2654	Research Expenditures Resulting In Inventory Property .....	1545-BE64
2655	Converting an IRA Annuity to a Roth IRA .....	1545-BE65
2656	Converting an IRA Annuity to a Roth IRA (Temporary) .....	1545-BE66
2657	Assumption of Liabilities .....	1545-BE67
2658	Section 401(A)(4) Guidance .....	1545-BE69
2659	Qualified Severance of a Trust for Generation-Skipping Transfer (GST) Tax Purposes II .....	1545-BE70
2660	Special Rule Regarding Certain Section 951 Pro Rata Share Allocations .....	1545-BE71
2661	Information Reporting On Real Estate Transactions .....	1545-BE73
2662	Dividends Paid Deduction For Stock Held In Employee Stock Ownership Plan .....	1545-BE74
2663	Start-up and Organizational Expenditures .....	1545-BE77
2664	Remic Residuals-Foreign Holders (Temporary) .....	1545-BE81
2665	Life/Non-life Tacking Rule .....	1545-BE85
2666	Targeted Populations Under Section 45D(e)(2) .....	1545-BE89
2667	Railroad Track Maintenance Credit .....	1545-BE90
2668	Railroad Track Maintenance Credit (Temporary) .....	1545-BE91
2669	Guidance Under Section 7874 for Determining Ownership by Former Shareholders or Partners of Domestic Entities .....	1545-BE93
2670	S Corporation Guidance Under American Jobs Creation Act of 2004 .....	1545-BE95
2671	Capital Costs Incurred To Comply With EPA Sulfur Regulations .....	1545-BE96
2672	Disallowance of Partnership Loss Transfers and Basis Reduction in Stock of a Corporate Partner .....	1545-BE98
2673	Section 704(c) and 737 Regulations Update .....	1545-BE99
2674	Cafeteria Plans .....	1545-BF00

## Internal Revenue Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2675	Information From Passport and Immigration Applicants .....	1545-AJ93
2676	Foreign Corporations .....	1545-AK74
2677	Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act .....	1545-AK79
2678	Earnings Stripping Payments .....	1545-AO24
2679	Escrow Funds and Other Similar Funds .....	1545-AR82
2680	Straddles—Miscellaneous Issues .....	1545-AT46
2681	Recomputation of Life Insurance Reserves .....	1545-AU49
2682	Definition of Private Activity Bond—Refunding Regulations .....	1545-AU98
2683	Mark-to-Market Accounting for Dealers in Commodities and Traders in Securities and Commodities .....	1545-AW06
2684	Stocks and Securities Safe Harbor Exception .....	1545-AW13
2685	Intercompany Obligations .....	1545-AW30
2686	Reporting of Payments to Attorneys .....	1545-AW72
2687	Highway Vehicle—Definition .....	1545-AX10

## TREAS

## Internal Revenue Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2688	Guidance on Cost Recovery in the Entertainment Industry .....	1545-AX12
2689	Stock Transfer Rules—Carryover of Earnings and Taxes .....	1545-AX65
2690	Allocation and Apportionment of Interest Expense and Certain Other Expenses .....	1545-AX72
2691	Capitalization of Interest and Carrying Charges Properly Allocable to Straddles .....	1545-AX92
2692	Authorized Placement Agency .....	1545-AY18
2693	HIPAA General Nondiscrimination .....	1545-AY32
2694	HIPAA Nondiscrimination Exception for Church Plans .....	1545-AY33
2695	HIPAA Nondiscrimination Exception for Bona Fide Wellness Programs .....	1545-AY34
2696	Allocation of Income and Deductions From Intangibles .....	1545-AY38
2697	Election—Asset Acquisitions of Insurance Companies .....	1545-AY49
2698	Tax Treatment of Cafeteria Plans .....	1545-AY67
2699	Normalization .....	1545-AY75
2700	Transitional Relief for Qualified Intermediaries .....	1545-AY92
2701	Mergers Involving Disregarded Entities .....	1545-BA06
2702	Reductions of Accruals and Allocations Because of Increased Age .....	1545-BA10
2703	Amendment to the Definition of Refunding .....	1545-BA46
2704	Noncompensatory Partnership Options .....	1545-BA53
2705	Redemptions Treated as Dividends .....	1545-BA80
2706	Reporting Requirements for Widely Held Fixed Investment Trusts .....	1545-BA83
2707	Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens .....	1545-BA86
2708	Allocation of Foreign Tax Credits Among Partners .....	1545-BB11
2709	Investigative Disclosures .....	1545-BB16
2710	Toll Telephone Service—Definition .....	1545-BB18
2711	Mixed Use Output Facilities .....	1545-BB23
2712	Treatment of Services Under Section 482 .....	1545-BB31
2713	Limitation on Use of Nonaccrual Experience Method of Accounting .....	1545-BB43
2714	Special Depreciation Allowance .....	1545-BB57
2715	Contributions To Purchase Certain Retirement Annuities or Custodial Accounts Under Section 403(b) .....	1545-BB64
2716	Collected Excise Taxes; Duties of Collector .....	1545-BB75
2717	Notional Principal Contracts; Contingent Nonperiodic Payments .....	1545-BB82
2718	Predecessors or Successors Under Section 355(e) .....	1545-BB85
2719	Guidance Regarding Mark-to-Market Valuation for Certain Securities .....	1545-BB90
2720	Partnership Equity for Services .....	1545-BB92
2721	Accrual for Certain REMIC Regular Interests .....	1545-BB94
2722	Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing Upon Filing of Notice of Lien .....	1545-BB96
2723	Miscellaneous Changes to Collection Due Process Procedures Relating to Hearings Before Levy .....	1545-BB97
2724	Determination of Basis of Securities Received in Exchange or With Respect to a Stock or Securities in Certain Transactions .....	1545-BC05
2725	Entry of Taxable Fuel .....	1545-BC08
2726	Guidance Necessary To Facilitate Business Electronic Filing .....	1545-BC15
2727	Changes in Computing Depreciation .....	1545-BC18
2728	Value of Life Insurance When Distributed From a Qualified Retirement Plan .....	1545-BC20
2729	Special Consolidated Return Rules for Interest Expense Disallowed Under Section 265(a)(2) .....	1545-BC23
2730	Guidance Regarding Application of Section 265(a)(2) and 246A in Transactions Involving Related Parties, Pass- Through Entities, or Other Intermediaries .....	1545-BC24
2731	Section 411(d)(6) Protected Benefits .....	1545-BC26
2732	Prohibited Allocation of Securities in an S Corporation .....	1545-BC34
2733	Substitute for Return (SFR) and Automated Substitute for Return (ASFR) .....	1545-BC45
2734	Guidance on PFIC Purging Elections .....	1545-BC49
2735	Qualified Severance Regulations .....	1545-BC50
2736	Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions .....	1545-BC61
2737	Guidance Under Section 707 Regarding Disguised Sales .....	1545-BC63
2738	Section 1045 Application to Partnerships .....	1545-BC67
2739	Collection After Assessment .....	1545-BC72
2740	Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group .....	1545-BC74
2741	Determination of Residency in U.S. Possessions .....	1545-BC86
2742	Exclusion of Employees of 501(c)(3) Organizations in 401(k) and 401(m) Plans .....	1545-BC87

## TREAS

## Internal Revenue Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2743	Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group; Computation of Taxable Income When Section 108 Applies to a Member of a Consolidated Group .....	1545–BC95
2744	Solid Waste Disposal Facilities .....	1545–BD04
2745	Deemed IRAs in Governmental Plans/Qualified Nonbank Trustee Rules .....	1545–BD07
2746	Dual Consolidated Loss Regulations .....	1545–BD10
2747	Guidance on Phased Retirement .....	1545–BD23
2748	Stock Held by Foreign Insurance Companies .....	1545–BD27
2749	Requirements for Reorganizations .....	1545–BD31
2750	Guidance on PFIC Purging Elections (Temporary) .....	1545–BD33
2751	Clarification of Definitions .....	1545–BD37
2752	Underpayment for Qualified Amended Returns .....	1545–BD40
2753	Transfers of Restricted Stock (Temporary) .....	1545–BD45
2754	Treatment of Disregarded Entities Under Section 752 .....	1545–BD48
2755	Section 951 Pro Rata Rules .....	1545–BD49
2756	HIPAA Portability: Special Enrollment Procedures, Tolling, and Interaction With FMLA .....	1545–BE51
2757	Continuity of Interest/Stock Fluctuation .....	1545–BD53
2758	Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Applicability of Section 381 .....	1545–BD54
2759	Manufacturer Incentive Payments in an Intercompany Transaction .....	1545–BD55
2760	Asset Transfers Following Putative Reorganizations .....	1545–BD56
2761	Guidance Under Section 368 Regarding Mergers With and Into a Foreign Corporation .....	1545–BD76
2762	Section 1374 Effective Dates .....	1545–BD95
2763	Flat Rate Supplemental Wage Withholding .....	1545–BD96
2764	Disclosure of Relative Values of Optional Forms of Benefit .....	1545–BD97
2765	Dye Injection .....	1545–BE04
2766	Designated Roth Contributions Under Cash or Deferred Arrangements Under Section 401(k) .....	1545–BE05
2767	Circular 230-Covered Opinion Amendments .....	1545–BE13
2768	Disclosure of Return Information to the Department of Agriculture .....	1545–BE15
2769	Exclusions From Gross Income of Foreign Corporations .....	1545–BE16
2770	Withholding Exemptions .....	1545–BE20
2771	Guidance Under Section 7874 for Determining Ownership by Former Shareholders or Partners of Domestic Entities (Temporary) .....	1545–BE94
2772	Capital Costs Incurred To Comply With EPA Sulfur Regulations (Temporary) .....	1545–BE97
2773	Cafeteria Plans (Temporary) .....	1545–BF01

## Internal Revenue Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2774	Income Tax—Taxpayer's Obligation To File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure To File .....	1545–AC09
2775	Income Tax—Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico and Possession Tax Credit .....	1545–AC10
2776	FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction, and Other Special Rules for FSC .....	1545–AI16
2777	Income of Foreign Governments and International Organizations .....	1545–AL93
2778	Clarification of Treatment of Separate Limitation Losses .....	1545–AM11
2779	Earnings and Profits of Controlled Foreign Corporations .....	1545–AM90
2780	Caribbean Basin Investments .....	1545–AM91
2781	Consolidated Alternative Minimum Tax .....	1545–AN73
2782	Conforming Taxable Years of CFCs and FPHCs .....	1545–AO22
2783	Information Reporting and Record Maintenance .....	1545–AP10
2784	Registration Required Obligations .....	1545–AP33
2785	Use of GAAP Earnings as E&P of Foreign Corporations .....	1545–AQ55
2786	Interest-Free Adjustments .....	1545–AQ61
2787	The Treatment of Accelerated Death Benefits .....	1545–AQ70
2788	Definition of "Highly Compensated Employee" .....	1545–AQ74
2789	Mark-to-Market Upon Disposition .....	1545–AS85

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## Internal Revenue Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2790	Allocation of Accrued Benefits Between Employer and Employee Contributions .....	1545-AT82
2791	Foreign Corporations Regulations .....	1545-AT96
2792	Application of Grantor Trust Rules to Nonexempt Employees' Trusts .....	1545-AU29
2793	Application of Attribution Rules to Foreign Trusts .....	1545-AU91
2794	Electronic Transmission of Withholding Certificates .....	1545-AV27
2795	Constructive Sales of Appreciated Financial Positions .....	1545-AW97
2796	Highly Compensated Employee .....	1545-AX48
2797	Special Rules for S Corporations .....	1545-AY44
2798	Normal Retirement Age for Pension Plans .....	1545-AY61
2799	Payments For Interest in Partnership .....	1545-AY90
2800	Consolidated Returns; Nonapplicability of Section 357(c) .....	1545-BA09
2801	Earnings and Profits Attribution Principles .....	1545-BA93
2802	Guidance To Facilitate Electronic Tax Administration .....	1545-BA96
2803	Timely Mailing Treatment .....	1545-BA99
2804	Amending the Low-Income Housing Tax Credit Program .....	1545-BB37
2805	Amendment to Section 6724 Relating to Failure To File Correct Information Returns .....	1545-BB41
2806	Application of Nondiscrimination Cross-Testing Rules To Cash Balance Plans .....	1545-BB79
2807	Notarization Requirement for Statements of Purchase .....	1545-BC11
2808	Contingent at Closing Escrows .....	1545-BC16
2809	Coordination of United States and Certain Possessions Income Taxes .....	1545-BC54
2810	Transactions Involving the Transfer of No Net Equity Value .....	1545-BC88
2811	Disclosures to Subcontractors .....	1545-BC92
2812	Accumulated Adjustment Account and Other Corporate Separations Under Section 355 .....	1545-BC98
2813	Attained Age of the Insured .....	1545-BD00
2814	Current Liability Interest Rate Under Section 412(b)(5) .....	1545-BD13
2815	Coordination of United States and Certain Possessions Income Taxes (Temporary) .....	1545-BD32
2816	LIFO Recapture Under Section 1363(d) .....	1545-BD34
2817	Update of 415 Regulations .....	1545-BD52
2818	Classification of Indian Tribal Corporations .....	1545-BD61
2819	Mandatory e-Filing for Forms 1120 .....	1545-BD65
2820	Classification of Certain Foreign Entities .....	1545-BD77
2821	Classification of Certain Foreign Entities (Temporary) .....	1545-BD78
2822	Special Rules To Reduce Section 1446 Withholding .....	1545-BD80
2823	Definition of the "Due Date" for Purposes of Calculating Overpayment Interest Under Section 301.6611(h) .....	1545-BD86
2824	Return for Subchapter T Cooperatives .....	1545-BD92
2825	Employer's Annual Federal Employment Tax Return—Form 944 .....	1545-BD93
2826	Return for Subchapter T Cooperatives (Temporary) .....	1545-BD98
2827	Employer's Annual Federal Employment Tax Return—Form 944 (Temporary) .....	1545-BE00
2828	Application of Section 6404(g) Suspension Provisions .....	1545-BE07
2829	Disclosure of Return Information to the Bureau of the Census .....	1545-BE08
2830	Information Returns by Donees Relating to Qualified Intellectual Property Contributions .....	1545-BE11
2831	Section 6011 Regulations .....	1545-BE24
2832	Section 6011 Regulations (Temporary) .....	1545-BE25
2833	Section 6111 Regulations .....	1545-BE26
2834	Section 6111 Regulations (Temporary) .....	1545-BE27
2835	Section 6112 Regulations .....	1545-BE28
2836	Section 6112 Regulations (Temporary) .....	1545-BE29
2837	Domestic Workers Regulation Update (Application of the Federal Insurance Contributions Act To Payments Made for Certain Services) .....	1545-BE32
2838	Modifications to the De Minimis Deposit Rule Under Section 6302 .....	1545-BE48
2839	Modification to the De Minimis Deposit Rule Under Section 6302 (Temporary) .....	1545-BE49
2840	Regulations Under Section 263A Regarding Use of Simplified Service Cost Method and Simplified Production Method .....	1545-BE57
2841	Application of the Federal Insurance Contributions Act, Federal Unemployment Tax Act, and Collection of Income Tax at Source to Statutory Stock Options .....	1545-BE60
2842	Simplification Of Extension Process Under Section 6081 .....	1545-BE62
2843	Simplification Of Extension Process Under Section 6081 (Temporary) .....	1545-BE63
2844	Deferred Compensation (Temporary) .....	1545-BE79
2845	Abandonment of Stock and Other Securities .....	1545-BE80
2846	Foreign Currency Contract Defined .....	1545-BE82

## TREAS

## Internal Revenue Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2847	Foreign Currency Contract Defined (Temporary) .....	1545-BE83
2848	Special Allocation of Basis in Connection With Adjustments and Determinations .....	1545-BE87
2849	Application of Section 338 to Insurance Companies .....	1545-BF02

## Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2850	Foreign Insurance Companies .....	1545-AL82
2851	Fringe Benefit Sourcing Under Section 861 .....	1545-AO72
2852	Guidance in Notice 89-37, Which Treats the Receipt of a Corporate Partner's Stock by the Corporate Partner as a Circumvention of General Utilities Repeal .....	1545-AP52
2853	Treatment of Dual Consolidated Losses .....	1545-AR26
2854	Financial Asset Securitization Investment Trust (FASIT) Start-Up; Operational and Transitional Rules .....	1545-AU94
2855	Return of Levied Property in Certain Cases .....	1545-AV01
2856	Capital Gain Guidance Relating to CRTs .....	1545-AW35
2857	Cash or Deferred Arrangements .....	1545-AX26
2858	Assumption of Partnership Liabilities .....	1545-AX93
2859	Withholding Tax on Foreign Partners' Share of Effectively Connected Income .....	1545-AY28
2860	Guidance Under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities in Connection With an Acquisition .....	1545-AY42
2861	Property Exempt From Levy .....	1545-BA22
2862	Income From Sources Within Specified Possession .....	1545-BA37
2863	Carryback of Consolidated Net Operating Losses to Separate Return Years .....	1545-BA73
2864	Aggregate Computation and Allocation of Research Credit .....	1545-BA88
2865	Designated IRS Officer or Employee .....	1545-BA89
2866	Distributions of Property .....	1545-BB12
2867	Duplicative Tax Benefits .....	1545-BB25
2868	Investment Adjustment Rules and Waiver of Loss Carryovers From SRLY Years—Amended .....	1545-BB38
2869	Election Out Generation-Skipping Transfer Tax (GST) Deemed Allocations .....	1545-BB54
2870	Installment Obligations .....	1545-BB65
2871	Corporate Reorganizations: Continuity Transfers of Assets or Stock Following a Reorganization .....	1545-BB80
2872	Deemed Corporate Election for Electing S Corporations .....	1545-BC32
2873	Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group .....	1545-BC38
2874	Substitute for Return (SFR) and Automated Substitute for Return (ASFR) (Temporary) .....	1545-BC46
2875	Guarantee Fees Under Section 143(g) .....	1545-BC59
2876	Predeceased Parent Rule .....	1545-BC60
2877	Section 179 Elections .....	1545-BC69
2878	Real Estate Mortgage Investment Conduit (REMIC) Tetra Rules .....	1545-BC71
2879	Treatment of Foreign Stapled Corporation .....	1545-BD05
2880	Treatment of Foreign Stapled Corporation (Temporary) .....	1545-BD06
2881	Time and Manner of Making Section 163(d)(4)(B) Election To Treat Qualified Dividend Income as Investment Income .....	1545-BD16
2882	Move and Update the Estimated Tax Regulations .....	1545-BD17
2883	Allocation and Apportionment of Deductions for Charitable Contributions (Temporary) .....	1545-BD47
2884	Source of Compensation for Labor or Personal Services .....	1545-BD62
2885	Guidance Under Section 79 .....	1545-BD85
2886	Information Returns by Donees Relating to Qualified Intellectual Property Contributions (Temporary) .....	1545-BE12
2887	Aggregate Computation: Allocation of Research Credit II (Temporary) .....	1545-BE17
2888	Withholding Exemptions (Temporary) .....	1545-BE21
2889	Residence and Source Rules Involving U.S. Possessions (Temporary) .....	1545-BE22
2890	Dye Injection (Temporary) .....	1545-BE44
2891	Attained Age of Insured .....	1545-BE53
2892	Regulations Under Section 263A Regarding Use at Simplified Service Cost Method and Simplified Production Method (Temporary) .....	1545-BE61
2893	LIFO Recapture Under Section 1363(d) .....	1545-BE75

## TREAS

## Office of Thrift Supervision—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2894	Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Maintenance: Domestic Capital Modifications .....	1550-AB98

## Office of Thrift Supervision—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2895	Risk-Based Capital Guidelines; Implementation of New Basel Capital Accord .....	1550-AB56
2896	12 CFR 506 Securities-Related Activities of Savings Associations .....	1550-AB92
2897	Identity Theft Detection, Prevention, and Mitigation Program for Financial Institutions and Creditors .....	1550-AB94
2898	12 CFR 507 One-Year Post-Employment Restrictions for Senior Examiners .....	1550-AB99

## Office of Thrift Supervision—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2899	Fair Credit Reporting Medical Information Regulations .....	1550-AB88
2900	Fair Credit Reporting Affiliate Marketing Regulations .....	1550-AB90

## Office of Thrift Supervision—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2901	12 CFR 563e Community Reinvestment Act .....	1550-AB48
2902	Special Rules for Adjudicatory Proceedings for Certain Holding Companies .....	1550-AB96

## Office of Thrift Supervision—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2903	12 CFR 506 EGRPRA Regulatory Review—Application and Reporting Requirements .....	1550-AB93

## Department of the Treasury (TREAS)

## Proposed Rule Stage

## Departmental Offices (DO)

**2390. REMOTE LOCATION FILING****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1624; 19 USC 1641**CFR Citation:** 19 CFR 111; 19 CFR 113; 19 CFR 141; 19 CFR 143**Legal Deadline:** None**Abstract:** Amendment to allow entry filers to electronically file entries of merchandise with the Bureau of Customs and Border Protection from

locations within the United States other than at the port of arrival of the merchandise or the location of examination of the merchandise.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC23**Agency Contact:** Maria Bianchetta, Operations Officer, Department of the Treasury, Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue, NW., Washington, DC 20229  
Phone: 202 344-2693**RIN:** 1505-AB20**2391. UNIFORM RULES OF ORIGIN****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624

## TREAS—DO

## Proposed Rule Stage

**CFR Citation:** 19 CFR 102

**Legal Deadline:** None

**Abstract:** Amendment to set forth uniform rules for determining the country of origin of imported goods.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel Cornette, Attorney, Special Classification and Marking Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8731

**RIN:** 1505-AB49

### 2392. REVISION OF OUTBOUND REDELIVERY PROCEDURES AND LIABILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 113

**Legal Deadline:** None

**Abstract:** Amendment of the condition in an international carrier bond regarding the unlawful disposition of merchandise in order to allow CBP to better control the exportation of merchandise and to have more control over demands for redelivery. Conditions of the bond would be amended to no longer require the merchandise to be labeled as seized and detained for the principal to be required to obtain permission from CBP prior to placing the merchandise on board a conveyance for export or otherwise disposing of the merchandise. Instead of the condition being applicable when CBP labels merchandise, the condition would be applicable when CBP notifies the principal either in writing or electronically that the merchandise has been seized or detained.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Shoupe, Operations Officer, Department of the Treasury, Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW, Washington, DC 20229  
Phone: 202 344-3251

**RIN:** 1505-AB52

### 2393. CENTRALIZATION OF THE CONTINUOUS BOND PROGRAM AT THE CBP NATIONAL FINANCE CENTER

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 19 USC 1623

**CFR Citation:** 19 CFR 101; 19 CFR 113

**Legal Deadline:** None

**Abstract:** Amendment to reflect CBP's planned centralization of the continuous bond program at the National Finance Center (NFC). Pursuant to this centralization, all continuous bonds would be filed at the NFC via mail, fax, or in an electronic format. The NFC would assume most of the bond functions previously performed at the port level, with the noted exception that the authority to approve single transaction bonds will remain with port directors. These changes would support CBP's bond program by ensuring an efficient and uniform approach to the approval, maintenance, and periodic review of continuous bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce Ingalls, Chief, Collection Section, Department of the

Treasury, Office of Finance, Indianapolis, IN 46278  
Phone: 317 298-1307

**RIN:** 1505-AB54

### 2394. • NAFTA: POST-ENTRY CLAIMS AND MERCHANDISE PROCESSING FEE EXEMPTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 3314

**CFR Citation:** 19 CFR 181

**Legal Deadline:** None

**Abstract:** Currently, CBP regulations do not limit the time that an importer has to file a post-entry claim for tariff preference level (TPL) treatment under the North American Free Trade Agreement (NAFTA) Implementation Act. This amendment would limit the filing of post-entry TPL claims to one year, the same amount of time allowed for post-entry claims for NAFTA "originating merchandise." This amendment also clarifies that for an importer to claim the exemption of the merchandise processing fee for goods that meet a NAFTA rule of origin even when the goods are unconditionally free, the importer is subject to the same declaration requirement that is established for claiming NAFTA duty preference. Lastly, the amendment clarifies that a Certificate of Origin is not required for a commercial importation for which the total value of originating goods does not exceed \$2,500.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Seth Mazze, CBP Officer, Office of Field Operations, Department of the Treasury, Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue, NW, Washington, DC 20229  
Phone: 202 344-2634

**RIN:** 1505-AB58



**Department of the Treasury (TREAS)**  
**Departmental Offices (DO)**

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**2395. REPORTING AND PROCEDURES REGULATIONS; CUBAN ASSETS CONTROL REGULATIONS; PUBLICATION OF ECONOMIC SANCTIONS ENFORCEMENT GUIDELINES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 1901 to 1908; 22 USC 287c; 31 USC 321(b); 50 USC 1701 to 1706; 50 USC app 1-44**CFR Citation:** 31 CFR 501; 31 CFR 515**Legal Deadline:** None

**Abstract:** The Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury is publishing for public comment an updated version of its internal Economic Sanctions Enforcement Guidelines. These Guidelines are being published as separate appendices to two parts of the Code of Federal Regulations: 1) General provisions are being published as an appendix to the Reporting and Procedures Regulations, 31 CFR part 501; and 2) specific provisions focusing on Cuba are being published as an appendix to the Cuban Assets Control Regulations, 31 CFR part 515.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/03	68 FR 4422
NPRM Comment Period End	03/31/03	
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Chief of Records, Department of the Treasury, Annex-2nd Floor, Office of Foreign Assets Control, 1500 Pennsylvania Avenue NW., Washington, DC 20220  
Phone: 202 622-2530  
Fax: 202 622-1657

**RIN:** 1505-AA95
**2396. COUNTRY-OF-ORIGIN MARKING**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624**CFR Citation:** 19 CFR 134**Legal Deadline:** None

**Abstract:** Amendments clarify the country-of-origin marking rules set forth in part 134 of the Bureau of

Customs and Border Protection Regulations. Amendments promote the concept of informed compliance by the trade and proper field administration of the statutory requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/00	65 FR 4193
NPRM Comment Period End	04/26/00	65 FR 17473
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC32

**Agency Contact:** Monika Rice Brenner, Chief, Special Classification and Marking Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8810

**RIN:** 1505-AB21
**2397. EXPANDED METHODS OF PAYMENT OF DUTIES, TAXES, INTEREST, AND FEES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 197; 19 USC 198; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1450; 19 USC 1624; 31 USC 9701**CFR Citation:** 19 CFR 24**Legal Deadline:** None

**Abstract:** Amendment to expand the number of ways that the Bureau of Customs and Border Protection will accept payment of duties, taxes, fees, interest, and other charges. Currently, the regulations allow for credit or charge cards, which have been authorized by the Commissioner of the Bureau of Customs and Border Protection (Commissioner), to be used at designated customs-serviced locations with a limitation that this method of payment may only be used by noncommercial entities. Amendment allows credit and charge cards authorized by the Commissioner of CBP to be used for payment of duties, taxes, fees, interest, and other charges not related to formal consumption entries for consumption in United States commerce, warehouse withdrawals or quarterly user fees and by removing the limitation that these methods of

payment may only be used for noncommercial entries.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/99	64 FR 13141
NPRM Comment Period End	05/17/99	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC40

**Agency Contact:** Linda Lloyd, Financial Officer, Financial Policy Division, Department of the Treasury, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1565

**RIN:** 1505-AB22
**2398. USER AND NAVIGATION FEES; OTHER REIMBURSABLE CHARGES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1505; 19 USC 1624; 31 USC 9701; 46 USC 2110 to 2112**CFR Citation:** 19 CFR 4; 19 CFR 24; 19 CFR 101**Legal Deadline:** None

**Abstract:** Amendment regarding the proper assessment of user and navigation fees, as well as other reimbursement charges for customs services performed in connection with, among other things, the processing of vehicles, vessels, aircraft, and merchandise arriving in the United States. The purpose of the amendment is to conform the regulations with the intent of the customs user fee statute and to reflect existing operational policy and administrative practice in this area.

**Timetable:**

Action	Date	FR Cite
NPRM	05/01/01	66 FR 21705
NPRM Comment Period End	07/02/01	
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC63

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**Agency Contact:** Peter Flores, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue, NW, Washington, DC 20229  
Phone: 202 344-3127

**RIN:** 1505-AB24

### 2399. AFRICAN GROWTH AND OPPORTUNITY ACT AND GENERALIZED SYSTEM OF PREFERENCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2461; 19 USC 3314; 19 USC 3721

**CFR Citation:** 19 CFR 10; 19 CFR 163

**Legal Deadline:** Final, Statutory, October 1, 2000, Public Law 106-200.

**Abstract:** Amendments to implement the trade benefit provisions for sub-Saharan Africa contained in title I of the Trade and Development Act of 2000. The trade benefits under title I, also referred to as the African Growth and Opportunity Act, apply to sub-Saharan African countries designated by the President and involve the extension of duty-free treatment under the Generalized System of Preferences (GSP) to nonimport-sensitive, nontextile articles normally excluded from GSP duty-free treatment, and the entry of specific textile and apparel articles free of duty and free of any quantitative limits.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/05/00	65 FR 59668
Interim Final Rule Effective	10/01/00	
Interim Final Rule Comment Period End	12/04/00	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AC72

**Agency Contact:** Cynthia Reese, Senior Attorney, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8790

**RIN:** 1505-AB26

### 2400. UNITED STATES-CARIBBEAN BASIN TRADE PARTNERSHIP ACT AND CARIBBEAN BASIN INITIATIVE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2701; 19 USC 3314

**CFR Citation:** 19 CFR 10; 19 CFR 163

**Legal Deadline:** Final, Statutory, October 1, 2000, Public Law 106-200.

**Abstract:** Amendments to implement the trade benefit provisions for Caribbean Basin countries contained in title II of the Trade and Development Act of 2000. The trade benefits under title II, also referred to as the United States-Caribbean Basin Trade Partnership Act (the CBTPA), apply to Caribbean Basin countries designated by the President and involve the entry of specific textile and apparel articles free of duty and free of any quantitative restrictions, limitations, or consultation levels and the extension of NAFTA duty treatment standards to nontextile articles that are excluded from duty-free treatment under the Caribbean Basin Initiative program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	65 FR 59650
Interim Final Rule	10/05/00	65 FR 59650
Interim Final Rule Comment Period End	12/04/00	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AC76

**Agency Contact:** Cynthia Reese, Senior Attorney, Department of the Treasury, Room 503, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8790

**RIN:** 1505-AB28

### 2401. REIMBURSABLE CUSTOMS INSPECTIONAL SERVICES— INCREASE IN HOURLY RATE CHARGE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 6103; 19 USC 58a to 58c; 19 USC 66;

19 USC 261; 19 USC 267; 19 USC 1202; 19 USC 1450 to 1452; 19 USC 1456; 19 USC 1505; 19 USC 1557; 19 USC 1562; 19 USC 1624; 26 USC 4461; 26 USC 4462; 31 USC 9701; 46 USC 2110 to 2112

**CFR Citation:** 19 CFR 24; 19 CFR 101

**Legal Deadline:** None

**Abstract:** Amendment to increase the rate of charge for reimbursable customs inspectional services.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/01	66 FR 8554
NPRM Comment Period End	04/02/01	
Second NPRM	10/09/02	67 FR 62920
Second NPRM Comment Period End	12/09/02	
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AC77

**Agency Contact:** Bruce Ingalls, Chief, Collection Section, Department of the Treasury, Office of Finance, Indianapolis, IN 46278  
Phone: 317 298-1307

**RIN:** 1505-AB29

### 2402. DOG AND CAT PROTECTION ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1308; 19 USC 1592; 19 USC 1593a; 19 USC 1624

**CFR Citation:** 19 CFR 12; 19 CFR 113; 19 CFR 151; 19 CFR 162

**Legal Deadline:** Final, Statutory, August 9, 2001, Public Law 106-476.

**Abstract:** Amendment to implement certain provisions of the Dog and Cat Protection Act of 2000. The Dog and Cat Protection Act of 2000 prohibits the importation of any products containing dog or cat fur, and provides for civil and criminal penalties for violations of the Act. Amendment sets forth the prohibitions on dog and cat fur importations and the penalties for violations. Amendment also implements the provision of the Act pertaining to CBP's certification process of commercial laboratories, both domestic and foreign, that can

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determine if articles intended to be imported into the United States contain dog or cat fur.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/01	66 FR 42163
NPRM Comment Period End	10/09/01	
Final Action	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AC87

**Agency Contact:** Alan Cohen, Attorney-Advisor, Penalties Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8742

Luan Cotter, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2874

Renee Stevens, Science Officer, Department of the Treasury, Office of Laboratories and Scientific Services, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 703 621-7714

Jeremy Baskin, Special Assistant, Office of the Assistant Commissioner, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8753

**RIN:** 1505-AB31

#### 2403. SINGLE ENTRY FOR UNASSEMBLED OR DISASSEMBLED ENTITIES IMPORTED ON MULTIPLE CONVEYANCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

**CFR Citation:** 19 CFR 141; 19 CFR 142

**Legal Deadline:** Final, Statutory, May 9, 2001, Public Law 106-476.

**Abstract:** Amendment to allow an importer of record, under certain conditions, to submit a single entry to cover multiple portions of a single entity which, due to its size or nature,

arrives in the United States on separate conveyances. Amendment implements statutory changes made to the merchandise entry laws by the Tariff Suspension and Trade Act of 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/02	67 FR 16664
NPRM Comment Period End	06/07/02	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AC94

**Agency Contact:** Timothy Sushil, Operations Officer, Department of the Treasury, Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue, NW., Washington, DC 20229  
Phone: 202 344-2567

**RIN:** 1505-AB34

#### 2404. IMPLEMENTATION OF THE ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 3203; 19 USC 3314

**CFR Citation:** 19 CFR 10; 19 CFR 163

**Legal Deadline:** None

**Abstract:** Amendment to implement the trade benefit provisions for Andean countries contained in title XXXI of the Trade Act of 2002. The trade benefits under title XXXI, also referred to as the Andean Trade Promotion and Drug Eradication Act (the ATPDEA), apply to Andean countries specifically designated by the President for ATPDEA purposes. The ATPDEA trade benefits involve the entry of specific apparel and other textile articles free of duty and free of any quantitative restrictions, limitations, or consultation levels, the extension of duty-free treatment to specified nontextile articles normally excluded from duty-free treatment under the Andean Trade Preference Act (ATPA) program if the President finds those articles to be not import-sensitive in the context of the ATPDEA, and the entry of certain

imports of tuna free of duty and free of any quantitative restrictions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/25/03	68 FR 14478
Interim Final Rule Effective	03/25/03	
Interim Final Rule Comment Period End	05/27/03	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD19

**Agency Contact:** Cynthia Reese, Senior Attorney, Department of the Treasury, Room 503, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8790

Robert Abels, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1959

**RIN:** 1505-AB37

#### 2405. TRADE BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 3721; 19 USC 3314

**CFR Citation:** 19 CFR 10

**Legal Deadline:** None

**Abstract:** Amendment to those provisions of the Customs and Border Protection Regulations that implement the trade benefit provisions for sub-Saharan African countries contained in the African Growth and Opportunity Act (the AGOA). Amendments involve the textile and apparel provisions of the AGOA and in part reflect changes to those statutory provisions by section 3108 of the Trade Act of 2002. The specific statutory changes involve the amendment of several provisions to clarify the status of apparel articles assembled from knit-to-shape components, the inclusion of a specific reference to apparel articles formed on seamless knitting machines, a change

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of the wool fiber diameter specified in one provision, and the addition of a new provision to cover additional production scenarios involving the United States and AGOA beneficiary countries.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/21/03	68 FR 13820
Interim Final Rule Effective	03/21/03	
Interim Final Rule Comment Period End	05/20/03	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD20

**Agency Contact:** Robert Abels, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1959

Cynthia Reese, Senior Attorney, Department of the Treasury, Room 503, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8790

**RIN:** 1505-AB38

#### 2406. FEES FOR CUSTOMS PROCESSING AT EXPRESS COURIER FACILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1505; 19 USC 261; 19 USC 267; 19 USC 1450 to 1452; 19 USC 1456; 19 USC 1524; 19 USC 1557; 19 USC 1562; 19 USC 1624; 26 USC 4461; 26 USC 4462; 19 USC 3332; 46 USC 2110 to 2112

**CFR Citation:** 19 CFR 24; 19 CFR 113; 19 CFR 128

**Legal Deadline:** None

**Abstract:** Amendment to implement amendments to the customs user fee statute made by section 337 of the Trade Act of 2002 and section 2004(f) of the Miscellaneous Trade and Technical Corrections Act of 2004. Statutory amendments concern the fees payable for customs services provided in connection with the informal entry

or release of shipments at express consignment carrier facilities and centralized hub facilities. Section 2004(f) amends the user fee statute to authorize, for merchandise that is formally entered at these sites, the reimbursement of merchandise processing fees provided for in 19 U.S.C. 58c(a)(9) in addition to the existing reimbursement of \$.66 per individual airway bill or bill of lading. The effect of the statutory amendments is to replace the annual lump sum payment procedure with a quarterly payment procedure based on a specific fee for each individual airway bill or bill of lading.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD21

**Agency Contact:** Michael L. Jackson, Operations Officer, Department of the Treasury, Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1196

**RIN:** 1505-AB39

#### 2407. TRADE BENEFITS UNDER THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2701; 19 USC 3314

**CFR Citation:** 19 CFR 10

**Legal Deadline:** None

**Abstract:** Amendment to implement the trade benefits for Caribbean Basin countries contained in section 213(b) of the Caribbean Basin Economic Recovery Act (the CBERA). Amendments involve the textile and apparel provisions of section 213(b) and in part reflect changes made to those statutory provisions by section 3107 of the Trade Act of 2002. The specific statutory changes involve the amendment of several provisions to clarify the status of apparel articles assembled from knit-to-shape

components, the addition of language requiring any dyeing, printing, and finishing of certain fabrics to be done in the United States, the inclusion of exception language in the brassieres provision regarding articles entered under other CBERA apparel provisions, the addition of a provision permitting the dyeing, printing, and finishing of thread in the Caribbean region, and the addition of a new provision to cover additional production scenarios involving the United States and the Caribbean region.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/21/03	68 FR 13827
Interim Final Rule Effective	03/21/03	
Interim Final Rule Comment Period End	05/20/03	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD22

**Agency Contact:** Robert Abels, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1959

Cynthia Reese, Senior Attorney, Department of the Treasury, Room 503, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8790

**RIN:** 1505-AB40

#### 2408. UNITED STATES—CHILE FREE TRADE AGREEMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 3805 note; 19 USC 1202; 19 USC 66; 19 USC 1624; ...

**CFR Citation:** 19 CFR 10; 19 CFR 12; 19 CFR 24; 19 CFR 163; ...

**Legal Deadline:** Final, Statutory, January 1, 2005, United States—Chile Free Trade Agreement Implementation Act.

**Abstract:** Amendment to implement the preferential tariff treatment and other customs-related provisions of the Free Trade Agreement entered into by

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the United States and the Republic of Chile.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/07/05	70 FR 10868
Interim Final Rule Comment Period End	06/06/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Abels, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1959

**RIN:** 1505-AB47

**2409. UNITED STATES—SINGAPORE FREE TRADE AGREEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 3805 note; 19 USC 1202; 19 USC 66; 19 USC 1624; ...

**CFR Citation:** 19 CFR 10; 19 CFR 12; 19 CFR 24; 19 CFR 163; ...

**Legal Deadline:** Final, Statutory, January 1, 2005, U.S.–Singapore Free Trade Agreement Implementation Act.

**Abstract:** Amendment to implement the preferential tariff treatment and other customs-related provisions of the Free Trade Agreement entered into by the United States and the Republic of Singapore.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Abels, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1959

**RIN:** 1505-AB48

**2410. RECORDATION OF COPYRIGHTS AND ENFORCEMENT PROCEDURES TO PREVENT IMPORTATION OF PIRATICAL ARTICLES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1124; 15 USC 1125; 17 USC 101; 17 USC 106; 17 USC 501; 19 USC 66; 19 USC 1499; 19 USC 1595a; 17 USC 1201(b); 18 USC 2319A; ...

**CFR Citation:** 19 CFR 133

**Legal Deadline:** None

**Abstract:** This amendment will allow CBP to be more responsive to claims of piracy. Amendment would allow sound recordings and motion pictures or similar audio-visual works to be recorded with CBP while pending registration with the U.S. Copyright Office. Amendment would also enhance the protection of all non-U.S. works by allowing recordation without requiring registration with the U.S. Copyright Office. Amendment would also set forth changes to CBP's enforcement procedures, including, among other things, enhanced disclosure provisions, protection for live musical performances and provisions to enforce the Digital Millennium Copyright Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/04	69 FR 59562
NPRM Comment Period End	11/04/04	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Paul Pizzeck, Attorney, Intellectual Property Rights Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8710

George F. McCray, Chief, Intellectual Property Rights Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8709

**RIN:** 1505-AB51

**2411. CONDITIONAL RELEASE PERIOD AND CUSTOMS BOND OBLIGATIONS FOR FOOD, DRUGS, DEVICES, AND COSMETICS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1499; 19 USC 1623; 19 USC 1624; 21 USC 381

**CFR Citation:** 19 CFR 141; 19 CFR 151

**Legal Deadline:** None

**Abstract:** Amendment to provide for a specific conditional release period for any food, drug, device, or cosmetic that has been released under bond and for which admissibility is to be determined under the provisions of the Food, Drug, and Cosmetic Act. Amendment also clarifies the amount of liquidated damages that may be assessed when there is a breach of the terms and conditions of the customs bond. Lastly, amendment authorizes any representative of the Food and Drug Administration to obtain a sample of any food, drug, device, or cosmetic, the importation of which is governed by section 801 of the Food, Drug, and Cosmetic Act, as amended.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/02	67 FR 39322
NPRM Comment Period End	08/06/02	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD05; 1651-AA39.

**Agency Contact:** Jeremy Baskin, Special Assistant, Office of the Assistant Commissioner, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8753

**RIN:** 1505-AB57

**2412. • COUNTRY OF ORIGIN OF TEXTILE AND APPAREL PRODUCTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 3314; 19 USC 3592

**CFR Citation:** 19 CFR 12; 19 CFR 102; 19 CFR 141; 19 CFR 144; 19 CFR 146; 19 CFR 163

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Final Rule Stage

**Legal Deadline:** None

**Abstract:** Amendment of the CBP regulations to update, restructure and consolidate the regulations relating to the country of origin of textile and apparel products. Amendments reflect changes brought about, in part, by the expiration on January 1, 2005, of the Agreement on Textiles and Clothing and the resulting elimination of quotas on the entry of textile and apparel products from World Trade Organization members. The primary regulatory change is the elimination of the requirement that a textile declaration be submitted for all importations of textile and apparel products. In addition, to improve the quality of reporting of the manufacturer of imported textiles and apparel products, the amendments include a requirement that importers identify the manufacturer of such products through a manufacturer identification code.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/05/05	70 FR 58009
Interim Final Rule Comment Period End	12/05/05	
Final Action	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Reese, Senior Attorney, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8790

Robert Abels, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1959

**RIN:** 1505-AB60

**2413. • EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON CERTAIN CATEGORIES OF ARCHAEOLOGICAL MATERIAL IMPORTED FROM THE PRE-HISPANIC CULTURES OF THE REPUBLIC OF NICARAGUA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 2612

**CFR Citation:** 19 CFR 12

**Legal Deadline:** None

**Abstract:** Amendment to reflect the extension for an additional five years of the import restrictions on certain categories of archaeological material from the Pre-Hispanic cultures of the Republic of Nicaragua that were imposed in 2000.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** George F. McCray, Chief, Intellectual Property Rights Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8709

Michael Craig, Chief, Other Government Agency Branch, Department of the Treasury, Trade Compliance and Facilitation, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1684

**RIN:** 1505-AB61

**Department of the Treasury (TREAS)  
Departmental Offices (DO)**

**Long-Term Actions**

**2414. POSSIBLE REGULATION OF ACCESS TO ACCOUNTS AT FINANCIAL INSTITUTIONS THROUGH PAYMENT SERVICE PROVIDERS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 31 CFR ch II

**Timetable:**

Action	Date	FR Cite
ANPRM	01/08/99	64 FR 1149
ANPRM Comment Period End	04/08/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Donna Felmlee  
Phone: 202 622-1808

**RIN:** 1505-AA74

**2415. FINANCIAL ACTIVITIES OF FINANCIAL SUBSIDIARIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/20/00	65 FR 14819
Interim Final Rule Effective	03/14/00	
Interim Final Rule Comment Period End	05/15/00	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gary W. Sutton  
Phone: 202 622-1976  
Fax: 202 622-1974  
Email: gary.sutton@do.treas.gov

**RIN:** 1505-AA80

**2416. FINANCIAL SUBSIDIARIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gary W. Sutton  
Phone: 202 622-1976  
Fax: 202 622-1974  
Email: gary.sutton@do.treas.gov

**RIN:** 1505-AA81

**2417. SECRETARY'S DETERMINATION OF REAL ESTATE BROKERAGE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 1501.2

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/01	66 FR 307

## TREAS—DO

## Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	03/02/01	
NPRM Comment Period Extended	05/01/01	66 FR 12440
Next Action Undetermined		
<b>Regulatory Flexibility Analysis Required:</b> No		
<b>Government Levels Affected:</b> None		
<b>Agency Contact:</b> Gary W. Sutton Phone: 202 622-1976 Fax: 202 622-1974 Email: gary.sutton@do.treas.gov		
<b>RIN:</b> 1505-AA84		

**2418. SECRETARY'S DETERMINATION OF OTHER ACTIVITIES FINANCIAL IN NATURE****Priority:** Substantive, Nonsignificant**CFR Citation:** 12 CFR 1501.2**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	01/02/01	66 FR 257
Interim Final Rule Effective	01/02/01	
Interim Final Rule Comment Period End	02/02/01	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Gary W. Sutton  
Phone: 202 622-1976  
Fax: 202 622-1974  
Email: gary.sutton@do.treas.gov**RIN:** 1505-AA85**2419. TERRORISM RISK INSURANCE PROGRAM; RECOUPMENTS OF FEDERAL SHARE OF COMPENSATION FOR INSURED LOSSES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 31 CFR 50**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Howard Leikin  
Phone: 202 622-6770**RIN:** 1505-AB10**2420. HARBOR MAINTENANCE FEE****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	03/01/87	
Interim Final Rule Effective	03/30/87	52 FR 10198
Interim Final Rule Comment Period End	05/29/87	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Deborah Thompson  
Phone: 317 298-1200**RIN:** 1505-AB11**2421. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 24**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	01/08/92	57 FR 607
Interim Final Rule Effective	01/08/92	
Interim Final Rule Comment Period End	03/09/92	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Deborah Thompson  
Phone: 317 298-1200**RIN:** 1505-AB12**2422. RECONCILIATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 142; 19 CFR 159**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** John Leonard  
Phone: 202 344-2687**RIN:** 1505-AB16**2423. NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)—IMPLEMENTATION OF DUTY-DEFERRAL PROGRAM PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 181; 19 CFR 113; 19 CFR 141; 19 CFR 144; 19 CFR 10**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	01/01/96	
Interim Final Rule Effective	01/30/96	61 FR 2908
Interim Final Rule Comment Period End	04/01/96	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Shawn Filion  
Phone: 716 551-3053**RIN:** 1505-AB17

**Department of the Treasury (TREAS)**  
**Departmental Offices (DO)**
**Completed Actions**
**2424. AMENDMENTS TO THE GOVERNMENT SECURITIES ACT REGULATIONS: EXEMPTION FOR HOLDINGS SUBJECT TO FIDUCIARY STANDARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 17 CFR 450.3

**Completed:**

Reason	Date	FR Cite
Final Action	05/23/05	70 FR 29445
Final Action Effective	05/23/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lori Santamorenna

Phone: 202 504-3632

Fax: 202 504-3635

Email: govsecreg@bpd.treas.gov

Lee Grandy

Phone: 202 504-3632

Fax: 202 504-3635

Email: govsecreg@bpd.treas.gov

Kevin Hawkins

Phone: 202 504-3632

Fax: 202 504-3635

Email: govsecreg@bpd.treas.gov

**RIN:** 1505-AB06

**2425. TERRORISM RISK INSURANCE PROGRAM; ADDITIONAL CLAIMS ISSUES**

**Priority:** Other Significant

**CFR Citation:** 31 CFR 50

**Completed:**

Reason	Date	FR Cite
Final Action	06/14/05	70 FR 34348

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Howard Leikin

Phone: 202 622-6770

**RIN:** 1505-AB09

**2426. EXPANDED WEEKLY ENTRY PROCEDURE FOR FOREIGN TRADE ZONES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 19 CFR 146

**Completed:**

Reason	Date	FR Cite
Withdrawn	06/07/05	70 FR 33046

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Rosoff

Phone: 202 572-8807

Debbie Scott

Phone: 202 344-1962

**RIN:** 1505-AB27

**2427. TARIFF TREATMENT RELATED TO DISASSEMBLY OPERATIONS UNDER THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 19 CFR 181

**Completed:**

Reason	Date	FR Cite
Final Action	06/30/05	70 FR 37669
Final Action Effective	08/01/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Shari Suzuki

Phone: 202 572-8818

**RIN:** 1505-AB41

**2428. FEDERAL BENEFIT PAYMENTS UNDER CERTAIN DISTRICT OF COLUMBIA RETIREMENT PLANS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 29

**Completed:**

Reason	Date	FR Cite
NPRM	04/13/05	70 FR 19366
Final Rule	10/14/05	70 FR 60003
Final Action Effective	10/14/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Elizabeth Cuffe

Phone: 202 622-1682

**RIN:** 1505-AB55

**BILLING CODE** 4810-02-S

**Department of the Treasury (TREAS)**
**Prerule Stage**
**Financial Crimes Enforcement Network (FINCEN)**
**2429. CUSTOMER IDENTIFICATION PROGRAMS FOR PAWN BROKERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-56, sec 326

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This regulation will require pawnbrokers to adopt and implement reasonable procedures to verify the identity of any person seeking to open

an account, to the extent reasonable and practicable; maintain records of the information used to verify the person's identity; and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to them by any Government agency.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183

Phone: 703 905-3590

Fax: 703 905-3735

**RIN:** 1506-AA39



**Department of the Treasury (TREAS)**  
**Financial Crimes Enforcement Network (FINCEN)**

Proposed Rule Stage

**2430. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS—DELEGATION OF AUTHORITY TO ASSESS CIVIL MONEY PENALTIES ON DEPOSITORY INSTITUTIONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 31 USC 5321(e), Bank Secrecy Act  
**CFR Citation:** 31 CFR 103  
**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking proposes to delegate to the appropriate Federal banking regulatory agencies the authority to assess civil money penalties on depository institutions for violations of the Bank Secrecy Act. The regulation would prescribe the parameters of the delegated authority.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
 Phone: 703 905-3590  
 Fax: 703 905-3735

**RIN:** 1506-AA08

**2431. CUSTOMER IDENTIFICATION PROGRAMS FOR TRAVEL AGENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107-56, sec 326  
**CFR Citation:** Not Yet Determined  
**Legal Deadline:** None

**Abstract:** This regulation will require travel agents to adopt and implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable; maintain records of the information used to verify the person's identity; and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to them by any Government agency.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/24/03	68 FR 8571
ANPRM Comment Period End	04/10/03	
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
 Phone: 703 905-3590  
 Fax: 703 905-3735

**RIN:** 1506-AA38

**2432. CUSTOMER IDENTIFICATION PROGRAMS FOR LOAN AND FINANCE COMPANIES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107-56, sec 326  
**CFR Citation:** Not Yet Determined  
**Legal Deadline:** None

**Abstract:** This regulation will require loan and finance companies to adopt and implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable; maintain records of the information used to verify the person's identity; and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to them by any Government agency.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
 Phone: 703 905-3590  
 Fax: 703 905-3735

**RIN:** 1506-AA40

**2433. CUSTOMER IDENTIFICATION PROGRAMS FOR SELLERS OF VEHICLES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107-56, sec 326  
**CFR Citation:** Not Yet Determined  
**Legal Deadline:** None

**Abstract:** This regulation will require sellers of vehicles to adopt and implement reasonable procedures to verify the identity of any person

seeking to open an account, to the extent reasonable and practicable; maintain records of the information used to verify the person's identity; and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to them by any Government agency.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/24/03	68 FR 8568
ANPRM Comment Period End	04/10/03	
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
 Phone: 703 905-3590  
 Fax: 703 905-3735

**RIN:** 1506-AA41

**2434. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR TRAVEL AGENCIES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 31 USC 5316(h)  
**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for travel agencies, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
ANPRM Comment Period End	04/10/03	68 FR 8571
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
 Phone: 703 905-3590  
 Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA69

TREAS—FINCEN

Proposed Rule Stage

2435. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR LOAN AND FINANCE COMPANIES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5316(h)

CFR Citation: 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

Legal Deadline: Final, Statutory, April 24, 2002, PL 107–56, sec 352.

Abstract: FinCEN will issue a series of regulations regarding anti-money laundering program requirements for loan and finance companies, as defined in the Bank Secrecy Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905–3590  
Fax: 703 905–3735

Related RIN: Split from 1506–AA28

RIN: 1506–AA73

2436. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR PERSONS INVOLVED IN REAL ESTATE CLOSINGS AND SETTLEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5316(h)

CFR Citation: 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

Legal Deadline: Final, Statutory, April 24, 2002, PL 107–56, sec 352.

Abstract: FinCEN will issue a series of regulations regarding anti-money laundering program requirements for persons involved in real estate closings and settlements, as defined in the Bank Secrecy Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905–3590  
Fax: 703 905–3735

Related RIN: Split from 1506–AA28

RIN: 1506–AA79

2437. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR BUSINESSES ENGAGED IN VEHICLE SALES, INCLUDING AUTOMOBILES, AIRPLANE, AND BOAT SALES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5316(h)

CFR Citation: 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

Legal Deadline: Final, Statutory, April 24, 2002, PL 107–56, sec 352.

Abstract: FinCEN will issue a series of regulations regarding anti-money laundering program requirements for businesses engaged in vehicle sales, including automobile, airplane, and boat sales, as defined in the Bank Secrecy Act.

Timetable:

Action	Date	FR Cite
ANPRM	02/24/03	68 FR 8568
ANPRM Comment	04/10/03	
Period End		
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905–3590  
Fax: 703 905–3735

Related RIN: Split from 1506–AA28

RIN: 1506–AA80

Department of the Treasury (TREAS)  
Financial Crimes Enforcement Network (FINCEN)

Final Rule Stage

2438. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING OF CROSS-BORDER TRANSPORTATION OF CERTAIN MONETARY INSTRUMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5312(a)(3), Bank Secrecy Act

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This rule will require reporting of cross-border transportation of certain negotiable instruments.

Timetable:

Action	Date	FR Cite
NPRM	01/22/97	62 FR 3249
NPRM Comment	04/22/97	
Period End		
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905–3590

Fax: 703 905–3735

RIN: 1506–AA15

2439. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS—EXEMPTIONS FROM THE REQUIREMENT TO REPORT TRANSACTIONS IN CURRENCY

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5330

CFR Citation: 31 CFR 103

Legal Deadline: None

## TREAS—FINCEN

## Final Rule Stage

**Abstract:** This document contains an interim final rule that further reforms and simplifies the process by which depository institutions may exempt transactions of retail and other businesses from the requirement to report transactions in currency in excess of \$10,000. The interim final rule is part of a continuing program to reduce unnecessary burdens upon financial institutions complying with the Bank Secrecy Act and increase the cost-effectiveness of the counter-money laundering policies of the Department of the Treasury.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/28/00	65 FR 46356
Interim Final Rule Effective	07/31/00	
Interim Final Rule Comment Period End	09/26/00	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA23

#### 2440. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS— REQUIREMENT THAT NONFINANCIAL TRADES OR BUSINESSES REPORT CERTAIN CURRENCY TRANSACTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 et seq; PL 107-56

**CFR Citation:** 31 CFR 103.30

**Legal Deadline:** Final, Statutory, April 26, 2002, Interim final rule published December 31, 2001.

**Abstract:** This document contains an interim final rule amending the Bank Secrecy Act regulations to require certain persons to report currency received in the course of their trade or business.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/01	66 FR 67685

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67680
NPRM Comment Period End	03/01/02	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA25

#### 2441. DUE DILIGENCE REQUIREMENTS FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5318(i)

**CFR Citation:** 31 CFR 103.175 to 103.178

**Legal Deadline:** Final, Statutory, July 23, 2002, Public Law 107-56, sec 312.

**Abstract:** Section 5318(i) of 31 U.S.C., added by section 312 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001, requires U.S. financial institutions to establish due diligence policies, procedures, and controls reasonably designed to detect and report money laundering through correspondent accounts and private banking accounts that U.S. financial institutions establish or maintain for non-U.S. persons. Section 312 takes effect on July 23, 2002, whether or not Treasury has issued a final rule implementing that provision.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/02	67 FR 37736
NPRM Comment Period End	07/01/02	
Interim Final Rule	07/23/02	67 FR 48347
Interim Final Rule Effective	07/23/02	
Interim Final Rule Comment Period End	08/22/02	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA29

#### 2442. CUSTOMER IDENTIFICATION PROGRAMS FOR BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5318(l)

**CFR Citation:** 31 CFR 103.121

**Legal Deadline:** Final, Statutory, October 25, 2002, Public Law 107-56, sec 352.

**Abstract:** This notice of proposed rulemaking proposes to require banks, savings associations, and credit unions to establish written customer identification programs.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/02	67 FR 48290
NPRM Comment Period End	09/06/02	
NPRM	05/09/03	68 FR 25163
Final Action	05/09/03	68 FR 25090
NPRM Comment Period End	06/23/03	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA31

#### 2443. FINANCIAL CRIMES ENFORCEMENT NETWORK; AMENDMENT TO THE BANK SECRECY ACT REGULATIONS REQUIREMENT THAT INSURANCE COMPANIES REPORT SUSPICIOUS TRANSACTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5332

**CFR Citation:** 31 CFR 103.16

**Legal Deadline:** None

## TREAS—FINCEN

## Final Rule Stage

**Abstract:** This document will require insurance companies to report suspicious transactions to the Department of the Treasury. The amendments constitute a further step in the creation of a comprehensive system for the reporting of suspicious transactions by the major categories of financial institutions operating in the United States as a part of the counter-money laundering program of the Department of the Treasury.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/02	67 FR 64067
NPRM Comment Period End	12/16/02	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA36**2444. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS— REQUIREMENT THAT MUTUAL FUNDS REPORT SUSPICIOUS TRANSACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5331; PL 107-56**CFR Citation:** 31 CFR 103.15**Legal Deadline:** None

**Abstract:** This document contains an amendment to the regulations implementing the statute generally known as the Bank Secrecy Act. The amendment would require mutual funds to report suspicious transactions to the Department of the Treasury. The amendment constitutes a further step in the creation of a comprehensive system for the reporting of suspicious transactions by the major categories of financial institutions operating in the United States, as part of the counter-money laundering program of the Department of the Treasury.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/03	68 FR 2716

Action	Date	FR Cite
NPRM Comment Period End	03/24/03	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA37**2445. IMPOSITION OF SPECIAL MEASURES AGAINST THE COUNTRY OF NAURU****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-56, sec 311; 31 USC 5318A**CFR Citation:** 31 CFR 103.184**Legal Deadline:** None

**Abstract:** This rule will impose “special measures” against Nauru. Nauru was previously designated as a country of primary money laundering concern pursuant to section 311 of the USA PATRIOT Act on December 20, 2002, a prerequisite for the imposition of special measures.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/03	68 FR 18914
NPRM Comment Period End	05/19/03	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA43**2446. FINANCIAL CRIMES ENFORCEMENT; AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—NOMENCLATURE CHANGES****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Legal Authority:** 31 USC 5318 et seq**CFR Citation:** 31 CFR 103**Legal Deadline:** None

**Abstract:** This document amends 31 CFR part 103 to reflect changes to the structure of the Department of the Treasury.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA61**2447. IMPOSITION OF SPECIAL MEASURES AGAINST THE COMMERCIAL BANK OF SYRIA AS A FINANCIAL INSTITUTION OF PRIMARY MONEY LAUNDERING CONCERN****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 5318A**CFR Citation:** 31 CFR 103.188**Legal Deadline:** None

**Abstract:** This document will prohibit certain U.S. financial institutions from maintaining correspondent or payable-through accounts in the United States for, or on behalf of, a foreign bank determined to be of primary money laundering concern.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/04	69 FR 28098
NPRM Comment Period End	06/17/04	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA64

## TREAS—FINCEN

## Final Rule Stage

**2448. IMPOSITION OF SPECIAL MEASURE AGAINST FIRST MERCHANT BANK OSH LTD, INCL. ITS SUBSIDIARIES, FMB FINANCE LTD, FIRST MERCHANT INTERNATIONAL INC, FIRST MERCHANT FINANCE LTD, AND FIRST MERCHANT TRUST LTD**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 31 USC 5318A

**CFR Citation:** 31 CFR 103.189

**Legal Deadline:** None

**Abstract:** This document will prohibit certain U.S. financial institutions from maintaining correspondent or payable-through accounts in the United States for, or on behalf of, a foreign bank determined to be of primary money laundering concern.

**Timetable:**

Action	Date	FR Cite
NPRM	08/24/04	69 FR 51979
NPRM Comment Period End	09/23/04	
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA65

**2449. IMPOSITION OF SPECIAL MEASURE AGAINST INFOBANK AS A FINANCIAL INSTITUTION OF PRIMARY MONEY LAUNDERING CONCERN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5318A

**CFR Citation:** 31 CFR 103.190

**Legal Deadline:** None

**Abstract:** This document will prohibit certain U.S. financial institutions from maintaining correspondent or payable-through accounts in the United States for, or on behalf of, a foreign financial institution determined to be of primary money laundering concern.

**Timetable:**

Action	Date	FR Cite
NPRM	08/24/04	69 FR 51973

Action	Date	FR Cite
NPRM Comment Period End	09/23/04	
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA67

**2450. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR MUTUAL FUNDS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for mutual funds, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21117
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA68

**2451. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR INSURANCE COMPANIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for insurance companies, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/02	67 FR 60625
NPRM Comment Period End	11/25/02	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA70

**2452. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR INVESTMENT ADVISORS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for investment advisors, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/03	68 FR 23646
NPRM Comment Period End	07/07/03	
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183

## TREAS—FINCEN

## Final Rule Stage

Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA71

**2453. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR FINANCIAL INSTITUTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for financial institutions, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/06/02	67 FR 67547
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA72

**2454. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR MONEY SERVICES BUSINESSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for money services businesses, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21114
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA74

**2455. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR COMMODITY TRADING ADVISORS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for commodity trading advisors, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/03	68 FR 23640
NPRM Comment Period End	07/07/03	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA75

**2456. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR OPERATORS OF A CREDIT CARD SYSTEM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for operators of a credit card system, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21121
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735

**Related RIN:** Split from 1506-AA28

**RIN:** 1506-AA76

**2457. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR UNREGISTERED INVESTMENT COMPANIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 5316(h)

**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67

**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.

**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for unregistered investment companies, as defined in the Bank Secrecy Act.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/02	67 FR 60617
NPRM Comment Period End	11/25/02	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

## TREAS—FINCEN

## Final Rule Stage

**Government Levels Affected:** None**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735**Related RIN:** Split from 1506-AA28, Previously reported as 1506-AA57**RIN:** 1506-AA77**CFR Citation:** 31 CFR 103.65; 31 CFR 103.66; 31 CFR 103.67**Legal Deadline:** Final, Statutory, April 24, 2002, PL 107-56, sec 352.**Abstract:** FinCEN will issue a series of regulations regarding anti-money laundering program requirements for dealers in precious metals, stones, or jewels, as defined in the Bank Secrecy Act.**Timetable:**

Action	Date	FR Cite
NPRM	02/21/03	68 FR 8480
Interim Final Rule	06/09/05	70 FR 33702
Interim Final Rule Comment Period End	05/07/05	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Office of the Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183  
Phone: 703 905-3590  
Fax: 703 905-3735**Related RIN:** Split from 1506-AA28**RIN:** 1506-AA78**2458. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—ANTI-MONEY LAUNDERING PROGRAMS FOR DEALERS IN PRECIOUS METALS, STONES, OR JEWELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 5316(h)**Department of the Treasury (TREAS)  
Financial Crimes Enforcement Network (FINCEN)**

## Long-Term Actions

**2459. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—SPECIAL REPORTING AND RECORDKEEPING REQUIREMENTS—MONEY SERVICES BUSINESSES (MSBS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 31 CFR 103**Timetable:**

Action	Date	FR Cite
NPRM	05/21/97	62 FR 27909
NPRM Comment Period End	09/30/97	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Office of the Chief Counsel  
Phone: 703 905-3590  
Fax: 703 905-3735**RIN:** 1506-AA19

BILLING CODE 4810-35-S

**Department of the Treasury (TREAS)  
Financial Management Service (FMS)**

## Proposed Rule Stage

**2460. CLAIMS ON ACCOUNT OF TREASURY CHECKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 321; 31 USC 3328; 31 USC 3331; 31 USC 3343; 31 USC 3702; 31 USC 3712**CFR Citation:** 31 CFR 245**Legal Deadline:** None**Abstract:** Title 31 CFR part 245 governs the issuance of replacement checks for checks drawn on the United States Treasury when: 1) The original check has been lost, stolen, destroyed or mutilated, or defaced to such an extent that it is rendered non-negotiable; 2) the original check has been negotiated and paid on a forged or unauthorized indorsement; and 3) the original check has been cancelled pursuant to 31 CFR part 240. This regulation is being revised to update the regulation's

definitions to make them consistent with the language of the revisions to the definitions in 31 CFR part 240. Other revisions will govern the use of the Check Forgery Insurance Fund (Fund). The Fund is a revolving fund established to settle payee claims of nonreceipt where the original check has been fraudulently negotiated. The Fund ensures that innocent payees, whose Treasury checks have been fraudulently cashed, receive replacement checks in a timely manner. The NPRM is on hold pending implementation of the Expanded Check Forgery Insurance Fund Legislation (CFIF) and the Treasury Check Information System (TCIS).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Ella White, Program Analyst, Department of the Treasury, Financial Management Service, Room 8D25, 3700 East-West Highway, Hyattsville, MD 20782  
Phone: 202 874-8445  
Email: ella.white@fms.treas.gov**RIN:** 1510-AA51**2461. PAYMENTS UNDER JUDGMENT AND PRIVATE RELIEF ACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-53; PL 104-316; 28 USC 2414; 28 USC 2517; 31 USC 1304**CFR Citation:** 31 CFR 256**Legal Deadline:** None

## TREAS—FMS

## Proposed Rule Stage

**Abstract:** This regulation governs the procedures for securing payment for money judgments against the United States. The proposed revision will update these procedures. This revision will benefit claimants and others in understanding the judgment payment process. This regulation currently describes a process that involves the General Accounting Office (GAO) and the Treasury Department. The revision will remove the GAO from this description to reflect legislative amendments that effect this change. Also, the regulation currently identifies monetary thresholds that no longer exist. The change will reflect the removal of these monetary limitations. These revisions will make the regulation consistent with current procedures for securing payment of money judgments against the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/96	61 FR 552
NPRM Comment Period End	02/07/96	
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Vivian Cooper, Director, Financial Accounting and Services Division, Department of the Treasury, Financial Management Service, Room 620D, 3700 East-West Highway, Hyattsville, MD 20782  
Phone: 202 874-8380

Email: vivian.cooper@fms.treas.gov  
**RIN:** 1510-AA52

**2462. • FOREIGN EXCHANGE OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 9701; 31 USC 3342

**CFR Citation:** 31 CFR 281

**Legal Deadline:** None

**Abstract:** The Financial Management Service is proposing to amend 31 CFR Part 281 (Foreign Exchange Operations) in order to establish currency conversion fees for electronic Federal payments disbursed to overseas recipients via the Federal Reserve Banks' FedACH International service. To deliver a payment through FedACH International to a bank account maintained by an individual or business in a foreign country, it is necessary first to convert the payment from U.S. dollars to the local currency. FMS does not generally provide currency conversion services when disbursing payments, and is proposing to recoup the cost of this special service from payment recipients.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Natalie H. Diana, Senior Attorney, Department of the Treasury, Financial Management

Service, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-6680  
Fax: 202 874-6627  
Email: natalie.diana@fms.treas.gov  
**RIN:** 1510-AB03

**2463. • WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY, AND COUNTY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 5516; 5 USC 5517; 5 USC 5520; EO 11997

**CFR Citation:** 31 CFR 215

**Legal Deadline:** None

**Abstract:** This regulatory action revises the name and address of the office within the Department of the Treasury (Treasury) which will correspond with government entities requesting a tax withholding agreement with Treasury.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marc Seldin, Senior Attorney, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Washington, DC 20227

Phone: 202 874-6863  
Fax: 202 874-6627  
Email: marc.seldin@fms.treas.gov

**RIN:** 1510-AB06

**Department of the Treasury (TREAS)  
Financial Management Service (FMS)**

## Final Rule Stage

**2464. FEDERAL CLAIMS COLLECTION STANDARD—COLLECTION BY INSTALLMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 3711; 31 USC 3717

**CFR Citation:** 31 CFR 901.9

**Legal Deadline:** None

**Abstract:** Section 901.9, paragraph (f) is being modified to state that when an administrative charge is being paid out of amounts collected from the

debtor, a partial or installment payment on a debt should be applied to that charge first, then to penalties, other administrative charges, interest, and principal.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Agency Contact:** Gerry Isenberg, Financial Program Specialist, Debt Management Service, Department of the Treasury, Financial Management Service, Room 44AB, 401 14th Street SW., Washington, DC 20227

Phone: 202 874-7131  
Fax: 202 874-7494  
Email: gerald.isenberg@fms.treas.gov

**RIN:** 1510-AA91



## TREAS—FMS

## Final Rule Stage

**2465. FEDERAL GOVERNMENT PARTICIPATION IN THE ACH****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5525; 12 USC 391; 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3321; 31 USC 3332; 31 USC 3335; 31 USC 3720**CFR Citation:** 31 CFR 210**Legal Deadline:** None**Abstract:** FMS reviews the private sector ACH operating rules on a yearly basis and adopts, changes, or declines each rule.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Matthew R. Friend, Acting Director, Settlement Services Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-1251  
Fax: 202 874-8644  
Email: matthew.friend@fms.treas.gov**RIN:** 1510-AB00**2466. PAYMENT OF FEDERAL TAXES AND THE TREASURY TAX AND LOAN PROGRAM****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 12 USC 90; 12 USC 265; 12 USC 266; 12 USC 321; 12 USC 323; 12 USC 332; 12 USC 391; 12 USC 1452(d); 12 USC 1464(k); 12 USC 1767; 12 USC 1789(a); 12 USC 2013; 12 USC 2122; 12 USC 3102; 12 USC 6302; 31 USC 3301 to 3304**CFR Citation:** 31 CFR 203**Legal Deadline:** None**Abstract:** This rule includes general revisions that will provide needed updates to support operational changes to the system used for the collection

of corporate withholding taxes and the investment of the Government's excess operating funds, and incorporate other needed updates.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Laura Carrico, Acting Director, Investment Management Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7119  
Email: laura.carrico@fms.treas.gov**RIN:** 1510-AB01**2467. FEDERAL GOVERNMENT PARTICIPATION IN THE AUTOMATED CLEARING HOUSE****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 321**CFR Citation:** 31 CFR 210**Legal Deadline:** None**Abstract:** The Financial Management Service is promulgating an interim final rule to amend 31 CFR Part 210 (Federal Government Participation in the Automated Clearing House) in order to address changes to the Automated Clearing House (ACH) rules that have been adopted during the past two years. The interim rule will incorporate in 31 CFR Part 210 certain operational and technical changes to the ACH rules. The interim final rule will become effective 60 days after publication in the Federal Register. There is a 60-day comment period on the rule.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Natalie H. Diana, Senior Attorney, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-6680  
Fax: 202 874-6627  
Email: natalie.diana@fms.treas.gov**RIN:** 1510-AB04**2468. OFFSET OF FEDERAL PAYMENTS (OTHER THAN TAX REFUND AND FEDERAL BENEFIT PAYMENTS) TO COLLECT PAST-DUE, LEGALLY ENFORCEABLE NONTAX DEBT – GRANT PAYMENTS AMENDMENT.****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3716**CFR Citation:** 31 CFR 285.5**Legal Deadline:** None**Abstract:** The Debt Collection Improvement Act of 1996, Public Law 1040134 (April 26, 1996) authorized the offset of Federal payments by disbursing officials of the United States to collect nontax debt owed the United States. 31 CFR 285.5 contains rules for conducting these offsets. This rule will provide additional parameters relating to the offset of Federal grant payments.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Gerry Isenberg, Financial Program Specialist, Debt Management Service, Department of the Treasury, Financial Management Service, Room 44AB, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7131  
Fax: 202 874-7494  
Email: gerald.isenberg@fms.treas.gov**RIN:** 1510-AB05

**Department of the Treasury (TREAS)**  
**Financial Management Service (FMS)**
**Completed Actions**
**2469. SALARY OFFSET**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 285.7

**Completed:**

Reason	Date	FR Cite
Final Action	05/03/05	70 FR 22797

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Gerry Isenberg  
 Phone: 202 874-7131

Fax: 202 874-7494

Email: gerald.isenberg@fms.treas.gov

**RIN:** 1510-AA70

**2470. ADMINISTRATIVE WAGE GARNISHMENT CLARIFICATIONS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 285.11

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/25/05	

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Agency Contact:** Gerry Isenberg

Phone: 202 874-7131

Fax: 202 874-7494

Email: gerald.isenberg@fms.treas.gov

**Related RIN:** Related to 1510-AA67

**RIN:** 1510-AB02

**BILLING CODE** 4810-31-S

**Department of the Treasury (TREAS)**
**Alcohol and Tobacco Tax and Trade Bureau (TTB)**
**Prerule Stage**
**ALCOHOL**
**2471. PROPOSED REVISIONS TO THE BEER REGULATIONS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5021 to 5056; 26 USC 5061 to 5064; 26 USC 5091 to 5093; 26 USC 5111 to 5114; 26 USC 5121 to 5123; 26 USC 5401 to 5403; 26 USC 5411 to 5418; ...

**CFR Citation:** 27 CFR 25

**Legal Deadline:** None

**Abstract:** The Alcohol and Tobacco Tax and Trade Bureau proposes to revise brewery regulations to reduce the regulatory burden and streamline regulatory requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/05	

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** RaMona Hupp, Writer-Editor, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
 Phone: 202 927-2166

Fax: 202 927-8525

Email: ramona.hupp@ttb.gov

**Related RIN:** Related to 1513-AA12

**RIN:** 1513-AB05

**2472. • USE OF THE WORD "PURE" OR ITS VARIANTS IN THE LABELING AND ADVERTISING OF ALCOHOL BEVERAGES.**
**Priority:** Other Significant

**Legal Authority:** 27 U.S.C. 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** TTB is considering amending the regulations concerning the use of the word "pure" or its variants in the

labeling and advertising of alcohol beverages. We wish to gather information by inviting comments from the public and industry as to whether the existing regulations should be revised.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/05	

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lisa M. Gesser, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 128, Morganza, MD 20660

Phone: 301 290-1460

Fax: 301 290-1463

Email: lisa.gesser@ttb.gov

**RIN:** 1513-AB16

**Department of the Treasury (TREAS)**
**Alcohol and Tobacco Tax and Trade Bureau (TTB)**
**Proposed Rule Stage**
**ALCOHOL**
**2473. DENATURED SPIRITS, ARTICLES, AND NONBEVERAGE PRODUCTS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 19; 27 CFR 20; 27 CFR 27; 27 CFR 28

**Legal Deadline:** None

**Abstract:** Modernizes and clarifies regulations relating to the following activities: 1) Manufacture of articles made with specially denatured alcohol (SDA); 2) exportation of SDA and articles made with SDA; and 3) importation of denatured spirits, fuel alcohol, articles made with SDA, and nonbeverage alcoholic products.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steven C. Simon, TTB Specialist, Department of the Treasury,

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## Proposed Rule Stage

Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
 Phone: 202 927-9210  
 Fax: 202 927-8525  
 Email: steven.simon@ttb.gov  
**RIN:** 1513-AB03

#### 2474. LABELING AND ADVERTISING OF WINES, DISTILLED SPIRITS, AND MALT BEVERAGES

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** TTB requests public comment on possible changes to the labeling and advertising requirements of alcohol beverage products regulated by TTB. TTB has long required certain labeling, such as brand name, class and type, alcohol content (in the case of wines containing more than 14 percent alcohol by volume and distilled spirits), net contents, and in recent years has published updated standards for the use of carbohydrate and calorie claims. Because of petitions to mandate additional information, including ingredient, allergen, alcohol, calorie, and carbohydrate content and requests by some to use labels with at least some of that additional information on a voluntary basis under existing rules, TTB believes it is now appropriate to consider revising the alcohol beverage labeling and advertising regulations, and seeks public comment on several issues to assist TTB in formulating specific regulatory proposals.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/29/05	70 FR 22274
Comment Period Extended	06/23/05	70 FR 36359
ANPRM Comment Period End	09/26/05	
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Lisa M. Gesser, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 128, Morganza, MD 10660  
 Phone: 301 290-1460

Fax: 301 290-1463  
 Email: lisa.gesser@ttb.gov  
**RIN:** 1513-AB07

#### 2475. ALLERGEN INGREDIENT LABELING FOR ALCOHOL BEVERAGES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205(e)

**CFR Citation:** 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

**Legal Deadline:** None

**Abstract:** Pursuant to the House Committee Report accompanying the Food Allergen Labeling and Consumer Protection Act of 2004 (Pub. L. 108-282), TTB will consider how to appropriately apply allergen labeling to beverage alcohol products. We will consider how allergen labeling for these products will operate within our existing labeling regulations and with FDA regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/29/05	70 FR 22274
ANPRM Comment Period End	09/26/05	
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jessica M. Bungard, Management Analyst, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
 Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: jessica.bungard@ttb.gov

**Related RIN:** Related to 1513-AB07

**RIN:** 1513-AB08

#### 2476. ALTERNATING BREWERY PROPRIETORS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5051; 26 USC 5401

**CFR Citation:** 27 CFR 25

**Legal Deadline:** None

**Abstract:** TTB is establishing guidelines for the establishment of alternating proprietors at brewery premises. These guidelines will provide standards for the establishment of an

alternating proprietorship at a brewery premises, and will provide guidelines for the operations of these premises by separate established brewers. These will give guidance on operations, taxpayment, recordkeeping, reporting, and segregation of products made by separate brewers. TTB will first issue interpretative guidelines in the form of an industry memorandum or industry circular prior to proposing regulations on the subject.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Charles N. Bacon, Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 5056, Beverly Farms, MA 01915  
 Phone: 978 921-1840  
 Fax: 978 921-1840  
 Email: charles.bacon@ttb.gov

**RIN:** 1513-AB09

#### 2477. • PETITION TO ESTABLISH THE OUTER COASTAL PLAIN AMERICAN VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 U.S.C. 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB received a petition proposing to establish the Outer Coastal Plain viticultural area in southeast New Jersey. The 2,255,400-acre area includes all of Cape May, Atlantic, Ocean, and Cumberland Counties and portions of Salem, Gloucester, Camden, Burlington, and Monmouth Counties. Currently, the area has 1,227 vineyard acres.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda W. Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200E, Washington, DC 20220

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Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: linda.chapman@ttb.gov  
**RIN:** 1513-AB13

#### 2478. • PETITION TO ESTABLISH THE RATTLESNAKE HILLS AMERICAN VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 U.S.C. 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The proposed 68,500-acre Rattlesnake Hills viticultural area is located in the south, central region of Washington State. Distinguishing features include topography, soils, and climate. There are currently 1,227 acres of vineyards in commercial production.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 5000, Suite 200E, 1310 G Street NW., Washington, DC 20220

Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: nancy.sutton@ttb.gov

**RIN:** 1513-AB14

#### 2479. • PETITION TO ESTABLISH THE SADDLE ROCK-MALIBU AMERICAN VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 U.S.C. 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The proposed 2,090-acre Saddle Rock-Malibu viticultural area is in Malibu County in southern California. The distinguishing features include high elevations, and its

location and orientation within the Santa Monica Mountains that limit its marine layer exposure. As compared to some of the neighboring areas with more marine influence, the Saddle Rock-Malibu area receives more solar radiation and heat during the growing season.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 5000, Suite 200E, 1310 G Street NW., Washington, DC 20220

Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: nancy.sutton@ttb.gov

**RIN:** 1513-AB15

#### Administrative/Procedures

#### 2480. AVAILABILITY OF INFORMATION

**Priority:** Info./Admin./Other

**Legal Authority:** 26 USC 6103; 5 USC 552; 5 USC 552(a); 26 USC 301; 26 USC 7805

**CFR Citation:** 70.701(d)

**Legal Deadline:** None

**Abstract:** TTB is revising and consolidating in one new part of its regulations all regulatory provisions that deal with the availability of information. This new part will include

rules regarding the disclosure of information pursuant to the Freedom of Information Act and the Privacy Act of 1974 and in connection with litigation or other legal proceedings. TTB is also revising 27 CFR 70.701(d) to change the publication of the TTB Bulletin. Rather than publishing our bulletin quarterly in print form, we are changing it to be published as a monthly online bulletin. All content of the bulletin as currently prescribed by regulation will remain the same.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jessica Bungard, Management Analyst, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220

Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: jessica.bungard@ttb.gov

**RIN:** 1513-AA98

#### FIREARMS

#### 2481. • FIREARMS AND AMMUNITION EXCISE TAXES, CONSIGNMENT SALES OF IMPORTED ARTICLES

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 4181; 26 USC 4182; 26 USC 4216-4219; 26 USC 4221-4223; 26 USC 4225; 26 USC 6001; 26 USC 6011; 26 USC 6020; 26 USC

6021; 26 USC 6061; 26 USC 6071; 26 USC 6081; 26 USC 6091; 26 USC 6101-6104; 26 USC 6109; 26 USC 6151; 26 USC 6155; 26 USC 6161; 26 USC 6301-6303; 26 USC 6311; 26 USC 6402; 26 USC 6404; 26 USC 6416; 26 USC 7502; 26 USC 7805

**CFR Citation:** 27 CFR 53.121

**Legal Deadline:** None

**Abstract:** TTB is amending the regulations relating to the payment of excise taxes on firearms and

ammunition. The proposed amendment will clarify the tax liability of a domestic consignee who sells imported firearms or ammunition on behalf of a resident of a foreign country.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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**Government Levels Affected:** None

**URL For Public Comments:**  
nprm@ttb.gov

**Agency Contact:** Karl O. Joedicke, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200E, Washington, DC 20220  
Phone: 202 927-7460  
Fax: 202 927-8525  
Email: karl.joedicke@ttb.gov

**RIN:** 1513-AB12

**2482. EXPORTATION OF LIQUORS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 28

**Legal Deadline:** None

**Abstract:** TTB proposes the plain language revision of 27 CFR part 28 to eliminate obsolete or unnecessary rules and forms and streamline export processing, while providing adequate protection for the revenue.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40887
ANPRM Comment Period End	10/08/92	
ANPRM Comment Period Extended	10/15/92	57 FR 47320
ANPRM Comment Period Extended End	12/07/92	
ANPRM	08/09/96	61 FR 41500
ANPRM Comment Period End	12/10/96	
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AA98

**Agency Contact:** Joanne Brady, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 45797, Philadelphia, PA 19149  
Phone: 215 333-7050  
Fax: 215 333-8871  
Email: joanne.brady@ttb.treas.gov

**RIN:** 1513-AA00

**2483. DETERMINATION OF TAX AND RECORDKEEPING ON LARGE CIGARS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 5701; 27 USC 5702

**CFR Citation:** 27 CFR 40; 27 CFR 275

**Legal Deadline:** None

**Abstract:** This notice incorporates most of the parts of Industry Circular 91-3, dated March 19, 1991, entitled "Large Cigar Taxes On and After January, 1991" that have not been placed in the regulations. Industry Circular 91-3 addressed questions about determining the amount of tax for large cigars based on their sale price. In addition, this notice proposes: 1) To give guidance on tax adjustments for large cigars provided at no cost in connection with a sale; and 2) recordkeeping requirements for persons in Puerto Rico, who bring large cigars upon prepayment or deferred payment of tax into the United States from Puerto Rico.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC22

**Agency Contact:** Amy J. Rogers, Management Analyst, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: amy.rogers@ttb.gov

**RIN:** 1513-AA16

**2484. PROPOSED REVISIONS TO THE DISTILLED SPIRITS PLANT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 19

**Legal Deadline:** None

**Abstract:** TTB is proposing to amend the distilled spirits plant regulations in 27 CFR part 19. Many of these proposed revisions are the result of a petition submitted by the Distilled

Spirits Council of the United States (DISCUS). Other proposed revisions are a result of TTB's own comprehensive review of the regulations in 27 CFR part 19. TTB believes that the amendments proposed in this notice will benefit the distilled spirits industry by modernizing many of the requirements for operating distilled spirits plants and thereby allow proprietors to operate in a more efficient manner.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC52

**Agency Contact:** Daniel J. Hiland, Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: daniel.hiland@ttb.gov

**RIN:** 1513-AA23

**2485. REGULATORY CHANGES FROM CUSTOMS SERVICE FINAL RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 44

**Legal Deadline:** None

**Abstract:** The temporary rule prescribes TTB regulations relating to a final rule (T.D. 92-181, 57 FR 37692), published by the former U.S. Customs Service (Customs). Customs published this final rule to create a separate class of customs bonded warehouse duty-free store (class 9). A class 9 customs bonded warehouse may receive tobacco products or cigarette papers or tubes without payment of Federal excise tax. The temporary rule prescribes the regulations that allow a manufacturer of tobacco products or cigarette papers and tubes and an export warehouse proprietor to send such articles to a class 9 customs bonded warehouse. In addition, the temporary rule prescribes regulations that allow a proprietor of a customs bonded manufacturing warehouse to send such cigars to a

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class 9 customs bonded warehouse. This notice of proposed rulemaking invites comments on the temporary rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC56

**Agency Contact:** Linda Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov

**RIN:** 1513-AA26

#### 2486. SHIPMENTS OF TOBACCO PRODUCTS OR CIGARETTE PAPERS OR TUBES WITHOUT PAYMENT OF TAX

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 40; 27 CFR 275

**Legal Deadline:** None

**Abstract:** The proposed rule clarifies regulations and establishes procedures governing tobacco products or cigarette papers or tubes brought in bond from Puerto Rico to the United States. In addition, the proposed rule would allow a manufacturer of tobacco products to receive in bond, cigarette papers and tubes for placement in packages of roll-your-own tobacco, and would eliminate filing bond extensions for tobacco products and cigarette papers or tubes from the U.S. Virgin Islands.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC57

**Agency Contact:** Linda Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov

**RIN:** 1513-AA27

#### 2487. TAX-PAID DISTILLED SPIRITS USED IN MANUFACTURING PRODUCTS UNFIT FOR BEVERAGE USE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5010; 26 USC 5131 to 5134; 26 USC 5143; 26 USC 5206; 26 USC 5273; ...

**CFR Citation:** 27 CFR 17

**Legal Deadline:** None

**Abstract:** TTB proposes to amend the regulations on tax-paid distilled spirits used to manufacture nonbeverage products to allow manufacturers to use natural and artificial one percent solutions without having to file Form 5154.1, Formula and Process for Nonbeverage Product. This proposal is part of an ongoing effort to streamline the TTB Alcohol and Tobacco Laboratory's flavor formula approval process.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC73

**Agency Contact:** Linda Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov

**RIN:** 1513-AA37

#### 2488. PROPOSED ADDITION OF NEW GRAPE VARIETY NAMES FOR AMERICAN WINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4

**Legal Deadline:** None

**Abstract:** TTB has received petitions proposing to add several names to the list of grape variety names used to designate American wines.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC79

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014  
Phone: 540 344-9333  
Fax: 540 344-5855  
Email: jennifer.berry@ttb.gov

**RIN:** 1513-AA42

#### 2489. MARKS, LABELS, NOTICES, AND BONDS FOR, AND REMOVAL OF, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5704; 26 USC 7805

**CFR Citation:** 27 CFR 40; 27 CFR 275

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking involves labels, notices, and marks for removals, in bond, of tobacco products or cigarette papers and tubes that are not in packages. This notice proposes new sections that prohibit the removal of tobacco products or cigarette papers or tubes that are not in packages for domestic uses. Packages are the immediate containers in which a manufacturer or importer places the tobacco products or cigarette papers or tubes for sale or delivery to the consumer. Also, this notice broadens the language for extending bonds so that manufacturers may receive tobacco products, cigarette papers and tubes,

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without payment of tax, from Puerto Rico. This notice may affect the operations conducted by manufacturers of tobacco products or cigarette papers and tubes and importers of tobacco products.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC90

**Agency Contact:** Linda Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov

**RIN:** 1513-AA49

#### 2490. IN-TRANSIT STOPS OF TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES WITHOUT PAYMENT OF TAX

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5704

**CFR Citation:** 27 CFR 40; 27 CFR 44

**Legal Deadline:** None

**Abstract:** This notice is the result of a petition from the Cigar Association of America and the Pipe Tobacco Council. The petition requests that TTB change its position regarding in-transit stops of tobacco products and cigarette papers and tubes after removal without payment of tax from a factory. TTB has taken the position that the law provides that manufacturers may remove the tobacco products and cigarette papers and tubes by paying the excise tax and subsequently filing a claim for drawback. This notice proposes to clarify the regulations to recognize such in-transit stops and specifies records that manufacturers and export warehouse proprietors maintain relating to the removals without payment of tax.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC95

**Agency Contact:** Linda Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov

**RIN:** 1513-AA52

#### 2491. PROPOSED ESTABLISHMENT OF ALTA MESA VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas Steering Committee proposes the establishment of the 55,400-acre "Alta Mesa" viticultural area in the north central portion of the established Lodi viticultural area. The most distinguishing features of the area include "Alta Mesa," a table-top landform, and San Joaquin soil series that dominates 90 percent of the land. The Steering Committee is petitioning for seven new viticultural areas within the original Lodi viticultural area boundaries.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA82

#### 2492. PROPOSED ESTABLISHMENT OF THE COSUMNES RIVER VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas Steering Committee proposes to establish the 54,700-acre "Cosumnes River" viticultural area in the northwest portion of the established Lodi viticultural area. The most distinguishing features of the area include the cool and windy climate, alluvial soils, and low elevation terrain. The Steering Committee is petitioning for seven new viticultural areas within the boundaries of the original Lodi viticultural area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA83

#### 2493. PROPOSED ESTABLISHMENT OF SLOUGHHOUSE VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas Steering Committee proposes to establish the 78,800-acre "Sloughhouse" viticultural area within the northeast portion of the established Lodi viticultural area. The distinctive viticultural environment of the proposed Sloughhouse viticultural area includes warm temperatures, significant rain and fog, high elevations, and old soils. The Steering Committee is petitioning for seven new viticultural

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Proposed Rule Stage

areas within the original boundaries of the Lodi viticultural area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA84

**2494. PROPOSED ESTABLISHMENT OF MOKELUMNE RIVER VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas Steering Committee proposes the establishment of the 85,700-acre "Mokelumne River" viticultural area in the southwest portion of the established Lodi viticultural area. The most distinguishing features of the area include the alluvial fan with its topography and geology in contrast to the surrounding areas, and the cool, breezy climate. The Steering Committee is petitioning for seven new viticultural areas within the original Lodi viticultural area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525

Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA85

**2495. PROPOSED ESTABLISHMENT OF JAHANT VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas Steering Committee proposes the establishment of the 28,000-acre "Jahant" viticultural area, located in the central-west portion of the established Lodi viticultural area. The most distinguishing features of the area are the pink Jahant loam soil with its unique grape-growing qualities, the terrain with its river terraces and old floodplain deposits, and the cool, dry, and windy climate. The Steering Committee is petitioning for seven new viticultural areas within the boundaries of the original Lodi viticultural area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA86

**2496. PROPOSED ESTABLISHMENT OF BORDEN RANCH VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas (LAVA) Steering Committee proposes the establishment of the 70,000-acre "Borden Ranch" viticultural area in the east central portion of the Lodi viticultural area. The most distinctive features include

old alluvial fans, river terraces and plains, high elevations, and a windswept climate. The Committee is petitioning for seven new viticultural areas within the original Lodi viticultural area boundaries. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA87

**2497. PROPOSED ESTABLISHMENT OF CLEMENTS HILLS VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** The Lodi American Viticultural Areas (LAVA) Steering Committee proposes the establishment of the 84,500-acre "Clements Hills" viticultural area in the southeast portion of the established Lodi viticultural area. It is a topographic transition area between the low and flat San Joaquin Valley floor to the west and the progressively more mountainous Sierra Foothills to the east. The most distinguishing features of the Clements Hills area are the high elevation river terraces and rounded hilltops. The Committee is petitioning for seven new viticultural areas within the original Lodi viticultural area boundaries. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No



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## Proposed Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA88**2498. PROPOSED ESTABLISHMENT OF THE MT. OSO VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** The proposed Mt. Oso viticultural area, about 15 miles long and 5 miles wide with 1,005 acres of vineyards, is nestled in the foothills between the San Joaquin Valley and the Diablo Range in San Joaquin and Stanislaus counties in California. The sloping hillside topography includes streams and alluvial fans and plains. The distinguishing climatic features of this 38,414-acre proposed area include limited rainfall and persistent winds, along with sparse fog, frost, and dew. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA89

## Department of the Treasury (TREAS)

## Final Rule Stage

## Alcohol and Tobacco Tax and Trade Bureau (TTB)

## ALCOHOL

**2499. NEW CERTIFICATION REQUIREMENTS FOR IMPORTED WINE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-429, sec 202**CFR Citation:** 27 CFR 4; 27 CFR 24; 27 CFR 27**Legal Deadline:** None

**Abstract:** TTB is amending the wine regulations to implement new certification requirements for imported wine required by the Miscellaneous Trade and Technical Corrections Act of 2004.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014  
Phone: 540 344-9333  
Fax: 540-344-5855  
Email: jennifer.berry@ttb.gov

**RIN:** 1513-AB00**2500. WAHLUKE SLOPE VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** The Wahluke Slope Wine Grape Growers Association proposes the establishment of the 81,000-acre Wahluke Slope viticultural area in eastern Washington State. It is approximately 145 miles southeast of Seattle, Washington, and just north of the Hanford Reservation, U.S. Department of Energy (DOE). There are currently 5,200 acres of vineyard land, as of November 2004. The major distinguishing factors include its single landform and geographic isolation, distinctive soil patterns, and unique climate characteristics.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28861
NPRM Comment Period End	07/18/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and

Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 415 271-1254  
Fax: 707-778-6349  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AB01**2501. PETITION TO ESTABLISH SAN ANTONIO VALLEY AS A NEW AMERICAN VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** TTB has received a petition proposing "San Antonio Valley" as a new American viticultural area in California.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28865
NPRM Comment Period End	07/18/05	
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014

## TREAS—TTB

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Phone: 540 344-9333  
 Fax: 540 344-5855  
 Email: jennifer.berry@ttb.gov  
 RIN: 1513-AB02

**2502. • PROPOSED CHANGE TO VINTAGE DATE REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 205**CFR Citation:** 27 CFR 4.27**Legal Deadline:** None

**Abstract:** TTB received a petition to change the vintage date requirements in the wine regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/05	70 FR 38058
NPRM Comment Period End	08/30/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
 Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: marjorie.ruhf@ttb.gov

**RIN:** 1513-AB11**Administrative/Procedures****2503. ADMINISTRATIVE CHANGES TO ALCOHOL, TOBACCO, AND FIREARMS REGULATIONS DUE TO THE HOMELAND SECURITY ACT OF 2002****Priority:** Info./Admin./Other**Legal Authority:** PL 107-296; ...**CFR Citation:** 27 CFR 1; 27 CFR 4 to 6; 27 CFR 8; ...**Legal Deadline:** None**Abstract:** The Homeland Security Act of 2002 divided the Bureau of Alcohol,

Tobacco and Firearms, Department of the Treasury into two separate agencies: the Bureau of Alcohol, Tobacco, Firearms and Explosives in the Department of Justice, and the Alcohol and Tobacco Tax and Trade Bureau in the Department of the Treasury. Due to these changes, this final rule amends the Alcohol and Tobacco Tax and Trade Bureau's regulations to reflect the Bureau's new name and organizational structure.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Lisa M. Gesser, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 128, Morganza, MD 20660

Phone: 301 290-1460

Fax: 301 290-1463

Email: lisa.gesser@ttb.gov

**RIN:** 1513-AA80**TOBACCO PRODUCTS****2504. REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE BY THE UNITED STATES IN LAW ENFORCEMENT ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 5703 to 5705; 26 USC 5723; 26 USC 5741; 26 USC 5751; 26 USC 5762; 26 USC 5763; 26 USC 6313; 26 USC 7212; 26 USC 7342; 26 USC 7606; 26 USC 7805; 44 USC 3504(h)**CFR Citation:** 27 CFR 45.31**Legal Deadline:** None

**Abstract:** The Department of the Treasury and the Alcohol and Tobacco Tax and Trade Bureau propose to amend the regulations relating to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use by the United States in law enforcement activities. Specifically, we propose to allow manufacturers of tobacco products and

cigarette papers and tubes to remove these articles without payment of tax for use by Federal agencies in their law enforcement activities, and to exempt packages of those removed products from the tax-exempt labeling requirement. We take this action to timely meet the needs of Federal law enforcement operations, particularly investigations involving tobacco diversion and cigarette smuggling.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/15/05	70 FR 19888
Interim Final Rule Effective	04/15/05	
Interim Final Rule Comment Period End	06/15/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Linda W. Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and

Trade Bureau, 1310 G Street NW., Suite 200E, Washington, DC 20220  
 Phone: 202 927-8210  
 Fax: 202 927-8525  
 Email: linda.chapman@ttb.gov

**RIN:** 1513-AA99**2505. IMPLEMENTATION OF PUBLIC LAW 105-33, SECTION 9302, REQUIRING THE QUALIFICATION OF TOBACCO PRODUCT IMPORTERS AND MISCELLANEOUS TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 5712; 26 USC 5713**CFR Citation:** 27 CFR 275**Legal Deadline:** None

**Abstract:** These regulations will implement section 9302 provisions of Public Law 105-33, requiring permits for businesses engaged in importing tobacco products. Also, minor technical amendments have been included in this rule.

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**Timetable:**

Action	Date	FR Cite
NPRM	12/22/99	64 FR 71955
Interim Final Rule	12/22/99	64 FR 71947
Interim Final Rule Effective	01/01/00	
Interim Final Rule Comment Period End	05/03/00	65 FR 17477
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC07

**Agency Contact:** Linda

Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov

RIN: 1513-AA10

**2506. PROPOSAL TO RECOGNIZE SYNONYMS FOR PETITE SIRAH AND ZINFANDEL GRAPE VARIETIES**

Priority: Substantive, Nonsignificant

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None

**Abstract:** TTB is proposing to amend the list of prime grape names for American wines to recognize the name "Durif" as a synonym for the Petite Sirah grape and to recognize the name "Primitivo" as a synonym for the Zinfandel grape. This is in response to the result of recent DNA research into the identity of these grape varieties.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/02	67 FR 17312
NPRM Comment Period Extended	06/06/02	67 FR 38915
NPRM Comment Period End	10/08/02	
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC65

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014

Phone: 540 344-9333

Fax: 540 344-5855

Email: jennifer.berry@ttb.gov

RIN: 1513-AA32

**2507. PROPOSED RED HILL DOUGLAS COUNTY, OREGON AMERICAN VITICULTURAL AREA**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 205(e)

CFR Citation: 27 CFR 9

Legal Deadline: None

**Abstract:** TTB is reopening the comment period for the notice of proposed rulemaking (NPRM) titled Petition for the Establishment of Red Hill as an American Viticultural Area. TTB is soliciting comments on a new proposed name for this viticultural area, "Red Hill Douglas County, Oregon." Public comments are requested by March 4, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/02	67 FR 66079
NPRM Comment Period End	12/30/02	
Comment Period Reopened	01/16/03	68 FR 2262
Reopened Comment Period End	03/17/03	
Comment Period Reopened	04/24/03	68 FR 20090
Reopened Comment Period End	05/27/04	
Comment Period Reopened	02/02/05	70 FR 5397
Reopened Comment Period End	04/04/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC76

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525

Email: nancy.sutton@ttb.gov

RIN: 1513-AA39

**2508. PETITION TO ESTABLISH "EOLA HILLS" AS A NEW AMERICAN VITICULTURAL AREA**

Priority: Substantive, Nonsignificant

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

**Abstract:** TTB has received a petition proposing the establishment of "Eola Hills" as a new American viticultural area in Oregon.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52875
NPRM Comment Period End	11/07/03	
Comment Period Extended	11/07/03	68 FR 63042
Extended Comment Period End	01/06/04	
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC78

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014

Phone: 540 344-9333

Fax: 540 344-5855

Email: jennifer.berry@ttb.gov

RIN: 1513-AA41

**2509. ORGANIC CLAIMS IN LABELING AND ADVERTISING OF ALCOHOL BEVERAGES**

Priority: Info./Admin./Other

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7; 27 CFR 13

Legal Deadline: None

**Abstract:** TTB amended its alcohol beverage labeling rules to cross-reference the U.S. Department of Agriculture's National Organic Program (NOP) rules. The mandatory compliance date for the NOP rules was October 21, 2002. TTB requested comments on the temporary rule in an

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associated notice of proposed rulemaking. Comments were due March 27, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62860
Temporary Rule	10/08/02	67 FR 62856
NPRM Comment Period Reopened	12/27/02	67 FR 79011
NPRM Comment Period Reopened	05/09/03	68 FR 24903
Final Action	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC87

**Agency Contact:** Marjorie D. Ruhf, Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: marjorie.ruhf@ttb.gov

**RIN:** 1513-AA46

**2510. PETITION TO EXPAND THE LIVERMORE VALLEY VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB received a petition proposing to expand the boundaries of approved American viticultural area Livermore Valley located in the State of California. The proposed expanded boundaries encompass approximately 259,000 acres, of which 4,355 acres are devoted to vineyards. The expansion would add approximately 163,000 acres, 120 acres of vineyards, and four wineries to the area. The notice of proposed rulemaking includes expansions of the Central Coast and San Francisco Bay American viticultural areas. All three will be published together.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28873
NPRM Comment Period End	07/18/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC99

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA54

**2511. SAN FRANCISCO BAY AND CENTRAL COAST VITICULTURAL AREAS—BOUNDARY REALIGNMENT/EXPANSION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB received a petition proposing an expansion/realignment of the boundaries of approved American viticultural areas San Francisco Bay and Central Coast located in the State of California. In total, the proposed expanded boundaries encompass approximately 20,000 acres. The notice of proposed rulemaking includes expansion of the Livermore Valley American viticultural area. All three will be published together.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/05	70 FR 28870
NPRM Comment Period End	07/18/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AD00

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA55

**2512. PETITION TO ESTABLISH "CHEHALEM MOUNTAINS" AS A NEW AMERICAN VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB has received a petition proposing the establishment of the "Chehalem Mountains" viticultural area located in Yamhill, Washington, and Clackamas Counties, Oregon. A draft final rule is being prepared. The geographical name conflict is awaiting resolution prior to any further action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/03	68 FR 57840
NPRM Comment Period End	12/08/03	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AD02

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 5000, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AA57

**2513. LABELING AND ADVERTISING OF MALT BEVERAGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 7

**Legal Deadline:** None

**Abstract:** This project revises malt beverage labeling and advertising regulations in plain language, and updates titles and definitions to reflect the status of TTB. This revision makes no substantive changes to 27 CFR part 7.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/02	67 FR 43496
NPRM Comment Period End	08/26/02	

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Action	Date	FR Cite
NPRM Comment Period Extended	08/27/02	67 FR 54388
Comment Period Extended End	09/25/02	
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC10**URL For Public Comments:**

www.ttb.gov/foia/nprm\_comments/notice946\_comments.htm

**Agency Contact:** Charles N. Bacon, Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 978 921-1840  
Fax: 978 921-1840  
Email: charles.bacon@ttb.gov

RIN: 1513-AA60

**2514. PETITION TO ESTABLISH THE "FORT ROSS SEAVIEW" VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** The proposed 27,500-acre Fort Ross-Seaview viticultural area is in the North Coast and Sonoma Coast viticultural areas. It is approximately 65 miles north-northwest from San Francisco, close to the Pacific coastline. A significant distinguishing factor of the viticultural area, based on its 920-foot and 1,800-foot elevations, is the sunny and warm growing season that contrasts to the surrounding foggy and cooler lower elevations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/05	70 FR 25000
NPRM Comment Period End	06/08/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the

Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210

Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

RIN: 1513-AA64

**2515. PETITION NO. 2 TO EXPAND THE RUSSIAN RIVER VALLEY VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** The proposed Russian River Valley viticultural area expansion increases the original boundaries by 30,200 acres to the east and south sides. Public comments were requested by April 1, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/05	70 FR 4797
NPRM Comment Period End	04/01/05	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

**Related RIN:** Related to 1513-AA68

RIN: 1513-AA67

**2516. PETITION TO ESTABLISH THE "SHAWNEE HILLS" VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205(e)**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** TTB requests comments concerning the proposed establishment of the "Shawnee Hills" viticultural area in southern Illinois. The proposed Shawnee Hills viticultural area is approximately 80 miles long from the Ohio River on the east to the

Mississippi River on the west, and approximately 20 miles wide from north to south. Approximately 160 acres are planted with wine varietals.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/05	70 FR 17940
NPRM Comment Period End	06/07/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Rita Butler, Writer-Editor, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: rita.butler@ttb.treas.gov

RIN: 1513-AA70

**2517. PROPOSED AMENDED BOUNDARIES FOR THE SANTA LUCIA HIGHLANDS AND THE ARROYO SECO VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205(e)**CFR Citation:** 27 CFR 9.139; 27 CFR 9.59**Legal Deadline:** None

**Abstract:** TTB requests comments concerning the proposed changes to the boundaries of the Santa Lucia Highlands and Arroyo Seco viticultural areas located in Monterey County, California. The proposed boundary change extends portions of the Santa Luca Highlands viticultural area and curtails the Arroyo Seco viticultural area. Public comments are requested by March 25, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/05	70 FR 3333
NPRM Comment Period End	03/25/05	
Other/Comment Period Extended	03/08/05	70 FR 11178
Other/Comment Period End	05/25/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

## TREAS—TTB

Final Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov  
**RIN:** 1513-AA72

**2518. PETITION TO ESTABLISH "TEXOMA" AS A VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** We have received a petition for the establishment of a viticultural area in north central Texas to be called "Texoma."

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69557
NPRM Comment Period End	01/31/05	
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014  
Phone: 540 344-9333  
Fax: 540 344-5855  
Email: jennifer.berry@ttb.gov  
**RIN:** 1513-AA77

**2519. PROPOSED ESTABLISHMENT OF COVELO VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** Ralph Carter of Sonoma, California is petitioning to establish Covelo as an American viticultural area. Covelo area is 164 miles north of San Francisco and immediately south of the Round Valley Indian Reservation

in northern California. The proposed area has 38,000 acres with two acres of planted grape vines, but more area that the petitioner believes has good viticultural potential. The distinctive features include the bowl-shape of the Covelo valley area that contrasts to the narrow valleys, with north-south orientations, commonly found in Mendocino County. Also, it has a short grape-growing season when compared to other Mendocino County viticultural areas. Public comments were requested by April 4, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/05	70 FR 5393
NPRM Comment Period End	04/04/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov  
**RIN:** 1513-AA90

**2520. PETITION TO ESTABLISH "CALISTOGA" AS AN AMERICAN VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** In response to a petition, the Alcohol and Tobacco Tax and Trade Bureau proposed to establish the Calistoga viticultural area in Calistoga, Napa Valley, California. We designate viticultural areas to allow bottlers to better describe the origin of wines and allow consumers to better identify the wines they may purchase. We invited comments on this proposed addition to our regulations, particularly from bottlers who use brand names similar to Calistoga.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/05	70 FR 16451

Action	Date	FR Cite
NPRM Comment Period End	05/31/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Lisa M. Gesser, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 128, Morganza, MD 20660  
Phone: 301 290-1460  
Fax: 301 290-1463  
Email: lisa.gesser@ttb.gov  
**RIN:** 1513-AA92

**2521. RAMONA VALLEY VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** The proposed 89,000-acre Ramona Valley viticultural area is in San Diego County, CA, and totally within the established, larger South Coast viticultural area. The distinguishing factors of the Ramona Valley area, according to the petition, include its high-elevation geography, climate that is based primarily on its inland location, and soils, to a lesser extent. There are currently 45 acres of vineyards in commercial production. A notice of proposed rulemaking is in review.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/05	70 FR 16459
NPRM Comment Period End	05/31/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210

## TREAS—TTB

## Final Rule Stage

Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

RIN: 1513-AA94

**2522. DOS RIOS VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** Ralph Jens Carter of Sonoma, California, is proposing the new Dos Rios AVA, located about five miles beyond the northern boundary of the North Coast AVA. Dos Rios is about 150 miles north of San Francisco and 25 miles east of the Pacific Ocean. The distinguishing factors of the Dos Rios area include significant wind patterns, a transitional climate, elevations between 800 feet and 2000 feet, sloping terrains with 30 percent to 75 percent inclines, relatively infertile soils, and close proximity to two rivers. The petitioner states the area has six acres of planted commercial vineyards and the potential for more viticultural growth. A notice of proposed rulemaking is in review.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/05	70 FR 16455
NPRM Comment Period End	05/31/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: nancy.sutton@ttb.gov

RIN: 1513-AA95

**2523. MATERIALS AUTHORIZED FOR THE TREATMENT OF WINE AND JUICE; PROCESSES AUTHORIZED FOR THE TREATMENT OF WINE, JUICE, AND DISTILLING MATERIAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5381; 26 USC 5382; 26 USC 5385 to 5387

**CFR Citation:** 24 CFR 246; 24 CFR 248

**Legal Deadline:** None

**Abstract:** TTB is revising its lists of approved wine treating materials and processes to add several new materials and processes and revise existing limitations for a few others.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/19/04	69 FR 67639
Interim Final Rule Comment Period End	01/18/05	
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014  
Phone: 540 344-9333  
Fax: 540 344-5855  
Email: jennifer.berry@ttb.gov

RIN: 1513-AA96

**2524. NIAGARA ESCARPMENT VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB has received a petition proposing "Niagara Escarpment" as a new American viticultural area in New York.

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/05	70 FR 6792

Action	Date	FR Cite
NPRM Comment Period End	04/11/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Berry, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014  
Phone: 540 344-9333  
Fax: 540 344-5855  
Email: jennifer.berry@ttb.gov

RIN: 1513-AA97

**2525. SUSPENSION OF SPECIAL (OCCUPATIONAL) TAX**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-357, sec 246; 26 USC 5148

**CFR Citation:** 27 CFR 17; 27 CFR 19; 27 CFR 24 to 27; 27 CFR 194

**Legal Deadline:** Final, Statutory, July 1, 2005, Section 246 of the American Jobs Creation Act of 2004.

**Abstract:** Implements section 246 of the American Jobs Creation Act of 2004 (Pub. L. 208-357), which provides that for the three-year period from July 1, 2005, through June 30, 2008, the rate of special (occupational) tax on certain specified occupations shall be zero.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steven C. Simon, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8210  
Fax: 202 927-8525  
Email: steven.simon@ttb.gov

RIN: 1513-AB04

## Department of the Treasury (TREAS)

## Long-Term Actions

## Alcohol and Tobacco Tax and Trade Bureau (TTB)

## ALCOHOL

**2526. PROHIBITION OF ALCOHOL BEVERAGE CONTAINERS AND STANDARD OF FILL FOR DISTILLED SPIRITS AND WINE**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

## Timetable:

Action	Date	FR Cite
NPRM	02/09/99	64 FR 6486
NPRM Comment Period End	04/12/99	
Revised NPRM—Aggregate Packaging	04/00/07	
Revised NPRM—Deceptive Packaging	04/00/07	

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Lisa M. Gesser

Phone: 301 290-1460

Fax: 301 290-1463

Email: lisa.gesser@ttb.gov

RIN: 1513-AA07

**2527. IMPLEMENTATION OF WINE CREDIT PROVISIONS OF PUBLIC LAW 104-188**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 24.278; 27 CFR 24.279

## Timetable:

Action	Date	FR Cite
NPRM	06/02/97	62 FR 29681
NPRM Comment Period End	08/01/97	
Interim Final Rule Final Action	06/02/97 To Be Determined	62 FR 29663

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marjorie D. Ruhf

Phone: 202 927-8210

Fax: 202 927-8525

Email: marjorie.ruhf@ttb.gov

RIN: 1513-AA05

**2528. IMPLEMENTATION OF PUBLIC LAW 105-34, SECTION 1416, RELATING TO REFUND OF TAX FOR DOMESTIC WINE RETURNED TO BOND REGARDLESS OF MERCHANTABILITY (TAXPAYER RELIEF ACT OF 1997)**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 24.66; 27 CFR 24.295; 27 CFR 24.312

## Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

## Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marjorie D. Ruhf

Phone: 202 927-8210

Fax: 202 927-8525

Email: marjorie.ruhf@ttb.gov

RIN: 1513-AA06

**2529. AMENDED STANDARD OF IDENTITY FOR SHERRY**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 4

## Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

## Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marjorie D. Ruhf

Phone: 202 927-8210

Fax: 202 927-8525

Email: marjorie.ruhf@ttb.gov

RIN: 1513-AA08

**2530. PROHIBITED MARKS ON PACKAGES OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES IMPORTED OR BROUGHT INTO THE UNITED STATES**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 275

## Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

## Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Linda

Wade—Chapman

Phone: 202 927-8181

Fax: 202 927-8525

Email: wade-chapman.linda@ttb.gov

RIN: 1513-AA14

**2531. PETITION TO ESTABLISH "SANTA MARIA BENCH" AS A NEW AMERICAN VITICULTURAL AREA**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 9

## Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

## Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda

Wade—Chapman

Phone: 202 927-8181

Fax: 202 927-8525

Email: wade-chapman.linda@ttb.gov

RIN: 1513-AA51

## Department of the Treasury (TREAS)

## Completed Actions

## Alcohol and Tobacco Tax and Trade Bureau (TTB)

**2532. PETITION TO ESTABLISH "ALEXANDRIA LAKES" AS A NEW AMERICAN VITICULTURAL AREA**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 9

## Completed:

Reason	Date	FR Cite
Final Action	06/01/05	70 FR 38002
Final Action Effective	08/01/05	

## Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lisa M. Gesser

Phone: 301 290-1460

Fax: 301 290-1463



## TREAS—TTB

## Completed Actions

Email: lisa.gesser@ttb.gov

RIN: 1513-AA45

**2533. ADMINISTRATIVE CHANGES TO THE PUBLICATION OF THE TTB BULLETIN**

Priority: Info./Admin./Other

CFR Citation: 27 CFR 70.701(d)

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/27/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jessica M. Bungard

Phone: 202 927-8210

Fax: 202 927-8525

Email: jessica.bungard@ttb.gov

RIN: 1513-AB06

**2534. DETERMINATION OF SALE PRICE OF LARGE CIGARS**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 40.22

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/09/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amy J. Rogers

Phone: 202 927-8210

Fax: 202 927-8525

Email: amy.rogers@ttb.gov

RIN: 1513-AB10

**2535. LIQUOR DEALERS; RECODIFICATION OF REGULATIONS**

Priority: Info./Admin./Other

CFR Citation: 27 CFR 31; 27 CFR 194;

...

**Completed:**

Reason	Date	FR Cite
Final Action	04/15/05	70 FR 19880
Final Action Effective	04/15/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karl O. Joedicke

Phone: 202 927-7460

Fax: 202 927-8525

Email: karl.joedicke@ttb.gov

RIN: 1513-AA19

**2536. PETITION TO ESTABLISH "RIBBON RIDGE" AS A NEW AMERICAN VITICULTURAL AREA**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 9

**Completed:**

Reason	Date	FR Cite
Final Action	06/01/05	70 FR 31342
Final Action Effective	07/01/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy Sutton

Phone: 202 927-8210

Fax: 202 927-8525

Email: nancy.sutton@ttb.gov

RIN: 1513-AA58

**2537. PETITION TO ESTABLISH THE "HIGH VALLEY" VITICULTURAL AREA**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 9

**Completed:**

Reason	Date	FR Cite
Final Action	07/01/05	70 FR 37998
Final Action Effective	08/01/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy Sutton

Phone: 202 927-8210

Fax: 202 927-8525

Email: nancy.sutton@ttb.gov

RIN: 1513-AA79

**2538. PROPOSED ESTABLISHMENT OF HORSE HEAVEN HILLS**

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 9

**Completed:**

Reason	Date	FR Cite
Final Action	07/01/05	70 FR 38004
Final Action Effective	08/01/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy Sutton

Phone: 202 927-8210

Fax: 202 927-8525

Email: nancy.sutton@ttb.gov

RIN: 1513-AA91

BILLING CODE 4810-33-S

Department of the Treasury (TREAS)  
Comptroller of the Currency (OCC)

## Prerule Stage

**2539. RISK-BASED CAPITAL GUIDELINES; CAPITAL ADEQUACY GUIDELINES; CAPITAL MAINTENANCE; DOMESTIC CAPITAL MODIFICATIONS**

Priority: Other Significant

Legal Authority: 12 USC 93a; 12 USC 3907

CFR Citation: 12 CFR 3

Legal Deadline: None

**Abstract:** As part of OCC's ongoing efforts to develop and refine the capital standards to enhance their risk sensitivity ensure the safety and soundness of the national banking system, OCC is proposing to amend various provisions of the capital rules. This change involves the amendment of the current risk-based capital rules for those banks that will not qualify to use the new Basel Capital Accord (Basel II) capital framework. OCC is

conducting this rulemaking jointly with the other Federal banking agencies.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/05	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: None

Agency Contact: Laura Goldman, Counsel, Department of the Treasury,

## TREAS—OCC

Prerule Stage

Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
 Phone: 202 874–5090  
 Fax: 202 874–4889

Email: laura.goldman@occ.treas.gov

RIN: 1557–AC95

**Department of the Treasury (TREAS)**  
**Comptroller of the Currency (OCC)**

Proposed Rule Stage

**2540. REGULATORY BURDEN  
 REDUCTION AND TECHNICAL  
 AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a

**CFR Citation:** 12 CFR 4; 12 CFR 5; 12 CFR 19; 12 CFR 37

**Legal Deadline:** None

**Abstract:** This rulemaking would update certain provisions and make technical changes to OCC rules. It would also amend various OCC rules to reduce regulatory burden.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Heidi M. Thomas, Special Counsel, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
 Phone: 202 874–5090  
 Fax: 202 874–4889  
 Email: heidi.thomas@occ.treas.gov

RIN: 1557–AC79

**2541. IDENTITY THEFT DETECTION,  
 PREVENTION, AND MITIGATION  
 PROGRAM FOR FINANCIAL  
 INSTITUTIONS AND CREDITORS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 1681c; 15 USC 1681m

**CFR Citation:** 12 CFR 41

**Legal Deadline:** None

**Abstract:** OCC, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision (the

Federal Banking Agencies), the National Credit Union Administration, and the Federal Trade Commission are issuing a joint proposal to establish guidelines and regulations to implement section 114 of the FACT Act of 2003. Section 114 requires the Federal Banking Agencies to jointly issue guidelines for financial institutions and creditors identifying patterns, practices, and specific forms of activity that indicate the possible existence of identity theft. In addition, the Federal Banking Agencies must issue regulations requiring each financial institution and creditor to establish reasonable policies and procedures to implement the guidelines. The regulations must contain a provision requiring a card issuer to notify the cardholder if the card issuer receives a notice of change of address for an existing account, and a short time later receives a request for an additional or replacement card.

Section 315 of the FACT Act requires the Agencies to issue a regulation describing reasonable policies and procedures for a user of consumer credit reports that receives a notice of discrepancy from a consumer reporting agency (CRA), informing the user of a substantial discrepancy between the address for the consumer that the user provided to request the consumer report and the addresses in the file of the CRA. The policies and procedures must enable the user to form a reasonable belief that the user knows the identity of the consumer to whom the consumer report pertains. In addition, the regulation must require a user that establishes a continuing relationship with a consumer to furnish to the consumer reporting agency that provided the notice of discrepancy the correct address of the consumer as part of the information that the user regularly furnishes for the period in which the relationship is established.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Deborah Katz, Senior Counsel, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
 Phone: 202 874–5090  
 Fax: 202 874–4889  
 Email: deborah.katz@occ.treas.gov

RIN: 1557–AC87

**2542. IMPLEMENTATION OF A  
 REVISED BASEL CAPITAL ACCORD  
 (BASEL II)**

**Regulatory Plan:** This entry is Seq. No. 98 in part II of this issue of the **Federal Register**.

RIN: 1557–AC91

**2543. ONE-YEAR  
 POST-EMPLOYMENT RESTRICTIONS  
 FOR SENIOR EXAMINERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1820(k); 12 USC 93a; 12 USC 161; 12 USC 481; 12 USC 482; 12 USC 482(a); 12 USC 1442; 12 USC 1817; 12 USC 1818; 12 USC 1972; 12 USC 1820; 12 USC 1821(c); 12 USC 1821(o); 12 USC 1821(t); 12 USC 1831m; 12 USC 1831p–1; 12 USC 1831o; 12 USC 1867; 12 USC 1951 et seq; 12 USC 2601 et seq; 12 USC 2801 et seq; 12 USC 2901 et seq; 12 USC 3101 et seq; 12 USC 3401 et seq; 15 USC 77uu(b); 15 USC 78q(c)(3); 18 USC 641; 18 USC 1905; 18 USC 1906; 29 USC 1204; 31 USC 9701; 42 USC 3601; 44 USC 3506; 44 USC 3510; 5 USC 504; 5 USC 554–557; 12 USC 93(b); 12 USC 164; 12 USC 505; 12 USC 3102; 12 USC 3108(a); 12 USC 3909; 12 USC 4717; 12 USC 78(h)–(i); 12 USC 78o–4(c); 12 USC 78o–5; 12 USC 78q–1; 12 USC 78s; 12 USC 78u–2; 12 USC 78u–3; 12 USC 78w; 28 USC 2461 note; 31 USC 330; 31 USC 5321; 42 USC 4012a

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

## TREAS—OCC

## Proposed Rule Stage

**Abstract:** Section 6303(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Intelligence Reform Act) imposes a one-year post-employment restriction on “senior examiners” of national banks. Under section 6303(b), a senior examiner for OCC is barred, for a period of one year after leaving OCC, from accepting compensation from the national bank he or she supervised, from its bank holding company, and from certain other related companies. If an examiner violates the one-year restriction, he or she may be subject to an order of removal and prohibition from the relevant bank and all depository institutions for a period of up to five years. In addition, the examiner may be subject to civil money penalties of up to \$250,000. This proposed rule, which would add a new subpart E to 12 CFR part 4, implements section 6303(b) of the Intelligence Reform Act for OCC employees who serve as senior examiners of national banks. The proposed rule would also make technical conforming changes to 12 CFR part 19.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/05	70 FR 45323
NPRM Comment Period End	10/04/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Mitchell Plave, Counsel, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: mitchell.plave@occ.treas.gov

**RIN:** 1557-AC94**2544. • SECURITIES OFFERING DISCLOSURE RULES; NONPUBLIC OFFERINGS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1 et seq.; 12 USC 93a

**CFR Citation:** 12 CFR 16**Legal Deadline:** None

**Abstract:** OCC is proposing to amend its regulations governing securities offering disclosure rules to remove the requirement that a national bank issuer file a notice that meets the requirements of Securities and Exchange Commission Rule 504 (i.e. Form D) in order to be exempt from the registration and prospectus requirements of part 16.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jean Campbell, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: jean.campbell@occ.treas.gov

**RIN:** 1557-AC98Department of the Treasury (TREAS)  
Comptroller of the Currency (OCC)

## Final Rule Stage

**2545. FAIR CREDIT REPORTING: USE OF MEDICAL INFORMATION****Priority:** Other Significant

**Legal Authority:** 12 USC 1 et seq; 12 USC 24 (seventh); 12 USC 93a; 12 USC 481; 12 USC 484; 12 USC 1818; 15 USC 1681a; 15 USC 1681b; 15 USC 1681s; 15 USC 1681w; 15 USC 6801; 15 USC 6805

**CFR Citation:** 12 CFR 41

**Legal Deadline:** Final, Statutory, June 4, 2004, Statutory Deadline.

**Abstract:** OCC is implementing section 411 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). Section 411(a) requires OCC to prescribe regulations that permit creditors to obtain or use medical information for certain credit eligibility purposes. Additionally, section 411(b) restricts the sharing of medical information and related lists or descriptions with affiliates. Finally, section 411(b) authorizes OCC to issue rules to allow additional sharing of

information determined by OCC to be necessary and appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/04	69 FR 23380
Interim Final Rule	06/10/05	70 FR 33958
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Patrick T. Tierney, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: patrick.tierney@occ.treas.gov

**RIN:** 1557-AC85**2546. FAIR CREDIT REPORTING: AFFILIATE MARKETING REGULATIONS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1 et seq; 12 USC 24 (seventh); 12 USC 93a; 12 USC 481; 12 USC 484; 12 USC 1818; 15 USC 1681a; 15 USC 1681b; 15 USC 1681s; 15 USC 1681w; 15 USC 6801; 15 USC 6805

**CFR Citation:** 12 CFR 41

**Legal Deadline:** Other, Statutory, September 4, 2004, See section 214 of the FACT Act, PL 108-159.

**Abstract:** OCC plans to issue a rulemaking that would implement the affiliate-sharing provisions of section 214 of the Fair and Accurate Credit Transactions Act (FACT Act). The regulation would implement the consumer notice and opt-out provisions of the FACT Act regarding the sharing of consumer information among affiliates for marketing purposes.

## TREAS—OCC

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42502
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Patrick T. Tierney, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: patrick.tierney@occ.treas.gov

**RIN:** 1557-AC88**2547. SECURITIES BORROWING TRANSACTIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1828 note; 12 USC 1828(n); 12 USC 1831n note; 12 USC 1835; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3**Legal Deadline:** None

**Abstract:** As part of OCC's ongoing efforts to develop and refine capital standards to ensure the safety and soundness of the national banking system and to implement statutory requirements, OCC is amending various provisions of the capital rules for national banks. The change involves changes to securities borrowing transactions. The interim final rule adopted changes to the capital treatment of securities borrowing transactions, specifically by amending the market risk rules on the capital treatment for cash collateral. OCC is conducting this rulemaking jointly with the other Federal Banking Agencies.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/05/00	65 FR 75856
Final Action	01/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Ron Shimabukuro, Special Counsel, Department of the Treasury, Comptroller of the Currency,

Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: ron.shimabukuro@occ.treas.gov

**Related RIN:** Split from 1557-AB14**RIN:** 1557-AC90**2548. • ASSESSMENT OF FEES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 93a; 12 USC 481; 12 USC 482; 12 USC 1867; 12 USC 3102; 12 USC 3108; 15 USC 78c; 15 USC 78l

**CFR Citation:** 12 CFR 8**Legal Deadline:** None

**Abstract:** OCC is planning to issue an interim final rule to replace the current system of assessment invoicing in part 8. Under the rule, OCC, rather than each national bank, will calculate the semiannual assessment fee. The fee will be due by March 31 and September 30 of each year, two months later than under the current system. OCC will notify each national bank of the amount of its assessment and will automatically deduct that amount from each bank's designated bank account on the payment due date. The rule makes no changes to the method of calculating the assessments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Jean Campbell, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: jean.campbell@occ.treas.gov

**RIN:** 1557-AC96**2549. • DISTRICT OF COLUMBIA-CHARTERED BANKS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 5 USC 301; 5 USC 504; 5 USC 554-557; 12 USC 1 et seq.; 12 USC 24 (seventh); 12 USC 24a; 12 USC 93a; 12 USC 93b; 12 USC 161; 12 USC 164; 12 USC 215a-2; 12 USC 215a-3; 12 USC 481-482; 12 USC 505; 12 USC 602; 12 USC 1817-1818; 12 USC 1820; 12 USC 1831m; 12 USC 1831o; 12 USC 1867; 12 USC 1881-1884; 12 USC 1972; 12 USC 3101 et seq.; 12 USC 3201-3208; 12 USC 3401-3422; 12 USC 3901 et seq.; 12 USC 4717; 15 USC 78c; 15 USC 78h-78i; 15 USC 78l; 15 USC 78m-78n; 15 USC 78o-4(c); 15 USC 78o-5; 15 USC 78p; 15 USC 78q-78w; 15 USC 78q-1; 15 USC 78s; 15 USC 78u-2-78u-3; 15 USC 1691 et seq.; 15 USC 6801 et seq.; 15 USC 7241-7244; 15 USC 7261-7262; 15 USC 7264-7265; 28 USC 2461; 31 USC 330; 31 USC 5318; 31 USC 5321; 42 USC 3601 et seq.; 42 USC 4012a; 42 USC 4104a-4104b; 12 USC 4106; 12 USC 4128

**CFR Citation:** 12 CFR 1-3; 12 CFR 5; 12 CFR 8; 12 CFR 10-11; 12 CFR 16; 12 CFR 19; 12 CFR 21-22; 12 CFR 26-28; 12 CFR 40

**Legal Deadline:** None

**Abstract:** In the 2004 District of Columbia Omnibus Authorization Act, Congress amended Federal law to provide for regulation of District of Columbia-chartered banks by the Federal Deposit Insurance Corporation in lieu of the Office of the Comptroller. To accomplish this purpose, Congress amended the Federal Deposit Insurance Act, National Housing Act, Bank Holding Company Act, Bank Protection Act of 1968, Depository Institution Management Interlocks Act, Securities Exchange Act of 1934, the Federal Reserve Act, and the National Bank Receivership Act. This interim final regulation would amend the OCC's implementing regulations to reflect these amendments to these Federal statutes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No

## TREAS—OCC

## Final Rule Stage

**Government Levels Affected:** None  
**Agency Contact:** Martha Vestal Clarke, Counsel, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
 Phone: 202 874-5090  
 Fax: 202 874-4889  
 Email: martha.clarke@occ.treas.gov  
**RIN:** 1557-AC97

Department of the Treasury (TREAS)  
 Comptroller of the Currency (OCC)

## Long-Term Actions

**2550. RECORDKEEPING REQUIREMENTS FOR BANK EXCEPTIONS FROM SECURITIES BROKER OR DEALER REGISTRATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Martha Vestal Clarke  
 Phone: 202 874-5090  
 Fax: 202 874-4889  
 Email: martha.clarke@occ.treas.gov

**RIN:** 1557-AB93

**2551. INTERAGENCY PROPOSAL TO CONSIDER ALTERNATIVE FORMS OF PRIVACY NOTICES UNDER THE GRAMM-LEACH-BLILEY ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 40

**Timetable:**

Action	Date	FR Cite
ANPRM	12/30/03	68 FR 75164
ANPRM Comment	03/29/04	
Period End		
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Heidi M. Thomas  
 Phone: 202 874-5090  
 Fax: 202 874-4889  
 Email: heidi.thomas@occ.treas.gov

**RIN:** 1557-AC80

**2552. ACCURACY AND INTEGRITY OF INFORMATION FURNISHED TO A CONSUMER REPORTING AGENCY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick T. Tierney  
 Phone: 202 874-5090  
 Fax: 202 874-4889  
 Email: patrick.tierney@occ.treas.gov

**RIN:** 1557-AC89

Department of the Treasury (TREAS)  
 Comptroller of the Currency (OCC)

## Completed Actions

**2553. COMMUNITY REINVESTMENT ACT REGULATION (12 CFR 25)**

**Priority:** Other Significant

**CFR Citation:** 12 CFR 25

**Completed:**

Reason	Date	FR Cite
Final Action	08/02/05	70 FR 44256
Final Action Effective	09/01/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick T. Tierney  
 Phone: 202 874-5090

Fax: 202 874-4889  
 Email: patrick.tierney@occ.treas.gov  
**RIN:** 1557-AB98

**2554. ELECTRONIC FILING AND DISCLOSURE OF BENEFICIAL OWNERSHIP REPORTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 11

**Completed:**

Reason	Date	FR Cite
Final Action	08/10/05	70 FR 46403
Final Action Effective	09/09/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Martha Vestal Clarke  
 Phone: 202 874-5090  
 Fax: 202 874-4889  
 Email: martha.clarke@occ.treas.gov

**RIN:** 1557-AC75

BILLING CODE 4830-01-S

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**

Prerule Stage

**2555. PARTNERSHIPS AND DEEMED DISPOSITIONS OF UNREALIZED RECEIVABLES AND INVENTORY ITEMS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 751; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These modifications to regulations under section 751 are intended to simplify and clarify the application of section 751(b).

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-149610-03

Drafting attorneys: Charlotte Chyr (202) 622-3070 and Stacy Short (202) 622-3070

Reviewing attorney: Jeanne Sullivan (202) 622-3070

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Charlotte Chyr, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070

**RIN:** 1545-BC65

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**

Proposed Rule Stage

**2556. COMPUTATION OF A BRANCH'S TAXABLE INCOME; TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to branch rules and how to translate branch income, and the taxation of exchange gain or loss on branch remittances.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48457
Second NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-208270-86 (INTL-965-86)

Drafting attorney: Theodore D. Setzer (202) 622-3870

Reviewing attorney: Jeffrey Dorfman (202) 622-3870

Treasury attorney: Andrew Froberg (202) 622-1779

CC:INTL

**Agency Contact:** Theodore D. Setzer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3870

**RIN:** 1545-AM12

**2557. OUTBOUND TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 367

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The income tax regulations under section 367(a) will be amended to reflect the changes made to that section by the Technical and Miscellaneous Corrections Act of 1988. Section 367(a)(5) now provides that a transfer of assets to a foreign corporation in an exchange described in section 361 is subject to section 367(a)(1), unless certain ownership requirements and other conditions are met. The regulations will provide guidance regarding the application of this section. The change in the statute was necessitated by the repeal of "General Utilities."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209006-89 (INTL-089-89)

Drafting attorney: Milton Cahn (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

CC:INTL

**Agency Contact:** Milton M. Cahn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AM97

**2558. FOREIGN INSURANCE COMPANY—DOMESTIC ELECTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 953

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-208980-89 (INTL-765-89)

## TREAS—IRS

## Proposed Rule Stage

Drafting attorney: Valerie A. Mark-Lippe (202) 622-3840

Reviewing attorney: Phyllis Marcus (202) 622-3840

CC:INTL

**Agency Contact:** Valerie A. Mark-Lippe, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-AO25

### 2559. TAXATION OF GLOBAL TRADING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 864; 26 USC 482; 26 USC 863

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will improve the taxation of global trading.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/28/90	55 FR 35152
NPRM	03/06/98	63 FR 11177
NPRM Comment Period End	06/04/98	
Hearing	07/14/98	
Second NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-208299-90 (INTL-70-90)

Drafting attorney: Theodore D. Setzer (202) 622-3870

Reviewing attorney: Paul S. Epstein (202) 622-3870

Treasury attorney: Patricia Brown (202) 622-1781

CC:INTL

**Agency Contact:** Theodore D. Setzer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AP01

### 2560. INTEGRATED FINANCIAL TRANSACTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 864

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation addresses whether funding raised for a securities dealing and/or trading operation, and whether matched book sale and repurchase transactions conducted by securities dealers qualify as integrated financial transactions under section 1.861-10(c).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209604-93 (INTL-001-93)

Drafting attorney: Theodore D. Setzer (202) 622-3870

Reviewing attorney: Paul S. Epstein (202) 622-3870

Treasury attorney: Patricia Brown (202) 622-1781

CC:INTL

**Agency Contact:** Theodore D. Setzer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AR20

### 2561. AGREEMENTS FOR PAYMENT OF TAX LIABILITIES IN INSTALLMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6159; 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations reflect the amendment of I.R.C. section 6159, section 202 of the Taxpayer Bill of Rights 2, which provides that upon request by a taxpayer the Secretary shall provide an independent review of the termination of an installment agreement. The regulations also reflect

the amendment to section 6159(c), which guarantees the availability of installment agreements to taxpayers in certain circumstances.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/97	62 FR 68241
Second NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-100841-97

Drafting attorney: G. William Beard (202) 622-3620

Reviewing attorney: Lawrence Schattner (202) 622-3620

CC:PA:CBS

**Agency Contact:** G. William Beard, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3620

**RIN:** 1545-AU97

### 2562. SUBSTANTIATING TRAVEL EXPENSE DEDUCTIONS FOR MEMBERS OF CONGRESS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1; 26 CFR 5

**Legal Deadline:** None

**Abstract:** This regulation provides rules for the substantiation of Congress members' travel expenses. The current regulations are out of date because the authorizing legislation was subsequently repealed.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105513-97

Reviewing attorney: George Baker (202) 622-4930

Treasury attorney: Eric San Juan (202) 622-0224

CC:ITA

## TREAS—IRS

## Proposed Rule Stage

**Agency Contact:** George B. Baker, Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4930

**RIN:** 1545-AV55

### 2563. TRANSPORTATION OF PERSONS AND PROPERTY BY AIR

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 4261; 26 USC 4271; 26 USC 7805

**CFR Citation:** 26 CFR 49

**Legal Deadline:** None

**Abstract:** The proposed regulations provide guidance concerning the excise taxes imposed on the amounts paid for the transportation of persons and property by air.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106167-98

Drafting attorney: Taylor Cortright (202) 622-3130

Reviewing attorneys: Frank K. Boland (202) 622-3130 and Lew Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Taylor Cortright, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-AW19

### 2564. SOURCE OF INCOME FROM CERTAIN SPACE AND OCEAN ACTIVITIES AND FOR COMMUNICATIONS INCOME

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 863

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide source rules for income from certain

space and ocean activities under section 863(d) and communications income under section 863(a), (d), and (e).

**Timetable:**

Action	Date	FR Cite
NPRM	01/17/01	66 FR 3903
Hearing	05/23/01	66 FR 12916
Second NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106030-98

Drafting attorney: Edward R. Barret (202) 622-3880

Reviewing attorney: Anne Shelburne (202) 435-5265

Treasury attorney: Gretchen Sierra (202) 622-1755

CC:INTL

**Agency Contact:** Edward R. Barret, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545-AW50

### 2565. RULES FOR SOURCING CERTAIN TRANSPORTATION INCOME, SPACE, OR OCEAN ACTIVITY INCOME, AND RELATED FOREIGN BASE COMPANY SHIPPING INCOME

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides guidance for application of the source rules for transportation income under section 863(c).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-115557-98

Drafting attorney: Patricia A. Bray and David L. Lundy (202) 622-3880

Reviewing attorney: Elizabeth U. Karzon (202) 622-3880

Treasury attorney: Gretchen Sierra (202) 622-1755

CC:INTL

**Agency Contact:** Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545-AX02

### 2566. DEFINITION OF ACCOUNTING METHOD

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 446

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will clarify the definition of a change in the method of accounting.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105228-99

Drafting attorney: Grant D. Anderson (202) 622-4930

Reviewing attorney: Jeffrey G. Mitchell (202) 622-4930

Treasury attorney: Sharon Kay (202) 622-0865

George Manousos (202) 622-1335

CC:ITA

**Agency Contact:** Grant D. Anderson, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4930

**RIN:** 1545-AX21

### 2567. INSPECTION OF WRITTEN DETERMINATIONS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None



## TREAS—IRS

## Proposed Rule Stage

**Abstract:** This regulation amends Treasury Regulation sections 301.6110-1 through 301.6110-7 relating to written determinations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-113129-98

Drafting attorney: Deborah C. Lambert-Dean (202) 622-4570

Reviewing attorney: Donald Squires (202) 622-4570

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:DPL

**Agency Contact:** Deborah C. Lambert-Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4570

**RIN:** 1545-AX40

**2568. AWARDING OF COSTS AND CERTAIN FEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 7430

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed amendments to the Treasury Regulations incorporate the 1997 and 1998 amendments to 26 U.S.C. 7430, relating to the awarding of attorney's fees in administrative and court proceedings. The amendments to 26 U.S.C. 7430 were enacted under the Taxpayer Relief Act of 1997 and the IRS Restructuring and Reform Act of 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-111833-99

Drafting attorney: Tami C. Belouin (202) 622-3847

Reviewing attorneys: Susan T. Mosley (202) 622-7950 and Henry S. Schneiderman (202) 622-3400

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Tami C. Belouin, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3847

**RIN:** 1545-AX46

**2569. MODIFICATION TO SECTION 367(A) STOCK TRANSFER REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 367

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** This regulation will modify section 367(a), stock transfer regulations, to address abuses under check-the-box and through the use of convertible stock.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-116053-99

Drafting attorney: Robert W. Lorence (202) 622-3860

Reviewing attorney: Charles Besecky (202) 622-3860

CC:INTL

**Agency Contact:** Robert W. Lorence, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**RIN:** 1545-AX77

**2570. DEFINITION OF PASSIVE FOREIGN INVESTMENT COMPANY UNDER SECTION 1297**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1297

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation defines a passive foreign investment company (PFIC) under section 1297(a) and the terms "passive income" and "passive asset" under section 1297(b). The regulation will also set forth the exceptions to the terms "passive income" and "passive asset," and provide guidance on the applicability of the look-through rule under section 1297(c), in cases involving PFICs that own 25 percent or more of a lower-tier foreign subsidiary. In addition, the regulation will provide guidance under section 1297(e), regarding the overlap rule between a controlled foreign corporation and a PFIC.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-100427-00

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Valerie A. Mark Lippe (202) 622-3840

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Ethan A. Atticks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-AX78

**2571. CLARIFICATION OF FOREIGN-BASED COMPANY SALES INCOME RULES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 954

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation clarifies when a controlled foreign corporation cannot exclude sales income from foreign-based company sales income under the manufacturing exception by reason of activities of a contract manufacturer. Likewise, the branch rule under IRC

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section 954(d)(2) does not apply to a contract manufacturer.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106356-00

Drafting attorney: Valerie A. Mark-Lippe (202) 622-3840

Reviewing attorney: Phyllis E. Marcus (202) 622-3840

CC:INTL

**Agency Contact:** Valerie A. Mark-Lippe, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-AX91

**2572. GUIDANCE ON CHANGES TO THE LAWS FOR CORPORATE ESTIMATED TAXES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 6655

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** The proposed regulations provide guidance for corporations to compute their estimated tax liabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-107722-00

Drafting attorney: Joseph Dewald (202) 622-4910

Reviewing attorney: Pamela W. Fuller (202) 622-4910

Treasury attorney: George Manousos (202) 622-1335

CC:PA:APJ

**Agency Contact:** Joseph P. Dewald, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4910

**RIN:** 1545-AY22

**2573. TAXABLE YEARS OF CONTROLLED FOREIGN CORPORATIONS (CFCS) AND FOREIGN PERSONAL HOLDING COMPANIES (FPHCS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 898

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide definitions and rules for determining the required year for certain CFCs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-108523-00

Drafting attorney: Jeffrey L. Vinnik (202) 622-3840

Reviewing attorney: Phyllis Marcus (202) 622-3840

CC:INTL

**Agency Contact:** Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-AY30

**2574. DOLLAR-VALUE LIFO**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 472; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance under the dollar-value last-in, first-out (LIFO) inventory method for taxpayers that define LIFO items based on components of cost.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-107580-00

Drafting attorney: Scott H. Rabinowitz (202) 622-4970

Reviewing attorney: Jeffery G. Mitchell (202) 622-4970

Treasury attorney: Sharon Kay (202) 622-0865

CC:ITA

**Agency Contact:** Scott H. Rabinowitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4970

**RIN:** 1545-AY39

**2575. SPECIAL RULES RELATING TO TRANSFERS OF INTANGIBLES TO FOREIGN CORPORATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 367

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will address the income tax consequences relating to the transfer of intangibles to foreign corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-106877-00

Drafting attorney: Tracy D. Perry (202) 622-3860

Reviewing attorney: Thomas D. Beem (202) 622-3860

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Tracy D. Perry, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

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Phone: 202 622-3860

RIN: 1545-AY41

**2576. PREVIOUSLY TAXED EARNINGS AND PROFITS UNDER SUBPART F****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 959**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will address the determination of previously taxed earnings and profits under subpart F.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-121509-00

Drafting attorney: Jeffrey L. Vinnik (202) 622-3840

Reviewing attorney: Phyllis E. Marcus (202) 622-3840

CC:INTL

**Agency Contact:** Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

RIN: 1545-AY54

**2577. LIABILITIES ASSUMED IN CERTAIN CORPORATE TRANSACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 357**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These proposed regulations relate to the assumption of liabilities in certain corporate transactions under section 357 of the Internal Revenue Code, and affect corporations and their shareholders.**Timetable:**

Action	Date	FR Cite
ANPRM	05/06/03	68 FR 23931
NPRM	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-100818-01

Drafting attorney: Douglas C. Bates (202) 622-7550

Reviewing attorney: Debra Carlisle (202) 622-7550

CC:COR

**Agency Contact:** Douglas C. Bates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7550

RIN: 1545-AY74

**2578. DISCLOSURE OF RETURNS AND RETURN INFORMATION IN JUDICIAL AND ADMINISTRATIVE TAX PROCEEDINGS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 6103**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** This proposed rule relates to the disclosure of returns and return information in judicial and administrative tax proceedings pursuant to 26 U.S.C. 6103(h)(4).**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-120297-01

Drafting attorney: Geoffrey M. Campbell (202) 622-4570

Reviewing attorney: Donald M. Squires (202) 622-4570

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:DPL

**Agency Contact:** Geoffrey M. Campbell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4570

RIN: 1545-AY89

**2579. TRANSACTIONS INVOLVING OBLIGATIONS OF CONSOLIDATED GROUP MEMBERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1502**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed regulations are in regard to intercompany obligations.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-107592-00

Drafting attorney: Frances L. Kelly (202) 622-7072

Reviewing attorney: Michael J. Wilder (202) 622-3393

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Frances L. Kelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7072**Related RIN:** Related to 1545-AW30

RIN: 1545-BA11

**2580. DEDUCTIBILITY OF EMPLOYER CONTRIBUTIONS FOR DEFERRED COMPENSATION****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations will update and clarify the general rules for deductibility of employer contributions to qualified retirement plans and other deferred compensation arrangements.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No

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**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Additional Information:** REG-139449-01  
 Drafting attorney: Linda S.F. Marshall (202) 622-6090  
 Reviewing attorney: Mark Schwimmer (202) 622-6090  
 Treasury attorney: Thomas Reeder (202) 622-1341  
 CC:TEGE  
**Agency Contact:** Linda S.F. Marshall, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-6090  
**RIN:** 1545-BA13

**2581. SUSPENSION OF STATUTES OF LIMITATION IN JOHN DOE AND THIRD-PARTY SUMMONS DISPUTES, AND EXPANSION OF TAXPAYERS' RIGHTS TO RECEIVE NOTICE AND SEEK JUDICIAL REVIEW OF THIRD PARTY SUMMONSES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 7603; 26 USC 7609  
**CFR Citation:** 26 CFR 301  
**Legal Deadline:** None  
**Abstract:** The proposed regulation provides guidance regarding modified rules for serving summonses on third-party recordkeepers, the broadened range of summonses subject to the notice requirements, and the suspension of limitations periods when court actions are brought or when a summoned third party fails to fully respond to a summons. This proposed regulation incorporates the changes enacted in the Internal Revenue Service Restructuring and Reform Act of 1998, Omnibus Budget Reconciliation Act of 1990, Technical and Miscellaneous Revenue Act of 1988, and the Tax Reform Act of 1986. This regulation is a continuation of the regulation project previously numbered at REG-208225-88.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** REG-153037-01  
 Drafting attorney: Elizabeth D. Rawlins (202) 622-3600  
 Reviewing attorney: Robert A. Miller (202) 622-3600  
 Treasury attorney: Michael Desmond (202) 622-1981  
 CC:PA:CBS  
**Agency Contact:** Elizabeth D. Rawlins, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-3600  
**RIN:** 1545-BA31

**2582. ALLOCATION AND APPORTIONMENT RULES: GUIDANCE ON SELECTED ISSUES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 7805; 26 USC 863  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** This regulation provides guidance with respect to the allocation and apportionment under section 861 of selected deductions, e.g., disaster losses and research and experimentation expenses.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** REG-128240-01  
 Drafting attorney: Teresa B. Hughes (202) 622-3850  
 Reviewing attorney: Anne O. Devereaux (202) 622-3850  
 Treasury attorney: John Harrington (202) 622-0589  
 CC:INTL

**Agency Contact:** Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-3850

**RIN:** 1545-BA64

**2583. PROVISIONS REGARDING CROSS-BORDER TRANSACTIONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 7805; 26 USC 368(a)  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** This proposed regulation will make conforming changes to account for cross-border section 368(a)(1)(A) mergers.  
**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** REG-125628-01  
 Drafting attorney: Robert W. Lorence (202) 622-3860  
 Reviewing attorney: Charles Besecky (202) 622-3860  
 CC:INTL

**Agency Contact:** Robert W. Lorence, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-3860

**RIN:** 1545-BA65

**2584. CIRCULAR 230—PHASE 2 NONSHELTER REVISIONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 31 USC 330  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** These regulations propose amendments to the rules governing practice before the Internal Revenue Service.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/19/02	67 FR 77724
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** REG-122380-02  
 Drafting attorney: Heather L. Dostaler (202) 622-4940

## TREAS—IRS

## Proposed Rule Stage

Reviewing attorney: Richard S. Goldstein (202) 622-7820

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Heather L. Dostaler, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**RIN:** 1545-BA72

### 2585. ALLOCATION OF NEW MARKETS TAX CREDIT

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 45D; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will address how the section 45D new markets tax credit should be allocated to the partners of a partnership under section 704(b) of the Internal Revenue Code and will address related partnership issues.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-131999-02

Reviewing attorney: James A. Quinn (202) 622-3070

CC:PSI

**Agency Contact:** James A. Quinn, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070

**RIN:** 1545-BA84

### 2586. COMMUNICATIONS EXCISE TAX; TAXABLE COMMUNICATION SERVICES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 4251; 26 USC 7805

**CFR Citation:** 26 CFR 49

**Legal Deadline:** None

**Abstract:** This regulation provides a definition of taxable communications services under section 4251.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/02/04	69 FR 40345
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-137076-02

Drafting attorney: Cynthia A. McGreevy (202) 622-3130

Reviewing attorneys: Frank Boland (202) 622-3130 and Lewis Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Cynthia A. McGreevy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-BB04

### 2587. COST SHARING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 482

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations will provide additional guidance on cost sharing arrangements under section 482.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/05	70 FR 51116
Hearing	11/16/05	70 FR 51116
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-144615-02

Drafting attorney: Jeffrey Parry (202) 622-3850

Reviewing attorney: John M. Breen (202) 435-5266

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Jeffrey Parry, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-BB26

### 2588. ACCRUAL RULES FOR CREDITABLE FOREIGN TAXES AND GUIDANCE ON CHANGE IN TAXABLE YEAR

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations will clarify the rules for determining when a creditable foreign tax accrues and may be claimed as a credit, and will provide guidance for determining the allowable foreign tax credit upon a change in the U.S. taxable year.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-144597-02

Drafting attorney: Teresa B. Hughes (202) 622-3850

Reviewing attorney: Barbara A. Felker (202) 622-3850

CC:INTL

**Agency Contact:** Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-BB27

### 2589. APPLICATION OF SEPARATE LIMITATIONS TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 904(d)(6)

**CFR Citation:** 26 CFR 1

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**Legal Deadline:** None

**Abstract:** The American Jobs Creation Act of 2004 amended the foreign tax credit limitation rules under section 904(d) and extended lookthrough treatment to dividends paid by a 10/50 lookthrough corporation, effective retroactively for tax years beginning after December 31, 2002. These regulations would provide guidance needed to comply with these changes, including transition rules for dividends paid by a 10/50 lookthrough corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-144784-02  
Drafting attorney: Ginny Y. Chung (202) 622-3850

Reviewing attorney: Barbara Felker (202) 622-3850

CC:INTL

**Agency Contact:** Ginny Y. Chung, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-BB28

**2590. SUBSTITUTE DIVIDEND PAYMENTS IN SECURITIES LENDING AND SIMILAR TRANSACTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 7701; 26 USC 863

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to taxation of cross-border and foreign-to-foreign substitute dividend payments in securities lending and similar transactions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-130751-01

Drafting attorney: Theodore D. Setzer (202) 622-3870

Reviewing attorney: David Bowen (202) 622-3800

CC:INTL

**Agency Contact:** Theodore D. Setzer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-BB56

**2591. LOSS ON SUBSIDIARY STOCK**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 337(d); 26 USC 7805; 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance to corporations that are members of an affiliated group filing a consolidated income tax return and that own stock of a subsidiary member of the group. The regulations will provide rules relating to the loss allowed on a disposition of subsidiary member stock.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-157711-02

Drafting attorney: Martin T. Huck (202) 622-7216

Reviewing attorney: Theresa Abell (202) 622-4117

CC:COR

**Agency Contact:** Martin T. Huck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7216

**RIN:** 1545-BB61

**2592. LIQUIDATION OF AN INTEREST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 2704(b)

**CFR Citation:** 26 CFR 25

**Legal Deadline:** None

**Abstract:** This regulation relates to additional rules for determining when restrictions on liquidation are disregarded in valuing an interest under section 2704 of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-163113-02

Drafting attorney: John MacEachen (202) 622-7830

Reviewing attorney: George Masnik (202) 622-3090

Treasury attorney: Catherine Hughes (202) 622-9407

CC:PSI

**Agency Contact:** John MacEachen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7830

**RIN:** 1545-BB71

**2593. REMIC RESIDUALS—TIMING OF INCOME FOR FOREIGN HOLDERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 860G(b); 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations under 26 U.S.C. 860G(b) will govern the recognition of income associated with REMIC residual interests that is allocated to foreign person, including a foreign partner in a U.S. partnership.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-159929-02

Drafting attorney: Arturo Estrada (202) 622-3900

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## Proposed Rule Stage

Treasury attorneys: Andrew Froberg (202) 622-1779

Michael Novoy (202) 622-1339

CC:FI

**Agency Contact:** Arturo Estrada, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3900

**RIN:** 1545-BB84

#### 2594. DEPENDENT CARE CREDIT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 21; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking will amend existing but partially obsolete regulations under 26 U.S.C. 21 relating to dependent care credits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-139059-02

Drafting attorney: Warren M. Joseph (202) 622-4920

Reviewing attorney: Robert Berkovsky (202) 622-4920

CC:ITA

**Agency Contact:** Warren M. Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920

**RIN:** 1545-BB86

#### 2595. DETERMINATION OF SINGLE-SUM DISTRIBUTIONS FROM CASH BALANCE PLANS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will modify the rules for the determination of

minimum single-sum distributions from cash balance pension plans.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** REG-168897-02

Drafting attorney: Linda S.F. Marshall (202) 622-6090

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: William Bortz (202) 622-1352

CC:TEGE

**Agency Contact:** Linda S.F. Marshall, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**RIN:** 1545-BB93

#### 2596. GENERAL ALLOCATION AND ACCOUNTING REGULATIONS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides rules for the allocation of and accounting for bond proceeds for purposes of determining whether bonds are private activity bonds under section 141 of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** State

**Federalism:** Undetermined

**Additional Information:** REG-140379-02

Reviewing attorney: Rebecca L. Harrigal (202) 622-3980

CC:TEGE

**Agency Contact:** Johanna Som de Cerff, Senior Technican Reviewer, Department of the Treasury, Internal

Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-3980

**RIN:** 1545-BC07

#### 2597. UTILITY ALLOWANCE REGULATION UPDATE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 42

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will modify and update utility allowance regulations under section 1.42-10, which provides for an alternative method for computing utility allowances under section 1.42-10(b)(4)(ii). Also, the regulation will provide for annual updates of utility allowances.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-128274-03

Drafting attorney: David Selig (202) 622-3040

Reviewing attorney: Paul Handleman (202) 622-3040

Treasury attorney: Sharon Kay (202) 622-0865

CC:PSI

**Agency Contact:** David Selig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040

**RIN:** 1545-BC22

#### 2598. GUIDANCE ON PFIC PURGING ELECTIONS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations will provide guidance regarding

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retroactive relief for taxpayers who, in limited circumstances, continue to be subject to the PFIC excess distribution regime of section 1291 although the foreign corporation in which they own stock is no longer treated as a PFIC under section 1298(b)(1) or section 1297(e).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-133446-03

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Valerie A. Mark Lippe (202) 622-3840

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Ethan A. Atticks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**Related RIN:** Related to 1545-BD33

**RIN:** 1545-BC37

### 2599. ADDITIONAL GUIDANCE REGARDING MARK-TO-MARKET ACCOUNTING FOR TRADERS IN SECURITIES AND/OR COMMODITIES, INCLUDING FOREIGN CURRENCY INSTRUMENTS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 988(a)(1)(B)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides additional rules relating to the trader mark-to-market election: 1) the coordination of income character rules of the mark-to-market regime with the capital election under section 988(a)(1)(B); 2) the definition of commodities for purposes of section 475; and 3) the application of the mark-to-market rules for traders that trade

both securities and commodities in a single business.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-135660-03

Drafting attorney: Camille B. Evans (202) 622-3800

Reviewing attorney: Paul S. Epstein (202) 622-3870

Treasury attorney: Andrew Froberg (202) 622-1779

CC:INTL

**Agency Contact:** Camille B. Evans, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3800

**RIN:** 1545-BC48

### 2600. STEWARDSHIP EXPENSES

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The current regulations under section 1.861-8(e)(4), titled "Stewardship Expenses Attributable to Dividends Received," are confusing and subject to misuse by taxpayers. In conjunction with the proposed services regulations under section 482, it is proposed to revise these regulations to clarify the parameters of stewardship expenses, thereby demarcating them from shareholder activities under section 482 and supportive expenses under section 1.861-8T(b)(3).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-138603-03

Drafting attorney: Teresa B. Hughes (202) 622-3850

Reviewing attorney: Anne O. Devereaux (202) 622-3850

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-BC52

### 2601. SUSPENSION OF RUNNING OF PERIOD OF LIMITATION DURING A PROCEEDING TO ENFORCE OR QUASH A DESIGNATED OR RELATED SUMMONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 6503

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations relate to the use of designated and related summonses and the effect on the period of limitations on assessment when a case is brought with respect to a designated or related summons.

**Timetable:**

Action	Date	FR Cite
NPRM	07/31/03	68 FR 44905
Second NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-208199-91

Drafting attorney: Elizabeth D. Rawlins (202) 622-3600

Reviewing attorney: Robert A. Miller (202) 622-3600

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:CBS

**Agency Contact:** Elizabeth D. Rawlins, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3600

**RIN:** 1545-BC55



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**2602. GUIDANCE UNDER SECTION 2053 REGARDING POST-DEATH EVENTS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 20

**Legal Deadline:** None

**Abstract:** These regulations relate to the amount deductible under section 2053(a)(3) of the Internal Revenue Code. The regulations will affect estates of decedents where claims exist against the decedent's estate.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-143316-03

Drafting attorney: DeAnn K. Malone (202) 622-3112

Reviewing attorney: Melissa Liquerman (202) 622-7830

Treasury attorney: Cathy Hughes (202) 622-9407

CC:PSI

**Agency Contact:** DeAnn K. Malone, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3112

**RIN:** 1545-BC56

**2603. BELOW-MARKET LOANS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 7872(h)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations related to the Federal income tax consequences of certain below-market loans.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209226-84

Drafting attorney: David B. Silber (202) 622-3930

Reviewing attorney: William Blanchard (202) 622-3950

Treasury attorney: Viva Hammer (202) 622-0869

CC:FI

**Agency Contact:** David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3930

**RIN:** 1545-BC78

**2604. REGULATIONS GOVERNING THE PERFORMANCE OF ACTUARIAL SERVICES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 29 USC 1241

**CFR Citation:** 20 CFR 901

**Legal Deadline:** None

**Abstract:** Regulations governing the performance of actuarial service under the Employee Retirement Income Security Act of 1974 (ERISA). The regulations will cover the qualifications required for enrollment, continuing education requirements for enrolled actuaries, professional standards for the performance of actuarial services under ERISA, the grounds for disciplinary action against an enrolled actuary, and the procedures to be followed in taking disciplinary actions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-159704-03

Drafting attorney: Michael J. Roach (202) 622-6090

CC:TEGE

**Agency Contact:** Michael J. Roach, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**RIN:** 1545-BC82

**2605. DEFINITION OF LOSS FOR PURPOSES OF THE STRADDLE RULES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805; 26 USC 1092

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will govern the definition of the term "loss" for purposes of sections 1092 and 263(g).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-159869-03

Drafting attorney: Mary Brewer (202) 622-3950

Reviewing attorney: Christina Morrison (202) 622-3950

CC:FI

**Agency Contact:** Mary Brewer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

**RIN:** 1545-BC83

**2606. SICKNESS OR ACCIDENT DISABILITY PAYMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** The proposed regulation provides guidance regarding the

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treatment of payments made on account of sickness or accident disability under a workers' compensation law for purposes of the Federal Insurance Contributions Act (FICA).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** REG-160315-03

Drafting attorney: David R. Ford (202) 622-6040

Reviewing attorney: Marie Cashman (202) 622-6040

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** David R. Ford, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6040

**RIN:** 1545-BC89**2607. REVISION OF SECTION 301.6103(J)-1 FOR DISCLOSURE TO THE BUREAU OF ECONOMIC ANALYSIS, DEPARTMENT OF COMMERCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6103**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation concerns the disclosure of corporate tax information to the Bureau of Economic Analysis, Department of Commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-148864-03

Drafting attorney: Melinda K. Fisher (202) 622-4580

CC:PA:DPL

**Agency Contact:** Melinda K Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20024  
Phone: 202 622-4580

**RIN:** 1545-BC93**2608. GUIDANCE REGARDING THE ACTIVE TRADE OR BUSINESS REQUIREMENT UNDER SECTION 355(B)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The proposed rulemaking will provide guidance regarding the active trade or business requirement under section 355(b).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-123365-03

Drafting attorney: Russell P. Subin (202) 622-7790

Reviewing attorney: Richard Coss (202) 622-7790

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Russell P. Subin, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7790

**RIN:** 1545-BC94**2609. SUPPORT TEST IN THE CASE OF A CHILD OF DIVORCED PARENTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 152**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These proposed regulations will update section 1.152-4.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-149856-03

Drafting attorney: Victoria J. Driscoll (202) 622-4920

Reviewing attorney: Stephen J. Toomey (202) 622-4920

Treasury attorney: Eric San Juan (202) 622-0224

CC:ITA

**Agency Contact:** Victoria J. Driscoll, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920  
Fax: 202 622-6853

**RIN:** 1545-BD01**2610. PUBLIC INSPECTION OF WRITTEN DETERMINATIONS UNDER SECTION 6110 OF THE INTERNAL REVENUE CODE (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** This temporary regulation replaces and updates the existing regulation to include procedures for the public availability of Chief Counsel advice. It also reflects changes to the organizational structure of the Internal Revenue Service and Office of Chief Counsel, changes to the Code, and technological advances related to the electronic availability of Internal Revenue Service documents to the public.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-113129-98

Drafting attorney: Deborah C. Lambert-Dean (202) 622-4570

Reviewing attorney: Donald Squires (202) 622-4570

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Treasury attorney: Michael Desmond  
(202) 622-1981

CC:PA:DPL

**Agency Contact:** Deborah C. Lambert-Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4570

**Related RIN:** Related to 1545-AX40

**RIN:** 1545-BD09

### 2611. CURRENT LIABILITY INTEREST RATE UNDER SECTION 412(B)(5) (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 412(b)(5)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This temporary regulation will provide rules regarding the current liability interest rate under section 412(b)(5).

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105966-04

Drafting attorney: Linda S.F. Marshall  
(202) 622-8012

Treasury attorney: Harlan Weller (202)  
622-1001

CC:TEGE

**Agency Contact:** Linda S.F. Marshall, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**Related RIN:** Related to 1545-BD13

**RIN:** 1545-BD14

### 2612. DEFINITION OF QUALIFIED FOREIGN CORPORATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805(a); 26 USC 1

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Notice 2003-79, section 5, published on November 28, 2003, states that the IRS intends to issue regulations, for years after 2003, that provide procedures for a foreign corporation to certify that it is a qualified foreign corporation for purposes of IRC section 1(h)(11)(C). The regulations will also provide procedures for certifying that a security that is not a common or ordinary share is equity rather than debt; that a foreign company is entitled to benefits under a comprehensive income tax treaty where a security is not readily tradable on a recognized U.S. stock exchange; and that the foreign corporation is not a PFIC in the taxable year in which a dividend is paid, or in the preceding taxable year. The regulations are also expected to address the meaning of the requirement in the legislative history that to qualify under a treaty for purposes of 1(h)(11) "substantially all of . . . [the foreign corporation's] income in the taxable year in which the dividend is paid" must qualify for treaty benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-107420-04

Drafting attorney: Michelle L. Drumbl  
(202) 622-3880

Reviewing attorney: Karen Rennie (202)  
622-3880

Treasury attorney: John Harrington  
(202) 622-0589

CC:INTL

**Agency Contact:** Michelle L. Drumbl, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545-BD15

### 2613. REMIC INTEREST-ONLY REGULAR INTERESTS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These rules relate to the proper timing of income or deduction attributable to an interest-only regular interest in a Real Estate Mortgage Investment Conduit (REMIC).

**Timetable:**

Action	Date	FR Cite
ANPRM	08/25/04	69 FR 52212
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106679-04

Drafting attorney: Kathleen Sleeth (202)  
622-3920

Reviewing attorney: Dale Collinson  
(202) 622-3920

Treasury attorney: Michael Novey (202)  
622-1339

CC:FI

**Agency Contact:** Kathleen Sleeth, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3920

**RIN:** 1545-BD18

### 2614. ESCROW ACCOUNTS, TRUSTS, AND OTHER FUNDS USED DURING DEFERRED EXCHANGES OF LIKE-KIND PROPERTY

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 468B(g)

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** These regulations provide rules under section 468B(g) regarding the taxation and reporting of the income earned on escrow accounts, trusts, and other funds used for deferred exchanges of like-kind property under section 1031(a)(3). The regulations affect qualified escrow accounts, qualified trusts, and other funds established in connection with deferred like-kind exchanges, and the taxpayers, escrowees, trustees, qualified intermediaries, and other parties who receive the funds or establish, maintain, and administer the accounts.

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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-113365-04

Drafting attorney: A. Katharine J. Kiss (202) 622-4930

Reviewing attorney: Jeffrey G. Mitchell (202) 622-4930

Treasury attorney: Viva Hammer (202) 622-0869

CC:ITA

**Agency Contact:** A. Katharine Kiss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4930

**Related RIN:** Split from 1545-AR82**RIN:** 1545-BD19**2615. SECTION 42 QUALIFIED CONTRACT PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 42**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This proposed regulation under sections 42(h)(6)(F) and 42(h)(6)(K) will provide guidance for provisions relating to qualified contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** REG-114084-03

Drafting attorney: Lauren R. Taylor (202) 622-3040

Reviewing attorney: Susan Reaman (202) 622-3040

Treasury reviewer: Sharon Kay (202) 622-0865

CC:PSI

**Agency Contact:** Lauren R. Taylor, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040

**RIN:** 1545-BD20**2616. PAYMENTS FOR WHICH NO RETURN OF INFORMATION IS REQUIRED UNDER SECTION 6041****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Legal Authority:** 26 USC 6041**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This proposed regulation will remove section 1.6041-3(g) of the Income Tax Regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-147136-03

Drafting attorney: Michelle B. Baxter (202) 622-4910

Reviewing attorney: James C. Gibbons (202) 622-7085

Treasury attorney: John Parcell (202) 622-2578

CC:PA:APJ

**Agency Contact:** Michelle B. Baxter, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910

**RIN:** 1545-BD21**2617. DEFINITION OF DISQUALIFIED PERSON****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These proposed regulations provide certain changes to the definition of a disqualified person under section 1.1031-1(k) of the income tax regulations to facilitate the ability

of banks and bank affiliates to act as qualified intermediaries in section 1031 exchanges.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-160005-03

Drafting attorney: Brendan P. O'Hara (202) 622-4920

Reviewing attorney: Steven Toomey (202) 622-4920

Treasury attorney: Matthew Lay (202) 622-1788

CC:ITA

**Agency Contact:** Brendan P. O'Hara, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920

**RIN:** 1545-BD28**2618. TRANSFERS OF RESTRICTED STOCK****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 83**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The proposed regulations address the application of section 83 to the transfer of substantially nonvested stock to a related person.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-127147-04

Drafting attorney: Stephen B. Tackney (202) 622-6030

Treasury attorney: Dan Hogans (202) 622-1332

CC: TEGE

**Agency Contact:** Stephen B. Tackney, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

## TREAS—IRS

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1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-6030

**Related RIN:** Related to 1545-BD45

**RIN:** 1545-BD44

### 2619. APPLICATION OF SECTIONS 304(B)(6) AND 367 IN CROSS BORDER SECTION 304 TRANSACTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 304(b)(6); 26 USC 367(a)(6); 26 USC 367(b)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed regulation will coordinate sections 304 and 367 in cross-border stock redemptions.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-127740-04

Drafting attorney: Tracy D. Perry (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

Treasury attorney: David Sotos (202) 622-0851

CC:INTL

**Agency Contact:** Tracy D. Perry, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**RIN:** 1545-BD46

### 2620. AGGREGATE COMPUTATION; ALLOCATION OF RESEARCH CREDIT II

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 41

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to the computation and allocation of the credit for increasing research activities for members of a controlled group under section 41(f) of the Internal Revenue Code.

#### Timetable:

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29662
Public Hearing	10/19/05	70 FR 29662
Final Action	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** REG-134030-04

Drafting attorney: Nicole R. Cimino (202) 622-3120

Reviewing attorney: Brenda M. Stewart (202) 622-3120

Treasury attorney: Sharon Kay (202) 622-0865

CC:PSI

**Agency Contact:** Nicole R. Cimino, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3120

**Related RIN:** Related to 1545-BA88, Related to 1545-BE17

**RIN:** 1545-BD60

### 2621. DECLARATORY JUDGMENT—GIFT TAX VALUE

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7477

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations relating to the redetermination of value of certain gifts in a declaratory judgment action.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-143716-04

Drafting attorney: Juli Ro Kim (202) 622-3090

Reviewing attorney: George Masnik (202) 622-3090

Treasury attorney: Cathy Hughes (202) 622-9407

CC: PSI

**Agency Contact:** Juli Ro Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3090

**RIN:** 1545-BD67

### 2622. USE OF ELECTRONIC TECHNOLOGIES FOR PROVIDING NOTICES AND TRANSMITTING ELECTIONS AND CONSENTS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 401; PL106-229, sec 104

**CFR Citation:** 26 CFR 1; 26 CFR 35; 26 CFR 54

**Legal Deadline:** None

**Abstract:** The proposed regulations provide guidance on the permitted use of electronic media to provide certain notices to recipients or to transmit participant and beneficiary elections or consents with respect to employee benefit plans. In general, the proposed regulations would affect plan sponsors of and participants and beneficiaries in employee benefit plans.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-138362-04

Drafting attorney: Pamela R. Kinard (202) 622-6060

Reviewing attorney: Marjorie Hoffman (202) 622-6060

Treasury attorney: Bill Bortz (202) 622-1352

CC: TEGE

**Agency Contact:** Pamela R. Kinard, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

**RIN:** 1545-BD68

## TREAS—IRS

## Proposed Rule Stage

**2623. DISABLED ACCESS CREDIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 44; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Guidance under section 44 regarding the disabled access credit for eligible small business.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** REG-144246-04

Drafting attorney: Eric B. Lee (202) 622-3120

Reviewing attorney: Leslie H. Finlow (202) 622-3120

Treasury attorney: Sharon Kay (202) 622-0865

CC:PSI

**Agency Contact:** Eric B. Lee, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3120**RIN:** 1545-BD69**2624. SECTION 704(B)(2) AND SUBSTANTIALITY****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 704(b)(2)**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Clarify the substantiality rules under section 1.704-1(b)(2)(iii) as to the impact of the tax consequences to owners or partners on the determination of substantiality.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-144620-04

Drafting attorneys: Tim Leska (202) 622-3050

Reviewing attorney: Beverly Katz (202) 622-3060

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Timothy J. Leska, General Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-BD70**2625. REGULATIONS UNDER SECTION 706 REGARDING DETERMINATION OF DISTRIBUTIVE SHARE WHEN A PARTNER'S INTEREST CHANGES****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 706**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide rules regarding the determination of a partner's distributive share when the partner's interest changes.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-144689-04

Drafting attorney: Laura C. Fields (202) 622-3050

Reviewing attorney: David Haglund (202) 622-3050

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Laura C. Fields, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-BD71**2626. SHAREHOLDER'S BASIS IN STOCK OF AN S CORPORATION****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 1367**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide rules relating to the determination of a shareholder's basis in stock of an S corporation.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-144859-04

Drafting attorney: Stacy L. Short (202) 622-3070

Reviewing attorney: Christine Ellison (202) 622-3070

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Stacy L. Short, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070**RIN:** 1545-BD72**2627. GUIDANCE UNDER SECTION 6501(C)(1) REGULATIONS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 6501**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** The regulations will provide guidance with respect to the statute of limitations on assessment being held open indefinitely if someone that is affiliated with a taxpayer's return (e.g., preparer, appraiser, accountant, etc.) commits fraud with respect to that return.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

## TREAS—IRS

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** REG-144905-04Drafting attorney: Matthew Cooper  
(202) 622-4940Reviewing attorney: Charles Hall (202)  
622-4940

CC:PA:APJ

**Agency Contact:** Matthew Cooper,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave NW, Washington, DC  
20224

Phone: 202 622-4940

**RIN:** 1545-BD73**2628. GUIDANCE UNDER SECTION 707(C) REGARDING GUARANTEED PAYMENTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 707**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This regulation will modify the regulations under section 707(c) to address certain situations involving guaranteed payments to partners.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-144694-04Drafting attorney: Jason T. Smyczek  
(202) 622-3050Reviewing attorney: David Haglund  
(202) 622-3050Treasury attorney: Matthew Lay (202)  
622-1788

CC:PSI

**Agency Contact:** Jason T. Smyczek,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-BD74**2629. POSSIBLE UPDATE AND REVISION OF TREASURY REGULATION SECTIONS 1.381(C)(4) AND (5)-1****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 381(c)(4); 26  
USC 381(c)(5)**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed amendments will focus on how to determine the principal accounting method; how taxpayers will procedurally change when they're not permitted to use or prefer not to use the principal accounting method; how taxpayers will reflect the difference in computing taxable income when they change their accounting methods; reconciling Treasury Regulation section 1.381(c)(4) language, terms, and conditions with Treasury Regulation section 1.381(c)(5); reordering, simplifying, and indexing Treasury Regulation sections 1.381(c)(4) and (5).**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-151884-03  
and REG-151887-03Drafting attorney: C. Oseekey (202) 622-  
4970Reviewing attorney: Jeffery G. Mitchell  
(202) 622-4970Treasury attorney: Sharon Kay (202)  
622-0865

CC:ITA

**Agency Contact:** Cheryl L. Oseekey,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4970**RIN:** 1545-BD81**2630. AMENDMENTS TO 26 CFR SECTION 1.263(A)-5 REGARDING TREATMENT OF CAPITALIZED COSTS****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 263(a)**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The Service and Treasury  
Department intends to propose  
regulations to address the treatment of  
amounts that facilitate certain tax-free  
and taxable transactions and other  
restructurings and that are required to  
be capitalized under section 263(a) and  
section 1.263(a)-5.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-143640-04Drafting attorney: Angella L. Warren  
(202) 622-4950Reviewing attorney: Glenn Bogdonoff  
(202) 622-4950Treasury attorney: Audrey Nacamuli  
(202) 622-5721

CC:ITA

**Agency Contact:** Angella L. Warren,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW, Washington,  
DC 20224

Phone: 202 622-4950

**RIN:** 1545-BD82**2631. GUIDANCE REGARDING SELECTED ISSUES UNDER SECTION 336(E)****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 336; 26 USC  
7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Proposed regulations will  
address the circumstances in which a  
corporation that owns stock in another  
corporation meeting the requirements  
of section 1504(a)(2) and that sells,  
exchange, or distribution as a  
disposition of the assets of such other  
corporation.

## TREAS—IRS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-143544-04Drafting attorney: Emidio J. Forlini  
(202) 622-7930

CC: COR

**Agency Contact:** Emidio J. Forlini Jr.,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW, Washington,  
DC 20224

Phone: 202 622-7930

**RIN:** 1545-BD84**2632. REVISION OF SECTION 301.6103(J)-1 FOR DISCLOSURE TO THE BUREAU OF ECONOMIC ANALYSIS, DEPARTMENT OF COMMERCE (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6103**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** Authorize disclosure of additional corporate tax information to Bureau of Economic Analysis, Department of Commerce.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-148864-03  
AND 147195-04Drafting attorney: Melinda K. Fisher  
(202) 622-4580Treasury attorney: Michael Desmond  
(202) 622-1981

CC:PA:DPL

**Agency Contact:** Melinda K Fisher,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave NW, Washington, DC  
20024

Phone: 202 622-4580

**Related RIN:** Related to 1545-BC93,  
Related to 1545-BE01, Related to  
1545-BE08**RIN:** 1545-BE02**2633. REDUCTION OF FUEL EXCISE TAX EVASION****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 48**Legal Deadline:** None**Abstract:** Changes to tax on aviation  
grade kerosene, alcohol fuel provisions,  
and other excise taxes related to taxable  
fuels.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**  
Undetermined**Federalism:** Undetermined**Additional Information:** REG-153838-04Drafting attorney: Susan Athy (202)  
622-3130Reviewing attorney: Frank Boland (202)  
622-3130 and Lewis Fernandez (202)  
622-3000Treasury attorney: John Parcell (202)  
622-2578

CC: PSI

**Agency Contact:** Susan Athy,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3130**RIN:** 1545-BE03**2634. ELIMINATION OF COUNTRY-BY-COUNTRY REPORTING TO SHAREHOLDERS OF FOREIGN TAXES PAID BY REGULATED INVESTMENT COMPANIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC  
6031**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will generally  
eliminate country-by-country reporting  
to shareholders of foreign source  
income and foreign taxes paid by  
regulated investment company (RIC). A  
RIC will continue to report thisinformation directly to the IRS. The  
regulations will affect certain RICs that  
pay foreign taxes and their  
shareholders.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-105248-04Drafting attorney: Susan T. Baker  
(202)622-3930Treasury attorneys: John Harrington  
(202)622-0589

Michael Novey (202)622-1339

CC:FI

**Agency Contact:** Susan T. Baker,  
Assistant to the Branch Chief,  
Department of the Treasury, Internal  
Revenue Service, 1111 Constitution  
Avenue NW, Washington, DC 20224  
Phone: 202 622-3930**RIN:** 1545-BE09**2635. INTRA-GROUP GROSS RECEIPTS UNDER SECTION 41****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 41; 26 USC  
7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed regulations  
will address the treatment of intra-  
group transactions in the determination  
of a controlled group's gross receipts  
for purposes of the section 41 research  
credit.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:**  
Undetermined**Additional Information:** REG-159420-04Drafting attorney: Eric B. Lee (202) 622-  
3120Reviewing attorney: Brenda M. Stewart  
(202) 622-3120Treasury attorney: Sharon Kay (202)  
622-0865



## TREAS—IRS

## Proposed Rule Stage

CC: PSI

**Agency Contact:** Eric B. Lee, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3120

RIN: 1545-BE14

**2636. CAPITALIZATION OF AMOUNTS PAID TO REPAIR OR IMPROVE TANGIBLE PROPERTY**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will clarify the extent to which taxpayers must capitalize expenditures to repair, improve, or rehabilitate tangible property.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-168745-03

Drafting attorney: Kimberly L. Koch (202) 622-5020

Reviewing attorney: Robert M. Casey (202) 622-4950

Treasury attorney: Sharon Kay (202) 622-0865

CC:ITA

**Agency Contact:** Kimberly L. Koch, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-5020  
Fax: 202 622-7241

RIN: 1545-BE18

**2637. FARMER AND FISHERMAN INCOME AVERAGING UNDER THE AMERICAN JOBS CREATION ACT OF 2004 (AJCA)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1301

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The project will amend the farm income averaging regulations under section 1.1301-1 to include the concept of fishing business.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-161695-04

Drafting attorney: Amy J. Pfalzgraf (202) 622-4950

Treasury attorney: John Parcell (202) 622-2578

CC:ITA

**Agency Contact:** Amy J. Pfalzgraf, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4950

**Related RIN:** Related to 1545-BE39

RIN: 1545-BE23

**2638. EMPLOYER COMPARABLE CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS UNDER SECTION 4980G**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 4980G; 26 USC 7805

**CFR Citation:** 26 CFR 54

**Legal Deadline:** None

**Abstract:** The proposed regulations will set forth the rules for determining the applicability of the comparability rules for Health Savings Accounts under section 4980G. The proposed regulations will also set forth the rules for determining whether employer contributions to Health Savings Accounts satisfy the comparability rules under section 4980G.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-138647-04

Drafting attorney: Barbara E. Pie (202) 622-6080

Reviewing attorney: Harry Beker (202) 622-6080

CC: TEGE

**Agency Contact:** Barbara E. Pie, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-6080

RIN: 1545-BE30

**2639. TRACTORS, TRAILERS, TRUCKS, AND TIRES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** This project will provide guidance on trucks, tractors, trailers, and tires in light of legislative changes and litigation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-103380-05

Drafting attorney: Celia Gabrysh (202) 622-3130

Reviewing attorneys: Barbara Franklin (202) 622-3130 and Lewis Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC: PSI

**Agency Contact:** Celia A. Gabrysh, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3130

RIN: 1545-BE31

**2640. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 199; 26 USC 7805

**CFR Citation:** 26 CFR 1

## TREAS—IRS

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** The proposed regulations will provide guidance regarding the deduction for income attributable to domestic production activities under section 199 of the Internal Revenue Code. Section 199 was enacted by section 102 of the American Jobs Creation Act of 2004, and allows a deduction equal to 3 percent (for 2005 and 2006) of the lesser of the qualified production activities income of the taxpayer or the taxpayers taxable income, subject to certain limits. The deduction percentage increases to 6 percent for 2007 through 2009 and to 9 percent thereafter.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-105847-05

Drafting attorney: Paul F. Handleman (202) 622-3040

Reviewing attorney: Susan Reaman (202) 622-3040

Treasury reviewer: George Manousos (202) 622-1335

CC: PSI

**Agency Contact:** Paul F. Handleman, Senior Technician Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040

**RIN:** 1545-BE33

**2641. GUIDANCE UNDER SUBPART F RELATING TO PARTNERSHIPS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations provide guidance for determining that a CFC's distributive share of partnership income will qualify for the exception contained in section 954(i).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106418-05

Drafting Attorney: Kate Y. Hwa (202) 622-3840

Reviewing Attorney: Phyllis E. Marcus (202) 622-3840

Treasury Attorney: John Harrington (202) 622-0589

CC:INTL

**Agency Contact:** Kate Y. Hwa, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-BE34

**2642. RELEASE OF LIEN OR DISCHARGE OF PROPERTY**

**Priority:** Info./Admin./Other

**Legal Authority:** 26 USC 6325; 26 USC 6503; 26 USC 7426

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations that reflect the enactment of sections 6325(b)(4), 7426(a)(4) and (b)(5), and 6503(f)(2) of the IRS Restructuring and Reform Act of 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-159444-04

Drafting attorney: Debra A. Kohn (202) 622-3620

Reviewing attorney: Lawrence Schattner (202) 622-3620

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:CBS

**Agency Contact:** Debra A. Kohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3620

Email: debra.akohn@irs.counsel.treas.gov

**RIN:** 1545-BE35

**2643. FARMER AND FISHERMAN INCOME AVERAGING UNDER THE AMERICAN JOBS CREATION ACT OF 2004 (AJCA) (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1301

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The project will amend the farm income averaging regulations under section 1.1301-1 to include the concept of fishing business.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-161695-04

Drafting attorney: Amy J. Pfalzgraf (202) 622-4950

Treasury attorney: John Parcell (202) 622-2578

CC: ITA

**Agency Contact:** Amy J. Pfalzgraf, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4950

**Related RIN:** Related to 1545-BE23

**RIN:** 1545-BE39

**2644. DEFINITION OF DEPENDENT AND OTHER RELATED PROVISIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 152

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This project will update regulations under sections 2, 151, 152, and other sections of the Internal Revenue Code that refer to the definition of "dependent" in section 152, as amended by the Working Families Tax Relief Act of 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

## TREAS—IRS

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106682-05

Drafting attorney: Victoria J. Driscoll (202) 622-4920

Reviewing attorney: Michael J. Monterurro (202) 622-4920

Treasury attorney: Eric San Juan (202) 622-0224

CC:ITA

**Agency Contact:** Victoria J. Driscoll, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920  
Fax: 202 622-6853

**RIN:** 1545-BE40

#### 2645. DISREGARDED ENTITIES AND COLLECTIONS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Amending the regulations governing disregarded entities so that certain State law entities that currently are disregarded for all Federal tax purposes will be treated as entities separate from their owners in collecting and administering Federal employment and certain excise taxes.

##### Timetable:

Action	Date	FR Cite
NPRM	10/18/05	70 FR 60475
NPRM Comment Period End	01/17/06	

##### Regulatory Flexibility Analysis

**Required:** No

##### Government Levels Affected:

Undetermined

**Additional Information:** REG-114371-05

Drafting attorney: Martin Schaffer (202) 622-3070

Reviewing attorney: Jeanne Sullivan (202) 622-3070

Treasury attorney: Matthew Lay (202) 622-1788

CC: PSI

**Agency Contact:** Martin Schaffer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3070

**RIN:** 1545-BE43

#### 2646. BALANCED SYSTEM FOR MEASURING ORGANIZATIONAL AND EMPLOYEE PERFORMANCE WITHIN THE INTERNAL REVENUE SERVICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 9501; 26 USC 7804; PL 105-206, sec 1201; PL 105-206, sec 1204

**CFR Citation:** 26 CFR 801

**Legal Deadline:** None

**Abstract:** The IRS will issue a notice of proposed rulemaking to accompany temporary regulations amending 26 CFR part 801 to remove limitations on use of quantity measures in measuring and evaluating organizational and employee performance, and to add examples of proper use of quantity measures and records of tax enforcement results.

##### Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-114444-05

Drafting attorney: Karen Keller (202) 283-7919

Reviewing attorney: Neil B. Worden (202) 283-7911

Treasury attorney: Michael Desmond (202) 622-1981

CC:GLS:CL

**Agency Contact:** Karen Keller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-7919

**Related RIN:** Related to 1545-BE46

**RIN:** 1545-BE45

#### 2647. BALANCED SYSTEM FOR MEASURING ORGANIZATIONAL AND EMPLOYEE PERFORMANCE WITHIN THE INTERNAL REVENUE SERVICE (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 9501; 26 USC 7804; PL 105-206, sec 1201; PL 105-206, sec 1204

**CFR Citation:** 26 CFR 801

**Legal Deadline:** None

**Abstract:** The IRS will issue temporary regulations amending 26 CFR part 801 to remove restrictions on use of quantity measures in measuring and evaluating organizational and employee performance, and to add examples of proper use of quantity measures and records of tax enforcement results.

##### Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/05	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-114444-05

Drafting attorney: Karen Keller (202) 283-7919

Reviewing attorney: Neil B. Worden (202) 283-7911

Treasury attorney: Michael Desmond (202) 622-1981

CC:GLS:CL

**Agency Contact:** Karen Keller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-7919

**Related RIN:** Related to 1545-BE45

**RIN:** 1545-BE46

#### 2648. INFORMATION RETURNS REQUIRED WITH RESPECT TO CERTAIN FOREIGN CORPORATIONS AND OTHER CONFORMING CHANGES

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance regarding accounting methods and penalties under section 6038.

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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-109512-05

Drafting attorney: Kate Y. Hwa (202) 622-3840

Reviewing attorney: Phyllis Marcus (202) 622-3840

Treasury attorney: John Harrington (202) 622-0589

CC:INTL

**Agency Contact:** Kate Y. Hwa, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-BE47**2649. • LOW-INCOME HOUSING CREDIT ALLOCATION AND CERTIFICATION; REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 42**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Section 1.42-1(h) requires a taxpayer to file Form 8609 with the taxpayer's federal income tax return for 15 years. The regulations will improve the administration of the low-income housing credit program by allowing all Forms 8609 to be processed at one location and reduce taxpayer burden by allowing the taxpayer to file the form one time.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined**Additional Information:** REG-115398-05

Drafting attorney: Paul F. Handleman (202) 622-3040

Reviewing attorney: Susan Reaman (202) 622-3040

Treasury attorney: Sharon Kay (202) 622-0865

CC:PSI

**Agency Contact:** Paul F. Handleman, Senior Technician Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040

**RIN:** 1545-BE50**2650. • SPECIAL DEPRECIATION ALLOWANCE—EXTENDED PLACED-IN-SERVICE DATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Provides rules relating to property that is eligible for extended placed-in-service date for purposes of the additional first year depreciation allowance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-120914-05

Drafting attorney: Patrick S. Kirwan (202)622-3110

Reviewing attorney: Kathleen Reed (202)622-3110

Treasury reviewer: George Manousos (202)622-1335

CC:PSI

**Agency Contact:** Patrick S. Kirwan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110

**Related RIN:** Related to 1545-BE56**RIN:** 1545-BE55**2651. • SPECIAL DEPRECIATION ALLOWANCE—EXTENDED PLACED-IN-SERVICE DATE (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Provides rules relating to property that is eligible for extended placed-in-service date for purposes of the additional first year depreciation allowance.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-120914-05

Drafting attorney: Patrick S. Kirwan (202)622-3110

Reviewing attorney: Kathleen Reed (202)622-3110

Treasury attorney: George Manousos (202)622-1335

CC:PSI

**Agency Contact:** Patrick S. Kirwan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110

**Related RIN:** Related to 1545-BE55**RIN:** 1545-BE56**2652. • LIMITATION ON TRANSFER OF BUILT-IN LOSSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 362(e); 26 USC 1502; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will provide guidance for applying 26 U.S.C. 362(e).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-110405-05

Drafting attorney: Jay M. Singer (202) 622-7530

Reviewing attorney: Filiz Serbes (202) 622-7790

Treasury attorney: Audrey Nacamuli (202) 622-5721

## TREAS—IRS

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CC:COR

**Agency Contact:** Jay M. Singer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7530

**Related RIN:** Related to 1545-BE59

**RIN:** 1545-BE58

### 2653. • LIMITATION ON TRANSFER OF BUILT-IN LOSSES (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 362; 26 USC 1502; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance for applying 26 U.S.C. 326 (e) to consolidated groups.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-110405-05

Drafting attorney: Jay M. Singer (202) 622-7530

Reviewing attorney: Filiz Serbes (202) 622-7790

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC: COR

**Agency Contact:** Jay M. Singer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7530

**Related RIN:** Related to 1545-BE58

**RIN:** 1545-BE59

### 2654. • RESEARCH EXPENDITURES RESULTING IN INVENTORY PROPERTY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 174

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will address the treatment, under section 174, of

amounts paid or incurred for the direct labor and materials used to construct property to be sold to third parties.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-124148-05

Drafting attorney: Eric B. Lee (202) 622-3120

Reviewing attorney: Leslie Finlow (202) 622-3120

Treasury attorney: Sharon Kay (202) 622-0865

CC:PSI

**Agency Contact:** Eric B. Lee, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3120

**RIN:** 1545-BE64

### 2655. CONVERTING AN IRA ANNUITY TO A ROTH IRA

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Proposed regulations concerning the tax consequences of converting a traditional IRA annuity to a Roth IRA. These regulations affect individuals establishing ROTH IRAs, beneficiaries enter Roth IRAs, out trustees, custodians, on issuers of Roth IRAs. The text of temporary regulations also serves as the text of these cross-referenced proposed regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-122857-05

Drafting attorney: Cathy A. Vohs (202) 622-6090

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: Harlan Weller (202) 622-1001

CC:TEGE

**Agency Contact:** Cathy A. Vohs, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**Related RIN:** Related to 1545-BE66

**RIN:** 1545-BE65

### 2656. CONVERTING AN IRA ANNUITY TO A ROTH IRA (TEMPORARY)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations concerning the tax consequences of converting a traditional IRA annuity to a Roth IRA. The regulations affect individuals establishing Roth IRAs, beneficiaries enter Roth IRAs, and trustees, custodians, on issuers of Roth IRAs. These regulations are temporary regulations. A cross-reference proposed regulation is also being issued.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	01/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-122857-05

Drafting attorney: Cathy A. Vohs (202) 622-6090

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: Harlan Weller (202) 622-1001

CC:TEGE

**Agency Contact:** Cathy A. Vohs, Attorney-Advisor, Department of the

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Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-6090

**Related RIN:** Related to 1545-BE65

**RIN:** 1545-BE66

**2657. • ASSUMPTION OF LIABILITIES**

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Special rules for assumption  
of liabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106736-00

Drafting attorney: Douglas Bates (202)  
622-7550

CC:COR

**Agency Contact:** Douglas C. Bates,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-7550

**Related RIN:** Related to 1545-AX93

**RIN:** 1545-BE67

**2658. • SECTION 401(A)(4) GUIDANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 401; 26 USC  
7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Provide additional guidance  
on satisfying the section 401(a)(4)  
nondiscrimination requirement with  
respect to benefits or contributions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-127586-05

Drafting attorney: Christopher A.  
Crouch (202) 622-6090

Reviewing attorney: Linda S. Marshall  
(202) 622-6090

Treasury attorney: Harlan Weller (202)  
622-1001

CC: TEGE

**Agency Contact:** Christopher A.  
Crouch, Attorney, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Ave NW,  
Washington, DC 20224  
Phone: 202 622-6090

**RIN:** 1545-BE69

**2659. • QUALIFIED SEVERANCE OF A TRUST FOR GENERATION-SKIPPING TRANSFER (GST) TAX PURPOSES II**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 2642; 26 USC  
2654

**CFR Citation:** 26 CFR 26

**Legal Deadline:** None

**Abstract:** This proposed regulation  
provides guidance for severing a trust  
that does not meet the requirements of  
a qualified severance. If a trust is  
severed in a manner that is effective  
under state law, but does not meet the  
requirements of a qualified severance,  
the severed trusts will be treated as  
separate trusts for GST purposes. Each  
severed trust will have the same  
inclusion ratio as the original trust  
immediately before the division. GST  
exemption can be separately allocated  
to each severed trust.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**  
Undetermined

**Additional Information:** REG-128843-05

Drafting attorney: Mayer Samuels (202)  
622-3090

Reviewing attorney: George Masnik  
(202) 622-3090

Treasury attorney: Catherine Hughes  
(202) 622-9407

CC:PSI

**Agency Contact:** Mayer R. Samuels,  
Attorney-Advisor, Department of the

Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3090

**RIN:** 1545-BE70

**2660. • SPECIAL RULE REGARDING CERTAIN SECTION 951 PRO RATA SHARE ALLOCATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulation will  
provide rules to determine a United  
States shareholder's pro rata share of  
subpart F income of a controlled  
foreign corporation where the  
corporation's earnings and profits  
substantially exceed its book profits  
determined under GAAP.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-129782-05

Drafting Attorney: Jefferson Vanderwolk  
(202) 622-3800

Reviewing Attorney: Phyllis E. Marcus  
(202) 622-3840

Treasury Attorney: Andrew Froberg  
(202) 622-1779

CC:INTL

**Agency Contact:** Jefferson Vanderwolk,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3800

**RIN:** 1545-BE71

**2661. • INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS**

**Priority:** Info./Admin./Other

**Legal Authority:** 26 USC 6011; 26 USC  
6045

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation amends 26  
CFR section 1.6045-4 of the Income Tax  
Regulations by providing that a sale or

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exchange of an interest in timber for an outright or a lump sum amount is subject to information reporting under 26 U.S.C. section 6045(e).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-155669-04

Drafting attorney: Tatiana Belenkaya (202) 622-4910

Reviewing attorney: James C. Gibbons (202) 622-4910

CC:PA:APJ

**Agency Contact:** Tatiana L. Belenkaya, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-4910

**RIN:** 1545-BE73

**2662. • DIVIDENDS PAID DEDUCTION FOR STOCK HELD IN EMPLOYEE STOCK OWNERSHIP PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 USC 404(K)

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance, concerning which corporation is entitled to the deduction provided under section 404(K) for applicable securities of a corporation held by an ESOP when stock held by the ESOP is not stock of the employer maintaining the plan and concerning the disallowance of a deduction under section 404(K) for payments in redemption of stock held by an ESOP that are used to make distributions to terminating participants.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-133578-05

Drafting attorney: John T. Ricotta (202) 622-6060

Reviewing attorney: Marjorie Hoffman (202) 622-6060

CC: TEGE

**Agency Contact:** John T. Ricotta, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

**RIN:** 1545-BE74

**2663. • START-UP AND ORGANIZATIONAL EXPENDITURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 195; 26 USC 248; 26 USC 709

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations implement the changes to sections 195, 248, and 709 of the Internal Revenue Code, made by section 902 of the American Jobs Creation Act of 2004 (Pub. L. No. 108-357). Under the Act, a corporate taxpayer may elect to deduct up to \$5000 of start-up expenditures and \$5000 of organizational expenditures in the taxable year in which the trade or business begins. The remainder of the start-up or organizational expenditures are allowed as deductions ratably over the 180-month period beginning with the month the corporation begins business. Similar rules are provided for organizational and syndication fees for partnerships.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-164965-04

Drafting attorney: Grace K. Matuszeski (202) 622-7900

Treasury attorney: George Manousos (202) 622-1335

CC:ITA

**Agency Contact:** Grace Matuszeski, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7900

**Related RIN:** Related to 1545-BE78

**RIN:** 1545-BE77

**2664. • REMIC RESIDUALS-FOREIGN HOLDERS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The temporary regulations accelerate, under section 860G(b), the recognition of income associated with a Real Estate Mortgage Investment Conduct (REMIC) residual interest that is allocated to a foreign persons including a foreign partner in a domestic partnership. The temporary regulation also clarifies a domestic partnership's responsibility for withholding tax under sections 1441 and 1442 with respect to a foreign partner's share of REMIC residual interest net income.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-159929-02

Drafting attorney: Arturo Estrada (202) 622-3900

CC:FI

**Agency Contact:** Arturo Estrada, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3900

**RIN:** 1545-BE81

**2665. • LIFE/NON-LIFE TACKING RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations address the tacking rule requirement relating to the separation of profit and loss activities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-133036-05

Drafting attorney: Ross E. Poulsen (202) 622-7770

CC:COR

**Agency Contact:** Ross E. Poulsen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7770**Related RIN:** Related to 1545-BE86**RIN:** 1545-BE85**2666. • TARGETED POPULATIONS UNDER SECTION 45D(E)(2)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 450; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation provides guidance under section 45 D regarding how an entity meets the requirements to be a qualified active low-income community business for purposes of the new markets tax credit when its activities involve targeted populations.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** REG-142339-05

Drafting attorney: Lauren R. Taylor (202) 622-3040

Reviewing attorney: Susan Reaman (202) 622-3040

Treasury attorney: Stephen Watson (202) 622-1322

CC:PSI

**Agency Contact:** Lauren R. Taylor, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040**RIN:** 1545-BE89**2667. • RAILROAD TRACK MAINTENANCE CREDIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations provide guidance on claiming the railroad track maintenance credit under section 45 G of the Internal Revenue Code.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** REG-142270-05

Drafting attorney: Sara L. Logan (202) 622-3110

**Agency Contact:** Sara L. Logan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110**Related RIN:** Related to 1545-BE91**RIN:** 1545-BE90**2668. • RAILROAD TRACK MAINTENANCE CREDIT (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations provide guidance on claiming the railroad track maintenance credit under section 45G of the Internal Revenue Code.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** REG-142270-05

Drafting attorney: Sara L. Logan (202) 622-3110

CC:PSI

**Agency Contact:** Sara L. Logan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110**Related RIN:** Related to 1545-BE90**RIN:** 1545-BE91**2669. • GUIDANCE UNDER SECTION 7874 FOR DETERMINING OWNERSHIP BY FORMER SHAREHOLDERS OR PARTNERS OF DOMESTIC ENTITIES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 26 USC 7805; 26 USC 7874**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide guidance under section 7874(c)(2). Section 7874(a)(2)(B) provides that a foreign corporation will be a surrogate foreign corporation, if among other requirements, 60% of the stock of the entity is owned by former shareholders or partners of the domestic entity by reason of their holding an interest in the domestic entity. Section 7874(c)(2) states that in determining ownership under section 7874(a)(2)(B)(ii) stock held by members of the expanded affiliated group is disregarded.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**  
**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-143244-05

Drafting Attorney: Jefferson VanderWolk (202) 622-3810

Reviewing Attorney: Milton Cahn (202) 622-3810

CC:INTL

**Agency Contact:** Jefferson VanderWolk, Special Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3810**Related RIN:** Related to 1545-BE94**RIN:** 1545-BE93



## TREAS—IRS

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**2670. • S CORPORATION GUIDANCE UNDER AMERICAN JOBS CREATION ACT OF 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1361; 26 USC 1362**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation revises S corporation regulations under 1361 and other affected code sections to reflect provisions of AJCA, including family shareholder election under Act section 231; also updates or replaces obsolete references in regulations.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-143326-05

Drafting attorney: Bradford R. Poston (202) 622-3060

CC:PSI

**Agency Contact:** Bradford R. Poston, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060**RIN:** 1545-BE95**2671. • CAPITAL COSTS INCURRED TO COMPLY WITH EPA SULFUR REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation provides guidance under section 179B of the Internal Revenue Code relating to EPA sulfur.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** REG-143453-05

Drafting attorney: Charles J. Magee (202) 622-3110

Reviewing attorney: Kathleen Reed (202) 622-3110

Treasury attorney: John Parcell (202) 622-2578

CC: PSI

**Agency Contact:** Charles Magee, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110**Related RIN:** Related to 1545-BE97**RIN:** 1545-BE96**2672. • DISALLOWANCE OF PARTNERSHIP LOSS TRANSFERS AND BASIS REDUCTION IN STOCK OF A CORPORATE PARTNER****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 704; 26 USC 734; 26 USC 743; 26 USC 755; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These proposed regulation intends to provide guidance under sections 704, 734, 743, and 755 as amended by the American Jobs Creation Act of 2004 regarding the disallowance of certain partnership loss transfers, and no reduction of basis in stock held by a partnership in a corporate partner.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** REG-144468-05

Drafting attorney: Sean I. Kahng (202) 622-3050

CC:PSI

**Agency Contact:** Sean I. Kahng, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-BE98**2673. • SECTION 704(C) AND 737 REGULATIONS—UPDATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 704; 26 USC 737**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This proposed rule will modify regulations under sections 704 and 737 consistent with Notice 2005-15.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** REG-143397-05

Drafting attorney: Laura C. Fields (202) 622-3050

Reviewing attorney: Beverly Katz (202) 622-3050

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Laura C. Fields, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-BE99**2674. • CAFETERIA PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 125**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Proposed regulations on Cafeteria plans (employee welfare benefit plans allowing employees to choose between taxable benefits and nontaxable benefits (e.g., employer-provided accident and health plans, group term life insurance or dependent care assistance programs).**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

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**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-142695-05

Drafting attorney: Elizabeth A. Purcell  
(202) 622-6080

Reving attorney: Harry Beker (202) 622-6080

Treasury attorney: Kevin Knopf (202)  
622-2329

CC: TEGE

**Agency Contact:** Elizabeth A. Purcell,  
Attorney-Advisor, Department of the

Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-6080

**Related RIN:** Related to 1545-BF01

**RIN:** 1545-BF00

**Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)**

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**2675. INFORMATION FROM  
PASSPORT AND IMMIGRATION  
APPLICANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC  
6039E

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation will prescribe under section 6039E the information to be gathered by the State Department and Immigration and Naturalization Service on passport and green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

**Timetable:**

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61373
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-208274-86  
(INTL-978-86)

Drafting attorney: Quyen Huynh (202)  
622-3880

Reviewing attorney: Elizabeth U.  
Karzon (202) 622-3880

CC:INTL

**Agency Contact:** Quyen Huynh,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545-AJ93

**2676. FOREIGN CORPORATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC  
367

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The income tax regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209042-86  
(INTL-610-86)

Drafting attorney: Thomas D. Beem  
(202) 622-3860

Reviewing attorney: Charles P. Besecky  
(202) 622-3860

CC:INTL

**Agency Contact:** Thomas D. Beem,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224

Phone: 202 622-3860

**RIN:** 1545-AK74

**2677. NONRECOGNITION OF  
CORPORATE DISTRIBUTIONS AND  
REORGANIZATIONS UNDER THE  
FOREIGN INVESTMENT IN REAL  
PROPERTY TAX ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC  
897

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Regulations will also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Hearing	03/01/89	54 FR 1189
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209039-87  
(INTL-491-87)

Drafting attorney: Robert W. Lorence  
(202) 622-3860

Reviewing attorney: Charles P. Besecky  
(202) 622-3860

CC:INTL

## TREAS—IRS

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**Agency Contact:** Robert W. Lorence, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**RIN:** 1545-AK79

### 2678. EARNINGS STRIPPING PAYMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation addresses the deductibility of interest under section 163 being limited when paid by a corporation to related persons not subject to U.S. tax.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/91	56 FR 27907
Hearing	09/25/91	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209059-89 (INTL-870-89)

Drafting attorney: Theodore Setzer (202) 622-3870

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870

CC:INTL

**Agency Contact:** Theodore D. Setzer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AO24

### 2679. ESCROW FUNDS AND OTHER SIMILAR FUNDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 0468B

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides further guidance relating to certain escrow funds and other similar funds.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/99	64 FR 4801
NPRM Comment Period End	05/03/99	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-209619-93 (IA-17-93)

Drafting attorney: Richard Shevak (202) 622-8142

Reviewing attorney: Jeffery G. Mitchell (202) 622-4930

Treasury attorney: Viva Hammer (202) 622-0869

CC:ITA

**Agency Contact:** Richard Shevak, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-8142

**Related RIN:** Related to 1545-BD19

**RIN:** 1545-AR82

### 2680. STRADDLES— —MISCELLANEOUS ISSUES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1092

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation clarifies the circumstances in which common stock may be personal property for purposes of section 1092.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/95	60 FR 21482
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209768-95 (FI-21-95)

Drafting attorney: Mary Brewer (202) 622-3950

Reviewing attorney: Christina Morrison (202) 622-3950

Treasury attorney: Mike Novey (202) 622-1339

CC:FI

**Agency Contact:** Mary Brewer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

**RIN:** 1545-AT46

### 2681. RECOMPUTATION OF LIFE INSURANCE RESERVES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 816

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will permit recomputation of life insurance reserves that were not originally computed according to the requirements of section 816(b)(1)(A).

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/97	62 FR 71
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-246018-96

Drafting attorney: Linda Boyd (202) 622-3970

Reviewing attorney: Don Drees (202) 622-3970

CC:FI

**Agency Contact:** Linda Boyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-3970

**RIN:** 1545-AU49

### 2682. DEFINITION OF PRIVATE ACTIVITY BOND—REFUNDING REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance on the application of

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the private loan test and the private business use and private payments/security tests to refunding bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/94	59 FR 67658
NPRM Comment Period End	05/01/95	
Second NPRM	05/14/03	68 FR 25845
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-113007-99

Drafting attorney: Laura Lederman (202) 622-3980

Treasury attorney: Stephen Watson (202) 622-1322

CC:TEGE

**Agency Contact:** Laura Lederman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980

**RIN:** 1545-AU98

### 2683. MARK-TO-MARKET ACCOUNTING FOR DEALERS IN COMMODITIES AND TRADERS IN SECURITIES AND COMMODITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 475; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides guidance concerning mark-to-market accounting for securities traders and commodities dealers and traders.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/99	64 FR 4374
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-104924-98

Drafting attorney: Stephen J. Coleman (202) 622-6289

Reviewing attorney: Elizabeth Handler (202) 622-3920

CC:FI

**Agency Contact:** Stephen J. Coleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6289

**RIN:** 1545-AW06

### 2684. STOCKS AND SECURITIES SAFE HARBOR EXCEPTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation clarifies and updates the safe harbor that one is not engaged in a trade or business as a result of trading in stocks and securities. The amendment will provide additional guidance regarding the definitions of stocks and securities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/98	63 FR 32164
Hearing	09/09/98	
NPRM Comment Period End	09/10/98	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106031-98

Drafting attorney: Theodore D. Setzer (202) 622-3870

Reviewing attorney: Paul S. Epstein (202) 622-3870

CC:INTL

**Agency Contact:** Theodore D. Setzer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AW13

### 2685. INTERCOMPANY OBLIGATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1502; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides clarification of the tax treatment of

certain transfers of intercompany obligations by or to a member of a consolidated group.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/98	63 FR 70354
NPRM Comment Period End	03/22/99	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105964-98

Drafting attorney: Frances L. Kelly (202) 622-7072

Reviewing attorney: Michael J. Wilder (202) 622-3393

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Frances L. Kelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7072

**Related RIN:** Related to 1545-BA11

**RIN:** 1545-AW30

### 2686. REPORTING OF PAYMENTS TO ATTORNEYS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6045

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides information reporting requirements for payments of gross proceeds made in the course of a trade or business to attorneys in connection with legal services.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/99	64 FR 27730
Second NPRM	05/17/02	67 FR 35064
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-126024-01

Drafting attorney: Nancy L. Rose (202) 622-4910

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Reviewing attorney: James C. Gibbons (202) 622-4910

Treasury attorney: Eric San Juan (202) 622-0224

CC:PA:APJ

**Agency Contact:** Nancy L. Rose, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910

**RIN:** 1545-AW72

### 2687. HIGHWAY VEHICLE— DEFINITION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 4051

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** This regulation provides amendments to regulations relating to definition of a highway vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/02	67 FR 38913
Public Hearing	02/27/03	
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-103829-99

Drafting attorney: Celia Gabrysh (202) 622-3130

Reviewing attorneys: Frank Boland (202) 622-3130 and Lewis Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Celia A. Gabrysh, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-AX10

### 2688. GUIDANCE ON COST RECOVERY IN THE ENTERTAINMENT INDUSTRY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to the application of the income forecast method under section 167(g) of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/02	67 FR 38025
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-103823-99

Drafting attorney: Bernard P. Harvey, III (202) 622-3110

Reviewing attorney: Charles B. Ramsey (202) 622-3110

Treasury attorney: George Manousos (202) 622-0865

CC:PSI

**Agency Contact:** Bernard P. Harvey III, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110

**RIN:** 1545-AX12

### 2689. STOCK TRANSFER RULES— CARRYOVER OF EARNINGS AND TAXES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 367

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides guidance with respect to how earnings and profits and foreign income tax accounts carry over under section 381 and are allocated under section 312 in certain transactions described in section 367(b) of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/00	65 FR 69138
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-116050-99

Drafting attorney: Jeffrey Parry (202) 622-3850

Reviewing attorney: Anne Devereaux (202) 622-3850

Treasury attorney: Andrew Froberg (202) 622-0851

CC:INTL

**Agency Contact:** Jeffrey Parry, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-AX65

### 2690. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 864

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide rules for the allocation and apportionment of interest expenses and certain other expenses for purposes of the foreign tax credit and certain other international tax provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3750
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-117608-99

Drafting attorney: David F. Bergkuist (202) 622-3850

Reviewing attorney: Anne O. Devereaux (202) 622-3850

CC:INTL

**Agency Contact:** David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-AX72

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**2691. CAPITALIZATION OF INTEREST AND CARRYING CHARGES PROPERLY ALLOCABLE TO STRADDLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 263; 26 USC 1092**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations will clarify the types of payments that may be “interest” or “carrying charges” subject to 26 U.S.C. 263(g), clarify the operation of the capitalization rules of 26 U.S.C. 263(g), and also clarify what constitutes “positions” and “losses” subject to 26 U.S.C. 1092.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/01	66 FR 4746
NPRM Comment Period End	05/01/01	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-105801-00

Drafting attorney: Mary Brewer (202) 622-3950

Reviewing attorney: Christina Morrison (202) 622-3950

Treasury attorney: Mike Novey (202) 622-1339

CC:FI

**Agency Contact:** Mary Brewer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

**RIN:** 1545-AX92**2692. AUTHORIZED PLACEMENT AGENCY****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 152**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation amends the definition of “authorized placement agency” (for purposes of determining whether a child placed for legal adoption in a taxpayer’s home is a dependent of the taxpayer) to include

biological parents and other persons authorized by State law to place children for legal adoption.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/00	65 FR 71277
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-107279-00

Drafting attorney: Victoria J. Driscoll (202) 622-4920

Reviewing attorney: Robert A. Berkovsky (202) 622-4920

Treasury attorney: Eric San Juan (202) 622-0224

CC: ITA

**Agency Contact:** Victoria J. Driscoll, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920  
Fax: 202 622-6853

**RIN:** 1545-AY18**2693. HIPAA GENERAL NONDISCRIMINATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 9833**CFR Citation:** 26 CFR 54**Legal Deadline:** None

**Abstract:** These regulations provide guidance regarding the requirements imposed on group health plans not to discriminate in rules for eligibility under the plan on the basis of any health factor, and not to require any individual to pay a higher premium or contribution for coverage under the plan than any similarly situated individual based on any health factor.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/01	66 FR 1435
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-114082-00

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-AY32**2694. HIPAA NONDISCRIMINATION EXCEPTION FOR CHURCH PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 7853**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations provide guidance on the exception for certain grandfathered church plans from the general rule requiring group health plans not to discriminate in rules for eligibility on the basis of any health factor.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/01	66 FR 1437
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-114083-00

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-AY33

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**2695. HIPAA NONDISCRIMINATION EXCEPTION FOR BONA FIDE WELLNESS PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 9833**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations provide guidance regarding the exception for certain wellness programs to the general rule imposed on group health plans not to require a higher premium or contribution from an individual than from a similarly situated individual based on any health factor.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/01	66 FR 1421
Final Action	04/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-114084-00

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawnshunsky (202) 622-6080

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-AY34**2696. ALLOCATION OF INCOME AND DEDUCTIONS FROM INTANGIBLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 482**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These final regulations will address certain transactions between controlled parties that involve intangibles. The regulations will provide rules for allocation of income and deductions with respect to intangibles pursuant to IRC section 482.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53447
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-115037-00

Drafting attorneys: Thomas A. Vidano (202) 435-5265 and Helen Hong-George (202) 435-5220

Reviewing attorney: John M. Breen (202) 435-5265

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Thomas A. Vidano, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 435-5265

**RIN:** 1545-AY38**2697. ELECTION—ASSET ACQUISITIONS OF INSURANCE COMPANIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 197; 26 USC 338; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations prescribe the manner in which the various provisions of subchapter L, chapter 1, subtitle A of the Internal Revenue Code apply to asset acquisitions deemed to occur by reason of a section 338 election as well as to actual acquisitions of insurance company assets subject to section 1060.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/02	67 FR 10640
Public Hearing	09/18/02	
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-118861-00

Drafting attorney: Mark Weiss (202) 622-7790

Reviewing attorney: Victor Penico (202) 622-7750

Treasury attorney: Audrey Nacamuli (202) 622-0869

CC:COR

**Agency Contact:** Mark Weiss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7790

**RIN:** 1545-AY49**2698. TAX TREATMENT OF CAFETERIA PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 125**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation provides information about the tax treatment of cafeteria plans.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/01	66 FR 1923
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** REG-209461-79

Drafting attorney: Shoshanna Tanner (202) 622-6080

Reviewing attorney: Janet A. Laufer (202) 622-6090

CC:TEGE

**Agency Contact:** Shoshanna Tanner, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-AY67**2699. NORMALIZATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 167; 26 USC 168; 26 USC 46**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations relate to the sale or deregulation of generation assets.

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**Timetable:**

Action	Date	FR Cite
NPRM	03/04/03	68 FR 10190
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-104385-01

Drafting attorney: David Selig (202) 622-3040

Reviewing attorney: Peter Friedman (202) 622-3110

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** David Selig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040

**RIN:** 1545-AY75**2700. TRANSITIONAL RELIEF FOR QUALIFIED INTERMEDIARIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1441**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation will promulgate Notices 2001-4, 2001-11 and 2001-43 into the section 1441 regulation. Generally, the Notices provide transitional relief with respect to the new withholding regime for qualified intermediaries.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/05	70 FR 16189
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-125443-01

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Valerie Mark-Lippe (202) 622-3840

Treasury attorney: Andy Froberg (202) 622-1779

CC:INTL

**Agency Contact:** Ethan A. Atticks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-AY92**2701. MERGERS INVOLVING DISREGARDED ENTITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 368; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation will provide guidance concerning the requirements to be met in order for a merger or consolidation to qualify as a reorganization under section 368(a)(1)(A). They will also address whether certain mergers involving disregarded entities can qualify as reorganizations under section 368(a)(1)(A).

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/01	66 FR 57400
Second NPRM	01/24/03	68 FR 3477
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-126485-01

Drafting attorneys: Richard M. Heinecke (202) 622-7930

Reviewing attorney: Alfred C. Bishop (202) 622-7930

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:CORP

RIN 1545-BA06 and its corresponding number REG-126485-01 was first opened with respect to a proposed regulation that was first published in the Federal Register on November 15, 2001. The November 15, 2001, proposed regulations were withdrawn by proposed regulations in the Federal Register on January 24, 2003. The January 24, 2003, proposed regulations with the same REG-126485-01, not only withdrew the November 15, 2001, proposed regulations but also served as

a cross-referencing proposed regulation to a temporary regulation published in the Federal Register on January 24, 2003, and a notice of proposed rulemaking.

The temporary regulations also use the REG-126485-01 number. The document published with respect to the temporary regulations also serves as final regulations. The final regulations use RIN 1545-BB46 and REG-162729-02. Once the temporary regulations were published, the final regulations (REG-162729-02; RIN 1545-BB46) were closed.

**Agency Contact:** Richard M. Heinecke, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7930

**Related RIN:** Related to 1545-BB46**RIN:** 1545-BA06**2702. REDUCTIONS OF ACCRUALS AND ALLOCATIONS BECAUSE OF INCREASED AGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 411**CFR Citation:** 26 CFR 1**Legal Deadline:** Final, Statutory, February 1, 1988.

**Abstract:** These regulations will prescribe rules regarding the requirement that accruals and allocations under qualified retirement plans cannot be reduced because of the attainment of any age.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/02	67 FR 76123
Hearing	04/09/03	
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** REG-209500-86

Drafting attorney: Linda S.F. Marshall (202) 622-6090

Reviewing attorney: Marjorie Hoffman (202) 622-6090

Treasury attorney: Harlan Weller (202) 622-1001



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CC:TEGE

**Agency Contact:** Linda S.F. Marshall, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**Related RIN:** Related to 1545-BB79

**RIN:** 1545-BA10

### 2703. AMENDMENT TO THE DEFINITION OF REFUNDING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will amend the definition of a refunding issue applicable to tax-exempt bonds issued by State and local governments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/02	67 FR 17310
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** REG-165706-01

Reviewing attorney: Timothy L. Jones (202) 622-3980

CC:TEGE

**Agency Contact:** Timothy L. Jones, Senior Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980

**RIN:** 1545-BA46

### 2704. NONCOMPENSATORY PARTNERSHIP OPTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 704; 26 USC 721; 26 USC 761

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will describe the tax treatment of noncompensatory partnership options.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/03	68 FR 2930
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-103580-02

Drafting attorneys: Demetri G. Yatrakis (202) 622-3060

Reviewing attorneys: Audrey W. Ellis (202) 622-3060

Treasury attorney: Matthew Lay (202) 622-7188

CC:PSI

**Agency Contact:** Demetri G. Yatrakis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

Audrey W. Ellis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

**RIN:** 1545-BA53

### 2705. REDEMPTIONS TREATED AS DIVIDENDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation under section 302 of the Internal Revenue Code (Code), permits basis of redeemed stock to be recovered by the redeemed shareholder. Regulations under section 304 of the Code reflect changes made by the Internal Revenue Service Restructuring and Reform Act of 1998, Taxpayer Relief Act of 1997, Tax Reform Act of 1986, Deficit Reduction Act of 1984, and the Tax Equity and Fiscal Responsibility Act of 1982 to the statute. Regulations under section 304 also reference proposed regulations under section 302 as they relate to the treatment of basis of redeemed stock in redemptions treated as dividends.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/02	67 FR 64331
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-150313-01

Drafting attorney: Theresa M. Kolish (202) 622-7530

Reviewing attorney: Lewis K. Brickates (202) 622-7530

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Theresa M. Kolish, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7530

**RIN:** 1545-BA80

### 2706. REPORTING REQUIREMENTS FOR WIDELY HELD FIXED INVESTMENT TRUSTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation relates to reporting requirements for widely held fixed investment trusts.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/02	67 FR 41892
NPRM Comment Period End	09/18/02	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106871-00

Drafting attorney: Faith Colson (202) 622-3060

Reviewing attorney: J. Thomas Hines (202) 622-3060

Treasury attorney: Viva Hammer (202) 622-0869

CC:PSI

**Agency Contact:** Faith Colson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

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Phone: 202 622-3060

**Related RIN:** Related to 1545-AU15

**RIN:** 1545-BA83

### 2707. GUIDANCE ON REPORTING OF DEPOSIT INTEREST PAID TO NONRESIDENT ALIENS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1; 26 CFR 31

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on the reporting requirements for interest on deposits maintained at U.S. offices of certain financial institutions and paid to nonresident aliens that are residents of certain specified countries.

**Timetable:**

Action	Date	FR Cite
NPRM	08/02/02	67 FR 50386
Hearing	12/05/02	67 FR 50386
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-133254-02

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Valerie Mark Lippe (202) 622-3840

Treasury attorney: Andrew Froberg (202) 622-1779

CC:INTL

**Agency Contact:** Ethan A. Atticks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-BA86

### 2708. ALLOCATION OF FOREIGN TAX CREDITS AMONG PARTNERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 704(b); 26 USC 703(b)(3); 26 USC 702(a)(b)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance on how foreign tax expenditures must be allocated to partners under section 704(b).

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/04	69 FR 21454
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-139792-02

Drafting attorney: Timothy J. Leska (202) 622-3050

Reviewing attorney: Beverly M. Katz (202) 622-3060

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Timothy J. Leska, General Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-3050

**Related RIN:** Related to 1545-BD11

**RIN:** 1545-BB11

### 2709. INVESTIGATIVE DISCLOSURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6103(k)(6)

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** This regulation will amend existing regulations on disclosure of return information by Internal Revenue Officers and employees for investigative purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/03	68 FR 41089
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-140808-02

Drafting attorney: Helene R. Newsome (202) 622-4570

Reviewing attorney: Donald M. Squires (202) 622-4570

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:DPL

**Agency Contact:** Helene R. Newsome, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4570

**Related RIN:** Related to 1545-BB17

**RIN:** 1545-BB16

### 2710. TOLL TELEPHONE SERVICE—DEFINITION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 49

**Legal Deadline:** None

**Abstract:** This regulation provides amendments to regulations relating to the definition of toll telephone service.

**Timetable:**

Action	Date	FR Cite
NPRM	04/01/03	68 FR 15690
Hearing	09/10/03	68 FR 35828
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-141097-02

Drafting attorney: Cynthia A. McGreevy (202) 622-3130

Reviewing attorneys: Frank Boland (202) 622-3130 and Lewis Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Cynthia A. McGreevy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-BB18

### 2711. MIXED USE OUTPUT FACILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation describes rules relating to mixed use output facilities.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/23/02	67 FR 59767
Final Action	06/00/06	

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**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Local, State**Federalism:** Undetermined**Additional Information:** REG-142599-02

Reviewing attorney: Rebecca L. Harrigal (202) 622-3980

Treasury attorney: Stephen J. Watson (202) 622-1322

CC:TEGE

**Agency Contact:** Rebecca L. Harrigal, Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980  
Fax: 202 622-4437

**RIN:** 1545-BB23**2712. TREATMENT OF SERVICES UNDER SECTION 482****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 482**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These final regulations amend the rules for allocation of income and deductions with respect to services between members of a group of controlled entities, pursuant to section 482.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53447
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-146893-02

Drafting attorneys: Thomas A. Vidano (202) 435-5265 and Helen Hong-George (202) 435-5220

Reviewing attorney: John M. Breen (202) 435-5265

Treasury attorney: David Ernick (202) 622-1754

CC:INTL

**Agency Contact:** Thomas A. Vidano, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 435-5265

**RIN:** 1545-BB31**2713. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 403**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Under section 448(d)(5), as amended by the Job Creation and Worker Assistance Act of 2002, the nonaccrual experience method of accounting is available only for amounts to be received for the performance of qualified services (i.e., services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting) or for services provided by certain small businesses (i.e., those with gross receipts of \$5 million or less). The law provides that such taxpayers are not required to accrue, based on their experience, any portion of year-end receivables that will not be collected. This regulation will provide guidance under section 448(d)(5) regarding the nonaccrual experience method of accounting.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/03	68 FR 65645
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-141402-02

Drafting attorney: Terrance McWhorter (202) 622-4970

Reviewing attorney: Jeffery Mitchell (202) 622-4970

Treasury attorney: George Manousos (202) 622-1335

CC:ITA

We issued interim guidance in the form of a Notice 2003-12; 2003-6 published in the IRB 422 on January 22, 2003, with a request for comments.

**Agency Contact:** Terrance McWhorter, General Tax Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-4970

**RIN:** 1545-BB43**2714. SPECIAL DEPRECIATION ALLOWANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation provides guidance under sections 168 and 1400L(b) regarding special depreciation allowance.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/03	68 FR 53008
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-157164-02

Drafting attorney: Douglas Kim (202) 622-3110

Reviewing attorney: Kathleen Reed (202) 622-3110

Treasury attorney: George Manousos (202) 622-1335

CC:PSI

**Agency Contact:** Douglas Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110

**Related RIN:** Related to 1545-BC19**RIN:** 1545-BB57**2715. CONTRIBUTIONS TO PURCHASE CERTAIN RETIREMENT ANNUITIES OR CUSTODIAL ACCOUNTS UNDER SECTION 403(B)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 403(b); 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation would revise and update the current section 403(b) regulations to reflect the numerous statutory revisions to this section of the Internal Revenue Code since these regulations were first promulgated in

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1964. Section 403(b) concerns the income tax exclusion for contributions to purchase certain retirement annuities or custodial accounts made for their employees by certain tax-exempt employers or State-sponsored educational institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/16/04	69 FR 67075
Hearing	11/16/04	69 FR 67084
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State, Tribal

**Additional Information:** REG-155608-02  
Drafting attorney: John A. Tolleris (202) 622-6060

Reviewing attorney: Cheryl Press (202) 622-6060

Treasury attorney: William Bortz (202) 622-1352

CC:TEGE

**Agency Contact:** John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-6060

**RIN:** 1545-BB64

**2716. COLLECTED EXCISE TAXES; DUTIES OF COLLECTOR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 4291; 26 USC 6302; 26 USC 7805

**CFR Citation:** 26 CFR 40; 26 CFR 49

**Legal Deadline:** None

**Abstract:** These regulations relate to the obligations of persons who receive payments for air transportation or communications service subject to excise tax when persons liable for taxes refuse to pay the tax.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48432
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-163909-02  
Drafting attorney: Taylor Cortright (202) 622-3130

Reviewing attorneys: Frank K. Boland (202) 622-3130 and Lewis J. Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Taylor Cortright, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3130

**Related RIN:** Related to 1545-BB76

**RIN:** 1545-BB75

**2717. NOTIONAL PRINCIPAL CONTRACTS; CONTINGENT NONPERIODIC PAYMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** These regulations relate to the character and the inclusion into income and deduction of contingent nonperiodic payments made pursuant to a notional principal contract.

**Timetable:**

Action	Date	FR Cite
NPRM	02/26/04	69 FR 8886
NPRM Comment Period End	05/04/04	
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-166012-02  
Drafting attorney: Kathleen Sleeth (202) 622-3920

Reviewing attorney: Elizabeth Handler (202) 622-3920

Treasury attorney: Viva Hammer (202) 622-0869

CC:FI

**Agency Contact:** Kathleen Sleeth, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3920

**RIN:** 1545-BB82

**2718. PREDECESSORS OR SUCCESSORS UNDER SECTION 355(E)**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 355; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations under section 355(e) set forth whether a transferor to or a transferee of distributing or controlled assets is a predecessor or successor.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-145535-02  
Drafting attorney: Stephen P. Fattman (202) 622-7700

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Stephen P. Fattman, Special Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224

Phone: 202 622-7700

**RIN:** 1545-BB85

**2719. GUIDANCE REGARDING MARK-TO-MARKET VALUATION FOR CERTAIN SECURITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 475; 26 USC 446

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Section 475(a) requires that dealers in securities mark their securities to market. If the security is inventory, the dealer must include that security at fair market value. Taxpayers must treat any security that is not inventory as if they were sold for their fair market value on the last business day of the year. While the legal definition of the term "fair market value" has long been settled, the statute is silent as to what valuation

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methodology should be used to determine fair market value of any particular security. Many of the securities subject to section 475 raise difficult valuation issues. An advanced notice of proposed rulemaking (ANPRM) was issued on May 5, 2003, and asked for comments on a possible financial statement-tax conformity safe harbor approach for valuing certain securities under section 475 for which the determination of actual fair market value is administratively difficult. On May 24th, 2005, a notice of proposed rulemaking was issued. The NPRM provided an elective safe harbor for dealers in securities, dealers in commodities and traders in securities and commodities. The safe harbor permits these taxpayers to make an election pursuant to which the values of the positions reported on certain financial statements are used as the fair market value of those positions for purposes of section 475, if certain conditions are met. Those conditions and limitations are to ensure consistency with fair market value tax principles. The NPRM also asked for specific comments relating to certain aspects the rules.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29663
Comment Period End	08/22/05	
Public Hearing	09/15/05	
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-100420-03

Drafting attorney: Marsha A. Sabin (202) 622-3950 or John W. Rogers (202) 622-3950

Reviewing attorney: Robert Williams (202) 622-3960

Treasury attorneys: Michael Novey (202) 622-1339 and Viva Hammer (202) 622-0869

CC:FI

**Agency Contact:** Marsha A. Sabin, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

**RIN:** 1545-BB90**2720. PARTNERSHIP EQUITY FOR SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 721; 26 USC 83**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will describe the tax treatment of partnership equity issued in connection with the performance of services.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29675
Public Hearing	10/05/05	70 FR 29676
Final Action	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-105346-03

Drafting attorneys: Demetri G. Yatrakis (202) 622-3060

Reviewing attorney: Audrey W. Ellis (202) 622-3060

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Demetri G. Yatrakis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

Audrey W. Ellis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

**RIN:** 1545-BB92**2721. ACCRUAL FOR CERTAIN REMIC REGULAR INTERESTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations provide guidance on the accrual of original issue discount on certain REMIC regular interests.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/04	69 FR 522217
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-108637-03

Drafting attorney: Patrick White (202) 622-3930

Reviewing attorney: Dale Collinson (202) 622-3900

CC:FI

**Agency Contact:** Patrick E. White, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3920

**RIN:** 1545-BB94**2722. MISCELLANEOUS CHANGES TO COLLECTION DUE PROCESS PROCEDURES RELATING TO NOTICE AND OPPORTUNITY FOR HEARING UPON FILING OF NOTICE OF LIEN****Priority:** Routine and Frequent**Legal Authority:** 26 USC 6320; 26 USC 6330**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** IRS is revising the regulations that apply to Collection Due Process (CDP) and equivalent hearings under section 6320 involving Federal tax liens.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54681
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-150088-02

Drafting attorney: Laurence K. Williams (202) 622-3600

Reviewing attorney: Gary D. Gray (202) 622-3600

CC:PA:CBS

**Agency Contact:** Laurence K. Williams, Attorney, Department of the Treasury,

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Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224  
Phone: 202 622-3600

**Related RIN:** Related to 1545-BB97

**RIN:** 1545-BB96

### 2723. MISCELLANEOUS CHANGES TO COLLECTION DUE PROCESS PROCEDURES RELATING TO HEARINGS BEFORE LEVY

**Priority:** Routine and Frequent

**Legal Authority:** 26 USC 6330

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** IRS is revising the regulations that apply to Collection Due Process (CDP) and equivalent hearings under section 6330 involving Federal tax levies.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54687
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-150091-02

Drafting attorney: Laurence K. Williams (202) 622-3600

Reviewing attorney: Gary D. Gray (202) 622-3610

CC:PA:CBS

**Agency Contact:** Laurence K. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224

Phone: 202 622-3600

**Related RIN:** Related to 1545-BB96

**RIN:** 1545-BB97

### 2724. DETERMINATION OF BASIS OF SECURITIES RECEIVED IN EXCHANGE OR WITH RESPECT TO A STOCK OR SECURITIES IN CERTAIN TRANSACTIONS

**Priority:** Routine and Frequent

**Legal Authority:** 26 USC 358; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides guidance regarding the determination of

the basis of stock and securities received in transactions under section 355, transactions under section 368, and certain transactions under section 351.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/04	69 FR 24107
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-116564-03

Drafting attorney: Theresa M. Kolish (202) 622-7530 or Emidio J. Forlini, Jr. (202) 622-7930

Reviewing attorney: Alfred Bishop (202) 622-7930

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Theresa M. Kolish, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7530

Emidio J. Forlini Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7930

**RIN:** 1545-BC05

### 2725. ENTRY OF TAXABLE FUEL

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** The regulations will provide rules for payment of tax when taxable fuel is entered by an unregistered person.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/04	69 FR 45631
Public Hearing	10/05/04	69 FR 59572
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-120616-03

Drafting attorney: Celia A. Gabrysh (202) 622-3130

Reviewing attorneys: Frank Boland (202) 622-3130 and Lewis Fernandez (202) 622-3000

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Celia A. Gabrysh, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-BC08

### 2726. GUIDANCE NECESSARY TO FACILITATE BUSINESS ELECTRONIC FILING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulatory amendments are designed to facilitate electronic filing of certain income tax returns and other forms.

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/03	68 FR 70747
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-116664-01

Drafting attorney: Nathan B. Rosen (202) 622-4910

Reviewing attorney: Pamela Fuller (202) 622-4910

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Nathan B. Rosen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910

**RIN:** 1545-BC15

### 2727. CHANGES IN COMPUTING DEPRECIATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

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**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation provides guidance under section 446(e) regarding changes in computing depreciation or amortization.**Timetable:**

Action	Date	FR Cite
NPRM	01/02/04	69 FR 42
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-126459-03

Drafting attorney: Sara L. Logan (202) 622-3110

Reviewing attorney: Kathleen Reed (202) 622-3110

Treasury attorney: George Manousos (202) 622-1335

CC:PSI

**Agency Contact:** Sara L. Logan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110**Related RIN:** Related to 1545-BC17**RIN:** 1545-BC18**2728. VALUE OF LIFE INSURANCE WHEN DISTRIBUTED FROM A QUALIFIED RETIREMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These proposed regulations under section 402(a) of the Internal Revenue Code concern the amount includible in a distributee's income when certain life insurance and annuity contracts are distributed by a qualified retirement plan.**Timetable:**

Action	Date	FR Cite
NPRM	06/09/04	69 FR 7385
Final Action	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-126967-03

Drafting attorney: Bruce Perlin (202) 622-6090

Reviewing attorney: Linda Marshall (202) 622-6090

Treasury attorney: Harlan Weller (202) 622-1001

CC:TEGE

**Agency Contact:** Bruce Perlin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-6090**RIN:** 1545-BC20**2729. SPECIAL CONSOLIDATED RETURN RULES FOR INTEREST EXPENSE DISALLOWED UNDER SECTION 265(A)(2)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1502; 26 USC 7701**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will address the treatment of interest income with respect to an intercompany loan when the source of funds is borrowing from a nonmember and there is a disallowance of interest expense under section 265(a)(2).**Timetable:**

Action	Date	FR Cite
NPRM	05/07/04	69 FR 25535
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-128590-03

Drafting attorney: Frances L. Kelly (202) 622-7072

Reviewing attorney: Michael Wilder (202) 622-3393

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Frances L. Kelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7072**RIN:** 1545-BC23**2730. GUIDANCE REGARDING APPLICATION OF SECTION 265(A)(2) AND 246A IN TRANSACTIONS INVOLVING RELATED PARTIES, PASS-THROUGH ENTITIES, OR OTHER INTERMEDIARIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7701(f); 26 USC 265(a); 26 USC 246A**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Section 7701(f) of the Code provides that the Secretary shall prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the provisions of the Code that deal with the linking of borrowing to investment, or diminishing the risk through the use of related persons, pass-through entities, or other intermediaries. Section 7701(f) was enacted to authorize the issuance of regulations to prevent the avoidance of the purposes of sections 265(a)(2) (which disallows interest on indebtedness incurred or continued to purchase or carry tax-exempt obligations) and 246A (which reduces the dividends received deduction under sections 243, 244, or 245(a)) in proportion to the extent that the portfolio stock with respect to which the dividends are received is debt-financed) through transactions involving related parties, pass-through entities, or other intermediaries.**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/04	69 FR 25534
NPRM Comment	08/05/04	
Period End		
Final Action	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-128572-03

Drafting attorney: Avital Grunhaus (202) 622-3940

Reviewing attorney: David Silber (202) 622-3930

Treasury attorneys: Michael Novey (202) 622-1339 and Viva Hammer (202) 622-0869

**Agency Contact:** Avital Grunhaus, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

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Phone: 202 622-3940

RIN: 1545-BC24

### 2731. SECTION 411(D)(6) PROTECTED BENEFITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 4980

**CFR Citation:** 26 CFR 1; 26 CFR 54

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance relating to section 411(d)(6) of the Code regarding the elimination or reduction of certain early retirement benefits, retirement-type subsidies, and optional forms of benefit (section 411(d)(6)(B) protected benefits), and will address both: 1) When these benefits result in significant burdens and complexities for plans and its participants; and 2) when such benefits are of de minimis value to participants.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/04	69 FR 13769
Hearing	06/24/04	69 FR 13770
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-128309-03

Drafting attorney: Pamela R. Kinard (202) 622-6060

Reviewing attorney: Linda S. Marshall (202) 622-6090

CC:TEGE

**Agency Contact:** Pamela R. Kinard, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

RIN: 1545-BC26

### 2732. PROHIBITED ALLOCATION OF SECURITIES IN AN S CORPORATION

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805; 26 USC 409(p)(7)(A)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance for employee stock ownership plans holding stock of a subchapter S corporation concerning the prohibition against allocations to disqualified persons under section 409(p).

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/03	68 FR 43058
Comment Period End	10/20/03	
Second NPRM	12/17/04	69 FR 75492
NPRM Comment Period End	03/17/05	
Hearing	04/20/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-129709-03

Drafting attorney: John T. Ricotta (202) 622-6060

Reviewing attorney: Marjorie Hoffman (202) 622-6060

CC:TEGE

**Agency Contact:** John T. Ricotta, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

**Related RIN:** Related to 1545-BC33

RIN: 1545-BC34

### 2733. SUBSTITUTE FOR RETURN (SFR) AND AUTOMATED SUBSTITUTE FOR RETURN (ASFR)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 6020

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation serves as IRS' expression of intent that certain documents generated in the substitute for return (SFR) and Automated Substitute for Return (ASFR) processes constitute section 6020(b) returns for purposes of assessing the section 6651(a)(2) addition to tax.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/05	70 FR 41165
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** REG-131739-03

Drafting attorney: Tracey B. Leibowitz (202) 622-4940

Reviewing attorney: Ashton Trice (202) 622-4940

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Tracey B. Leibowitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**Related RIN:** Related to 1545-BC46

RIN: 1545-BC45

### 2734. GUIDANCE ON PFIC PURGING ELECTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These final regulations will provide guidance to taxpayers on making timely deemed sale and deemed dividend elections under sections 1298(b)(1) and 1291.

**Timetable:**

Action	Date	FR Cite
NPRM	08/24/04	69 FR 51967
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-120657-04

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Valerie A. Mark Lippe (202) 622-3840

Treasury attorney: David Ernack (202) 622-1754

CC:INTL

**Agency Contact:** Ethan A. Atticks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

RIN: 1545-BC49



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**2735. QUALIFIED SEVERANCE REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 2642(a)(3)(C)**CFR Citation:** 26 CFR 26**Legal Deadline:** None**Abstract:** This regulation relates to generation-skipping transfer tax consequences of a qualified severance of a trust.**Timetable:**

Action	Date	FR Cite
NPRM	08/24/04	69 FR 51967
Final Action	03/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-145987-03

Drafting attorney: Mayer R. Samuels (202) 622-7265

Reviewing attorney: George Masnik (202) 622-3618

Treasury attorney: Catherine Hughes (202) 622-9407

CC:PSI

**Agency Contact:** Mayer R. Samuels, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3090**RIN:** 1545-BC50**2736. QUALIFIED ZONE ACADEMY BONDS; OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations will provide for permissible use of proceeds, coordinate and make consistent provisions regarding determination of credit rate and maturity date, and implement the ability of S corporation shareholders to take the credit allowance under sect 1397E(a). It will provide for remedial action in case of change in use of bond proceeds.**Timetable:**

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15747
Public Hearing	07/21/04	
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Additional Information:** REG-121475-03

Drafting attorney: Zoran Stojanovic (202) 622-3721

Reviewing attorney: Timothy L. Jones (202) 622-3701

Treasury attorney: Stephen Watson (202) 622-1322

CC:TEGE

**Agency Contact:** Zoran Stojanovic, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3721**RIN:** 1545-BC61**2737. GUIDANCE UNDER SECTION 707 REGARDING DISGUISED SALES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 707; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide guidance regarding disguised sales of partnership interests.**Timetable:**

Action	Date	FR Cite
NPRM	11/26/04	69 FR 68838
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-149519-03

Drafting attorney: Deane M. Burke (202) 622-3070

Reviewing attorney: Christine Ellison (202) 622-3070

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Deane M. Burke, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070**RIN:** 1545-BC63**2738. SECTION 1045 APPLICATION TO PARTNERSHIPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide guidance on how the capital gains rollover provision of section 1045 applies to partnerships.**Timetable:**

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49957
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** REG-150562-03

Drafting attorneys: Charlotte Chyr (202) 622-3070 and Jian Grant (202) 622-3050

Reviewing attorneys: James Quinn (202) 622-3070 and Mary Beth Collins (202) 622-3070

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Charlotte Chyr, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070Jian Grant, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-BC67

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**2739. COLLECTION AFTER ASSESSMENT**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805; 26 USC 6502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Internal Revenue Service Restructuring and Reform Act of 1998 (RRA '98) section 3461 amended section 6502 of the Code to limit the ability of the Service to enter into agreements extending the collection statute. RRA '98 also included an off-Code "sunset" provision governing the continued effect of collection statute extension agreements executed prior to January 1, 2000, the effective date of this section. The current regulations under section 6502 have not been updated to reflect these changes to the section. The current regulations provide that extension agreements may be executed anytime prior to the expiration of the original statutory collection period.

The revised regulations will incorporate the changes imposed by RRA '98. Also, the revised regulations will discuss the continued validity of extension agreements executed prior to January 1, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/05	70 FR 10572
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-148701-03

Drafting attorney: Debra Kohn (202) 622-3620

Reviewing attorney: Lawrence Schattner (202) 622-3620

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:CBS

**Agency Contact:** Debra A. Kohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3620

Email: debra.akohn@irs.counsel.treas.gov

**RIN:** 1545-BC72

**2740. GUIDANCE UNDER SECTION 1502; APPLICATION OF SECTION 108 TO MEMBERS OF A CONSOLIDATED GROUP**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations amend REG-132760-03 published in the Federal Register on September 4, 2003 (68 FR 52542), and TD 9089 also published in the Federal Register on September 4, 2003 (68 FR 52487). Those regulations provided guidance concerning the application of section 108 to members of a consolidated group.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/03	68 FR 69062
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-153319-03

Drafting attorney: Amber R. Cook (202) 622-7530

Reviewing attorney: Lewis K. Brickates (202) 622-7530

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Amber R. Cook, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, Room 5411, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7530

**Related RIN:** Related to 1545-BC38, Related to 1545-BC39

**RIN:** 1545-BC74

**2741. DETERMINATION OF RESIDENCY IN U.S. POSSESSIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 937

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The section 937 proposed regulations provide rules for determining whether an individual is a bona fide resident of a U.S. possession, including America Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. The proposed regulations also provide rules for determining when income is considered to be from sources within a U.S. possession and whether income is effectively connected with the conduct of a trade or business within any U.S. possession. In addition, the proposed regulations contain additional conforming changes to regulations under related or effected sections of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/05	70 FR 18949
Public Hearing	07/21/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-159243-03

Drafting attorney: J. David Varley (202) 435-5262

Reviewing attorney: Douglas Gible (202) 435-5262

Treasury attorney: Gretchen Sierra (202) 622-1755

CC:INTL

**Agency Contact:** J. David Varley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224  
Phone: 202 435-5265

W. Edward Williams, Special Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3830

**RIN:** 1545-BC86

**2742. EXCLUSION OF EMPLOYEES OF 501(C)(3) ORGANIZATIONS IN 401(K) AND 401(M) PLANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

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**Abstract:** This action amends the Income Tax Regulations (26 CFR part 1) under section 410(b) of the Internal Revenue Code of 1986 (Code). The amendments would allow a section 401(k) plan or a section 401(m) plan that is provided under the same general arrangement as the section 401(k) plan to treat employees of an organization described in section 501(c)(3), which is exempt from tax under section 501(a), who are eligible to make salary reduction contributions to a tax-sheltered annuity pursuant to section 403(b) (a section 403(b) annuity) as excludable employees for the purpose of testing whether such plans meet the minimum coverage requirements specified in section 410(b). Congress ordered a modification of the current rule in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. 107-16, 115 Stat. 38).

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	03/16/04 12/00/05	69 FR 12291

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-149752-03

Drafting attorney: Lisa Mojiri-Azad (202) 622-6060

Treasury attorney: W. Thomas Reeder (202) 622-1341

CC:TEGE

**Agency Contact:** Lisa Mojiri-Azad, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

**RIN:** 1545-BC87

**2743. GUIDANCE UNDER SECTION 1502; APPLICATION OF SECTION 108 TO MEMBERS OF A CONSOLIDATED GROUP; COMPUTATION OF TAXABLE INCOME WHEN SECTION 108 APPLIES TO A MEMBER OF A CONSOLIDATED GROUP**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1502**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations provide guidance to prevent circular bases computations resulting from the

application of sections 108(b) and 1.1502-28T, and guidance regarding recapture under section 1245 following application of the look-through rules of section 1017(d) and section 1.1502-28T.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	03/15/04 12/00/05	69 FR 12091

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-167265-03

Drafting attorney: Amber R. Cook (202) 622-7530

Reviewing attorney: Lewis K. Brickates (202) 622-7530

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Amber R. Cook, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, Room 5411, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7530

**Related RIN:** Related to 1545-BC96**RIN:** 1545-BC95

**2744. SOLID WASTE DISPOSAL FACILITIES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 142**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will modify the definition of solid waste disposal facility for purposes of section 142(a)(6) of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	05/10/04 06/00/06	69 FR 25856

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** REG-140492-02

Drafting attorney: Aviva M. Roth (202) 622-3980

Reviewing attorney: Timothy Jones (202) 622-3980

CC:TEGE

**Agency Contact:** Aviva M. Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224

Phone: 202 622-3980

**RIN:** 1545-BD04

**2745. DEEMED IRAS IN GOVERNMENTAL PLANS/QUALIFIED NONBANK TRUSTEE RULES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 408**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Under IRS section 408(q), a qualified employer plan (plans described in sections 401(a) of the Code, 403(a), 403(b), and governmental plans under section 457(b)) may permit employees to make voluntary employee contributions to a "deemed IRA," i.e., separate account or annuity established under the plan. Generally, these accounts or annuities are treated as IRAs pursuant to IRC section 408. Proposed regulations providing guidance with respect to section 408(q) were published in the Federal Register on May 20, 2003, and the final regulations are expected to be published on or before March 31, 2004. Deemed IRAs must satisfy the requirements of section 408(a) except for the commingling requirements of section 408(a)(5). Consistent with this general rule, section 1.408(q)-1(f)(1) of the proposed regulations provides that the trustee or custodian of an individual retirement account must be a bank or an entity that received approval from the Commissioner to serve as a nonbank trustee, pursuant to section 1.408-2(e) of the regulations. IRC section 1.408-2(e)(1) provides that an entity must demonstrate by written application that the requirements of paragraph (e)(2) to (e)(6) of that regulation will be met in order to qualify as a nonbank trustee. The new regulation will provide that governmental entities need not demonstrate that all of these requirements will be met with respect to any deemed IRAs maintained by that governmental entity. The new regulation will provide that a governmental entity must demonstrate in writing to the satisfaction of the Commissioner that the entity will

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administer the trust in a manner that is consistent with the requirements of section 408.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/04	69 FR 43786
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-101447-04

Drafting attorney: Linda L. Conway (202) 622-6090

Reviewing attorney: Janet A. Laufer (202) 622-6090

Treasury attorney: W. Thomas Reeder (202) 622-1341

CC:TEGE

**Agency Contact:** Linda L. Conway, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**RIN:** 1545-BD07

**2746. DUAL CONSOLIDATED LOSS REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1503

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides additional guidance with respect to dual consolidated losses under section 1503(d).

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29868
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-102144-04

Drafting attorney: Kathryn T. Holman (202) 622-3840

Reviewing attorney: John Merrick (202) 622-3800

Treasury attorney: David Sotos (202) 622-0851

CC:INTL

**Agency Contact:** Kathryn T. Holman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-BD10

**2747. GUIDANCE ON PHASED RETIREMENT**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This guidance will lay out rules for establishing a bona fide phased retirement program. Generally, such a program would provide employees who are at or near eligibility for retirement with the opportunity for a reduced schedule and to receive a distribution of a proportionate share of their pension benefits based on their "partial retirement."

**Timetable:**

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65108
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-114726-04

Drafting attorney: Cathy A. Vohs (202) 622-6090

Reviewing attorney: Janet Laufer (202) 622-6090

Treasury attorney: Bill Bortz (202) 622-1352

CC:TEGE

**Agency Contact:** Cathy A. Vohs, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**RIN:** 1545-BD23

**2748. STOCK HELD BY FOREIGN INSURANCE COMPANIES**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 864

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to the application of the asset-use test to stock held by foreign insurance companies. The regulation will provide that the exception to the asset-use test will not apply in determining whether the income, gain, or loss from portfolio stock held by foreign insurance companies constitutes income effectively connected with the conduct of a U.S. trade or business.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35543
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-117307-04

Drafting attorney: Sheila Ramaswamy (202) 622-3870

Reviewing attorney: Steven Jensen (202) 622-3870

CC:INTL

**Agency Contact:** Sheila Ramaswamy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-BD27

**2749. REQUIREMENTS FOR REORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC 368

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance regarding reorganizations under section 368(a)(1)(F) of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49836
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

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**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106889-04

Drafting attorney: Robert B. Gray (202) 622-7550

Reviewing attorney: Debra L. Carlisle (202) 622-7550

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Robert B. Gray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7550

**RIN:** 1545-BD31

### 2750. GUIDANCE ON PFIC PURGING ELECTIONS (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These temporary regulations will provide guidance regarding retroactive relief for taxpayers who, in limited circumstances, continue to be subject to the PFIC excess distribution regime of section 1291 although the foreign corporation in which they own stock is no longer treated as a PFIC under section 1298(b)(1) or section 1297(e).

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-133446-03

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Valerie A. Mark Lippe (202) 622-3840

Treasury attorney: David Ernick (202) 622-0222

CC:INTL

**Agency Contact:** Ethan A. Atticks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3840

**Related RIN:** Related to 1545-BC37

**RIN:** 1545-BD33

### 2751. CLARIFICATION OF DEFINITIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations will address the treatment of corporate continuances under section 7701.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49840
Public Hearing	11/03/04	69 FR 49840
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-124872-04

Drafting attorney: Thomas D. Beem (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

Treasury attorney: David Sotos (202) 622-0851

CC:INTL

**Agency Contact:** Thomas D. Beem, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**Related RIN:** Related to 1545-BD43

**RIN:** 1545-BD37

### 2752. UNDERPAYMENT FOR QUALIFIED AMENDED RETURNS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will revise the definition of "qualified amended return" in accordance with Notice 2004-38.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/05	70 FR 10062
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-122847-04

Drafting attorney: Nancy M. Galib (202) 622-7022

Reviewing attorney: Ashton P. Trice (202) 622-4940

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Nancy M. Galib, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7022

**RIN:** 1545-BD40

### 2753. TRANSFERS OF RESTRICTED STOCK (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 83

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The temporary regulations addressing the application of section 83 to the transfer of substantially nonvested stock to a related person.

**Timetable:**

Action	Date	FR Cite
Temporary Regulations	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-127147-04

Drafting attorney: Stephen B. Tackney (202) 622-6030

Treasury attorney: Dan Hogans (202) 622-1332

CC: TEGE

**Agency Contact:** Stephen B. Tackney, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6030

**Related RIN:** Related to 1545-BD44

**RIN:** 1545-BD45

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**2754. TREATMENT OF DISREGARDED ENTITIES UNDER SECTION 752****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 752; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Provide rules under section 752 for taking into account the net value of a disregarded entity owned by a partner or related person for purposes of allocating partnership liabilities.**Timetable:**

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49832
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-128767-04

Drafting attorney: Charlotte Chyr (202) 622-3080

Reviewing attorney: Jeanne Sullivan (202) 622-3050

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Charlotte Chyr, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070**RIN:** 1545-BD48**2755. SECTION 951 PRO RATA RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations provide rules for determining a U.S. shareholder's pro rata share of subpart F income of a controlled foreign corporation.**Timetable:**

Action	Date	FR Cite
NPRM	08/05/04	69 FR 47822
Final Action	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-129771-04

Drafting attorney: Jeffrey L. Vinnik (202) 622-3840

Reviewing attorney: Phyllis E. Marcus (202) 622-3840

Treasury attorney: Andrew Froberg (202) 622-1779

CC:INTL

**Agency Contact:** Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840**RIN:** 1545-BD49**2756. HIPAA PORTABILITY: SPECIAL ENROLLMENT PROCEDURES, TOLLING, AND INTERACTION WITH FMLA****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 9833**CFR Citation:** 26 CFR 54**Legal Deadline:** None**Abstract:** These regulations enhance the existing HIPAA portability regulations by tolling the running of certain time periods in certain circumstances, clarifying the procedures for requesting special enrollment, addressing how the HIPAA portability requirements apply to individuals taking leave under the Family and Medical Leave Act of 1993, and prescribing how to count the number of employees an employer has.**Timetable:**

Action	Date	FR Cite
NPRM	12/30/04	69 FR 78800
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-130370-04

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of theTreasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080**Related RIN:** Related to 1545-AW02, Related to 1545-AX84**RIN:** 1545-BD51**2757. CONTINUITY OF INTEREST/STOCK FLUCTUATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation relates to the circumstances in which the determination of whether a potential reorganization satisfies the continuity of interest requirement is made by reference to the value of the consideration delivered to the target corporation's shareholders as of the transaction's signing date.**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48429
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-129706-04

Reviewing attorney: Jeffrey B. Fienberg (202) 622-7770

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Christopher M. Bass, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7770**RIN:** 1545-BD53**2758. GUIDANCE UNDER SECTION 1502; MISCELLANEOUS OPERATING RULES FOR SUCCESSOR PERSONS; APPLICABILITY OF SECTION 381****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 1502**CFR Citation:** 26 CFR 1

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**Legal Deadline:** None

**Abstract:** This regulation addresses certain issues related to complete liquidations when more than one group member owns stock of the liquidating corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8552
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-131128-04

Drafting attorney: Jeffrey B. Fienberg (202) 622-7770

Reviewing attorney: Edward S. Cohen (202) 622-7770

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC: COR

**Agency Contact:** Jeffrey B. Fienberg, Assistant to the Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7770

**RIN:** 1545-BD54

**2759. MANUFACTURER INCENTIVE PAYMENTS IN AN INTERCOMPANY TRANSACTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project clarifies how the intercompany transaction regulations treat manufacturer incentive payments to other members of the group.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50112
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-131264-04

Drafting attorney: Frances L. Kelly (202) 622-7770

Reviewing attorney: Gerald B. Fleming (202) 622-7770

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Frances L. Kelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7072

**RIN:** 1545-BD55

**2760. ASSET TRANSFERS FOLLOWING PUTATIVE REORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides amendments to section 1.368-2. The amendments address the effect of transfers of the assets or the stock of parties to a reorganization pursuant to transactions intended to qualify as reorganizations within the meaning of section 368(a) of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/04	69 FR 51209
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-130863-04

Drafting attorney: Jeffrey B. Fienberg (202) 622-7770

Reviewing attorney: Alfred C. Bishop, Jr. (202) 622-7930

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Jeffrey B. Fienberg, Assistant to the Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7770

**RIN:** 1545-BD56

**2761. GUIDANCE UNDER SECTION 368 REGARDING MERGERS WITH AND INTO A FOREIGN CORPORATION**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation addresses whether a transaction involving one or more foreign corporations may qualify as a statutory merger within the meaning of section 368(a)(1)(A) of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/05	70 FR 746
Final Action	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-117969-00

Drafting attorney: Vincent Daly (202) 622-7770

Reviewing attorney: Marlene Oppenheim (202) 622-7770

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC: COR

**Agency Contact:** Vincent Daly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7770

**RIN:** 1545-BD76

**2762. SECTION 1374 EFFECTIVE DATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 337(d); 26 USC 1374(e); 26 USC 7805(a)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** Final, Statutory, December 20, 2007.

**Abstract:** Section 1374(a) of the Internal Revenue Code imposes a tax on recognized built-in gains on assets held by a corporation when it converted from a C corporation to an S corporation. This provision is generally effective for corporations that had made S corporation elections after

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December 31, 1986 (or for certain gains of certain "small" corporations, December 31, 1988). Section 1374(d)(8) imposes a tax on recognized built-in gains on assets received from a C corporation to an S corporation in a carryover basis transaction. The proposed regulations clarify that: 1) Section 1374(a) applies to a corporation if it initially elected S status before the applicable section 1374(a) effective date, but then returned to C corporation status and made a new S corporation election after the applicable section 1374 effective date; and 2) section 1374(d)(8) applies to a carryover basis transaction that occurs after December 31, 1986 (or, if applicable, December 31, 1988), regardless of when the transferee S corporation elected S status.

**Timetable:**

Action	Date	FR Cite
NPRM	12/22/04	69 FR 76635
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-139683-04

Drafting attorney: Stephen R. Cleary (202) 622-7750

Reviewing attorney: Lisa Fuller (202) 622-7750

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC: COR

**Agency Contact:** Stephen R. Cleary, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7750

**Related RIN:** Related to 1545-BD99**RIN:** 1545-BD95**2763. FLAT RATE SUPPLEMENTAL WAGE WITHHOLDING****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 107-16, sec 101(c)(11); PL 103-66, sec 13273**CFR Citation:** 26 CFR 31**Legal Deadline:** None**Abstract:** Amendment of section 31.3402(g)-1 of Employment Tax

Regulations to reflect changes in law affecting optional flat rate for income tax withholding on supplemental wages.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/05	70 FR 767
NPRM Comment Period End	04/11/05	
Other/Hearing	06/09/05	70 FR 21163
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-152945-04

Drafting attorney: Alfred G. Kelley (202) 622-6040

CC: TEGE

**Agency Contact:** Alfred G. Kelley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6040

**RIN:** 1545-BD96**2764. DISCLOSURE OF RELATIVE VALUES OF OPTIONAL FORMS OF BENEFIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 417 (a)(3)**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations will modify regulations issued on December 17, 2003, to change the effective date provisions of those regulations (regarding the explanations that must be provided before a pension plan participant waives a qualified joint and survivor annuity) and make a few other clarifications.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/05	70 FR 4058
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** REG-15291404

Drafting attorney: Bruce Perlin (202) 622-6090

Reviewing attorney: Linda S.F. Marshall (202) 622-6090

Treasury contact: Harlan Weller (202) 622-1001

CC: TEGE

**Agency Contact:** Bruce Perlin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224

Phone: 202 622-6090

**RIN:** 1545-BD97**2765. DYE INJECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations relate to the diesel fuel and kerosene excise tax and reflect changes made by the American Jobs Creation Act of 2004 (Act) regarding mechanical dye injection systems. Under the Act, diesel fuel and kerosene that are to be used in a nontaxable use must be indelibly dyed by use of a mechanical dye injection system that satisfies the requirements set forth in the regulations. The purpose of the regulations is to establish standards for tamper resistant mechanical injector dyeing that are reasonable, cost-effective, and set levels of security commensurate with the applicable facility.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/05	70 FR 21361
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-154000-04

Drafting attorney: William L. Blodgett (202) 622-3090

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** William L. Blodgett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3090

**Related RIN:** Related to 1545-BE44**RIN:** 1545-BE04



## TREAS—IRS

## Final Rule Stage

**2766. DESIGNATED ROTH CONTRIBUTIONS UNDER CASH OR DEFERRED ARRANGEMENTS UNDER SECTION 401(K)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The regulations would provide guidance concerning the requirements for designated Roth contributions for plans containing cash or deferred arrangements under section 401(k). The regulations affect plans containing cash or deferred arrangements under section 401(k) and affected participants eligible to make elective deferrals under these plans.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/05	70 FR 10062
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined**Additional Information:** REG-152354-04

Drafting attorney: R. Lisa Mojiri-Azad (202) 622-6040

Treasury contact: Harlan Weller (202) 622-1001

CC: TEGE

**Agency Contact:** R. Lisa Mojiri-Azad, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-BE05**2767. CIRCULAR 230—COVERED OPINION AMENDMENTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 31 USC 330**CFR Citation:** 31 CFR 10**Legal Deadline:** None

**Abstract:** These regulations propose amendments to the standards for tax opinions related to municipal bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/04	69 FR 75887
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-159824-04

Drafting attorney: Heather L. Dostaler (202) 622-4940

Reviewing attorney: Richard Goldstein (202) 622-3900

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Heather L. Dostaler, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**Related RIN:** Related to 1545-BA70**RIN:** 1545-BE13**2768. DISCLOSURE OF RETURN INFORMATION TO THE DEPARTMENT OF AGRICULTURE**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 6103(j)(5)**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** This regulation relates to return information to be disclosed to the Department of Agriculture for use in conducting the Census of Agriculture. The regulation will conform the language in the current regulation at 26 CFR 301.6103(j)(5)-1 to the language adopted in the recently published regulation pertaining to disclosures to the Bureau of the Census at 26 CFR 301.6103(j)(1)-1.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/03	68 FR 33857
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** REG-103809-03

Drafting attorney: Deborah C. Lambert-Dean (202) 622-4570

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:DPL

**Agency Contact:** Deborah C. Lambert-Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4570

**RIN:** 1545-BE15**2769. EXCLUSIONS FROM GROSS INCOME OF FOREIGN CORPORATIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will delay for one year the applicability date of TD 9087, relating to income derived by foreign corporations from the international operation of ships or aircraft (Treasury regulations sections 1.883-0 through 1.883-5), making those regulations applicable to taxable years beginning after September 24, 2004, pursuant to section 423 of the American Jobs Creation Act of 2004.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-160687-04

Drafting attorney: Patricia A. Bray (202) 622-3880

Reviewing attorney: Elizabeth U. Karzon (202) 622-3880

Treasury attorney: Gretchen Sierra (202) 622-1755

CC:INTL

**Agency Contact:** Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545-BE16

## TREAS—IRS

## Final Rule Stage

**2770. WITHHOLDING EXEMPTIONS****Priority:** Info./Admin./Other**Legal Authority:** 26 USC 3402**CFR Citation:** 26 CFR 31**Legal Deadline:** None

**Abstract:** This regulation addresses the application of section 1374 in certain cases in which an S corporation elected S status before the effective date of section 1374, terminated S corporation status, and then re-elected S corporation status after the effective date of section 1374. It also addresses the application of section 1374(d)(8).

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/05	70 FR 19721
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-162813-04

Drafting attorney: Margaret A. Owens (202) 622-0047

Reviewing attorney: Janine Cook (202) 622-0047

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Margaret A. Owens, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-0047

**Related RIN:** Related to 1545-BE21**RIN:** 1545-BE20**2771. ● GUIDANCE UNDER SECTION 7874 FOR DETERMINING OWNERSHIP BY FORMER SHAREHOLDERS OR PARTNERS OF DOMESTIC ENTITIES (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 7874**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This temporary regulation provides guidance for carrying out the rule of section 7874(c)(2). Section

7874(a)(2)(B) provides that a foreign corporation will be a surrogate foreign corporation, if among other requirements, 60% of the stock of the entity is owned by former shareholders or partners of the domestic entity by reason of their holding an interest in the domestic entity. Section 7874(c)(2) states that in determining ownership under section 7874(a)(2)(B)(ii) stock held by members of the expanded affiliated group is disregarded.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-143244-05

Drafting Attorney: Jefferson VanderWolk (202) 622-3810

Reviewing Attorney: Milton Cahn (202) 622-3810

CC:INTL

**Agency Contact:** Jefferson VanderWolk, Special Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3810

**Related RIN:** Related to 1545-BE93**RIN:** 1545-BE94**2772. ● CAPITAL COSTS INCURRED TO COMPLY WITH EPA SULFUR REGULATIONS (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation provides guidance under section 179B of the Internal Revenue Code relating to EPA sulfur.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	03/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** REG-143453-05

Drafting attorney: Charles J. Magee (202) 622-3110

Reviewing attorney: Kathleen Reed (202) 622-3110

Treasury attorney: John Parcell (202) 622-2578

CC:PSI

**Agency Contact:** Charles Magee, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110

**Related RIN:** Related to 1545-BE96**RIN:** 1545-BE97**2773. ● CAFETERIA PLANS (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 125**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Temporary regulations on cafeteria plans (employee welfare benefit plans allowing employees to choose between taxable benefits and nontaxable benefits (e.g., employer-provided accident and health plans, group term life insurance or dependent care assistance programs).

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-142695-05

Drafting attorney: Elizabeth A. Purcell (202) 622-6080

Reviewing attorney: Harry Beker (202) 622-6080

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Elizabeth A. Purcell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**Related RIN:** Related to 1545-BF00**RIN:** 1545-BF01

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**
**Long-Term Actions**
**2774. INCOME TAX—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 301; 26 CFR 602

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Teresa B. Hughes  
Phone: 202 622-3850

**RIN:** 1545-AC09

**2775. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO AND POSSESSION TAX CREDIT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Ricardo A. Cadenas  
Phone: 202 435-5262

**RIN:** 1545-AC10

**2776. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION, AND OTHER SPECIAL RULES FOR FSC**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467

NPRM Comment  
Period End  
Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carol Tan  
Phone: 202 435-5265

**RIN:** 1545-AI16

**2777. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100

NPRM Comment  
Period End

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** David A. Juster  
Phone: 202 622-3850

**RIN:** 1545-AL93

**2778. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard L. Chewning  
Phone: 202 622-3850

**RIN:** 1545-AM11

**2779. EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2535

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Margaret A. Hogan

Phone: 202 622-3850

**RIN:** 1545-AM90

**2780. CARIBBEAN BASIN INVESTMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21963

Hearing  
07/12/91 56 FR 21963

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Ricardo A. Cadenas  
Phone: 202 435-5262

**RIN:** 1545-AM91

**2781. CONSOLIDATED ALTERNATIVE MINIMUM TAX**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/92	57 FR 62251

NPRM Comment  
Period End  
03/01/93

Hearing  
04/06/93

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Martin Scully  
Phone: 202 622-8066

**RIN:** 1545-AN73

**2782. CONFORMING TAXABLE YEARS OF CFCS AND FPHCS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/93	58 FR 290

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carl M. Cooper  
Phone: 202 622-3840

**RIN:** 1545-AO22

## TREAS—IRS

## Long-Term Actions

**2783. INFORMATION REPORTING AND RECORD MAINTENANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gregory A. Spring  
Phone: 202 622-3870**RIN:** 1545-AP10**2784. REGISTRATION REQUIRED OBLIGATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/21/93	58 FR 5316
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Carl M. Cooper  
Phone: 202 622-3840**RIN:** 1545-AP33**2785. USE OF GAAP EARNINGS AS E&P OF FOREIGN CORPORATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	07/01/92	57 FR 29246
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Margaret A. Hogan  
Phone: 202 622-3850**RIN:** 1545-AQ55**2786. INTEREST-FREE ADJUSTMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Timetable:**

Action	Date	FR Cite
NPRM	12/10/92	57 FR 58423
NPRM Comment	02/08/93	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Karin Loverud  
Phone: 202 622-6060**RIN:** 1545-AQ61**2787. THE TREATMENT OF ACCELERATED DEATH BENEFITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/15/92	57 FR 59319
NPRM Comment	02/26/93	
Period End		
Hearing	03/19/93	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ann H. Logan  
Phone: 202 622-3970**RIN:** 1545-AQ70**2788. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE"****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
NPRM Comment	04/19/88	
Period End		
Partially Closed by TD	06/27/94	59 FR 32911
8548		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Federalism:** Undetermined**Agency Contact:** R. Lisa Mojiri-Azad  
Phone: 202 622-6080**RIN:** 1545-AQ74**2789. MARK-TO-MARKET UPON DISPOSITION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/04/95	60 FR 397
Final Action	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stephen J. Coleman  
Phone: 202 622-6289**RIN:** 1545-AS85**2790. ALLOCATION OF ACCRUED BENEFITS BETWEEN EMPLOYER AND EMPLOYEE CONTRIBUTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/22/95	60 FR 66532
NPRM Comment	03/21/96	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Cathy A. Vohs  
Phone: 202 622-6090**RIN:** 1545-AT82**2791. FOREIGN CORPORATIONS REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	03/08/96	61 FR 9377
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gregory A. Spring  
Phone: 202 622-3870**RIN:** 1545-AT96

## TREAS—IRS

## Long-Term Actions

**2792. APPLICATION OF GRANTOR TRUST RULES TO NONEXEMPT EMPLOYEES' TRUSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	09/27/96	61 FR 50778
NPRM Comment Period End	12/26/96	
Hearing	01/15/97	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** M. Grace Fleeman  
Phone: 202 622-3880Linda S.F. Marshall  
Phone: 202 622-6090James A. Quinn  
Phone: 202 622-3070**RIN:** 1545-AU29**2793. APPLICATION OF ATTRIBUTION RULES TO FOREIGN TRUSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** M. Grace Fleeman  
Phone: 202 622-3880**RIN:** 1545-AU91**2794. ELECTRONIC TRANSMISSION OF WITHHOLDING CERTIFICATES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	10/14/97	62 FR 53504
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Carl M. Cooper  
Phone: 202 622-3840**RIN:** 1545-AV27**2795. CONSTRUCTIVE SALES OF APPRECIATED FINANCIAL POSITIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Kathleen Sleeth  
Phone: 202 622-3920**RIN:** 1545-AW97**2796. HIGHLY COMPENSATED EMPLOYEE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** R. Lisa Mojiri-Azad  
Phone: 202 622-6080**RIN:** 1545-AX48**2797. SPECIAL RULES FOR S CORPORATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301; 26 CFR 601**Timetable:**

Action	Date	FR Cite
NPRM	04/27/92	57 FR 15272
NPRM Comment Period End	06/26/92	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David A. Juster

Phone: 202 622-3850

**Related RIN:** Split from 1545-AP35,  
Related to 1545-AS88**RIN:** 1545-AY44**2798. NORMAL RETIREMENT AGE FOR PENSION PLANS****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Janet A. Laufer  
Phone: 202 622-6090**RIN:** 1545-AY61**2799. PAYMENTS FOR INTEREST IN PARTNERSHIP****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stacy L. Short  
Phone: 202 622-3070**RIN:** 1545-AY90**2800. CONSOLIDATED RETURNS; NONAPPLICABILITY OF SECTION 357(C)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	11/14/01	66 FR 57021
Public Hearing	03/21/02	
Final Action	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Thomas I. Russell

## TREAS—IRS

## Long-Term Actions

Phone: 202 622-7550

RIN: 1545-BA09

**2801. EARNINGS AND PROFITS ATTRIBUTION PRINCIPLES**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Michael I. Gilman  
Phone: 202 622-3850

RIN: 1545-BA93

**2802. GUIDANCE TO FACILITATE ELECTRONIC TAX ADMINISTRATION**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 301

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dillon Taylor  
Phone: 202 622-4940

RIN: 1545-BA96

**2803. TIMELY MAILING TREATMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 301

Timetable:

Action	Date	FR Cite
NPRM	09/21/04	69 FR 56377
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Dillon Taylor  
Phone: 202 622-4940

RIN: 1545-BA99

**2804. AMENDING THE LOW-INCOME HOUSING TAX CREDIT PROGRAM**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jack Malgeri  
Phone: 202 622-3040

RIN: 1545-BB37

**2805. AMENDMENT TO SECTION 6724 RELATING TO FAILURE TO FILE CORRECT INFORMATION RETURNS**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

Timetable:

Action	Date	FR Cite
NPRM	07/09/03	68 FR 40857
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William M. Kostak  
Phone: 202 622-4910

RIN: 1545-BB41

**2806. APPLICATION OF NONDISCRIMINATION CROSS-TESTING RULES TO CASH BALANCE PLANS**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

Timetable:

Action	Date	FR Cite
NPRM	12/11/02	67 FR 76123
Hearing	04/09/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Linda S.F. Marshall  
Phone: 202 622-6090

Related RIN: Related to 1545-BA10

RIN: 1545-BB79

**2807. NOTARIZATION REQUIREMENT FOR STATEMENTS OF PURCHASE**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

Timetable:

Action	Date	FR Cite
NPRM	07/10/03	68 FR 41087
Comment Period End	10/08/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John T. Ricotta  
Phone: 202 622-6060

RIN: 1545-BC11

**2808. CONTINGENT AT CLOSING ESCROWS**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1; 26 CFR 602

Timetable:

Action	Date	FR Cite
NPRM	02/01/99	64 FR 4801
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Shevak  
Phone: 202 622-8142

Related RIN: Related to 1545-AR82

RIN: 1545-BC16

**2809. COORDINATION OF UNITED STATES AND CERTAIN POSSESSIONS INCOME TAXES**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1; 26 CFR 301

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Mae J. Lew  
Phone: 202 435-5262

Related RIN: Related to 1545-BD32

RIN: 1545-BC54

**2810. TRANSACTIONS INVOLVING THE TRANSFER OF NO NET EQUITY VALUE**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

## TREAS—IRS

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/05	70 FR 11903
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jean R. Brenner  
Phone: 202 622-7790**RIN:** 1545-BC88**2811. DISCLOSURES TO SUBCONTRACTORS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM	01/12/05	70 FR 2076
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State**Agency Contact:** Helene R. Newsome  
Phone: 202 622-4570**RIN:** 1545-BC92**2812. ACCUMULATED ADJUSTMENT ACCOUNT AND OTHER CORPORATE SEPARATIONS UNDER SECTION 355****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Deane M. Burke  
Phone: 202 622-3070**RIN:** 1545-BC98**2813. ATTAINED AGE OF THE INSURED****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29671
Other/Comment	08/24/05	
Period End		
Other/Public Hearing	09/14/05	70 FR 29672
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ann H. Logan  
Phone: 202 622-3970**RIN:** 1545-BD00**2814. CURRENT LIABILITY INTEREST RATE UNDER SECTION 412(B)(5)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Linda S.F. Marshall  
Phone: 202 622-6090**RIN:** 1545-BD13**2815. COORDINATION OF UNITED STATES AND CERTAIN POSSESSIONS INCOME TAXES (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 301**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mae J. Lew  
Phone: 202 435-5262**Related RIN:** Related to 1545-BC54**RIN:** 1545-BD32**2816. LIFO RECAPTURE UNDER SECTION 1363(D)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50109
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Pietro E. Canestrelli  
Phone: 202 622-3060**Related RIN:** Related to 1545-BC66**RIN:** 1545-BD34**2817. UPDATE OF 415 REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	05/31/05	70 FR 31214
Other/Public Hearing	08/17/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Vernon S. Carter  
Phone: 202 622-6060**RIN:** 1545-BD52**2818. CLASSIFICATION OF INDIAN TRIBAL CORPORATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Barbara Campbell  
Phone: 202 622-3050**RIN:** 1545-BD61

## TREAS—IRS

## Long-Term Actions

**2819. MANDATORY E-FILING FOR FORMS 1120****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM	01/12/05	70 FR 2075
Final Action	12/00/06	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Michael E. Hara  
Phone: 202 622-4910**RIN:** 1545-BD65**2820. CLASSIFICATION OF CERTAIN FOREIGN ENTITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Ronald M. Gootzeit  
Phone: 202 622-3860**Related RIN:** Related to 1545-BD78**RIN:** 1545-BD77**2821. CLASSIFICATION OF CERTAIN FOREIGN ENTITIES (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Ronald M. Gootzeit  
Phone: 202 622-3860**Related RIN:** Related to 1545-BD77**RIN:** 1545-BD78**2822. SPECIAL RULES TO REDUCE SECTION 1446 WITHHOLDING****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Ronald M. Gootzeit  
Phone: 202 622-3860**Related RIN:** Related to 1545-AY28**RIN:** 1545-BD80**2823. DEFINITION OF THE "DUE DATE" FOR PURPOSES OF CALCULATING OVERPAYMENT INTEREST UNDER SECTION 301.6611(H)****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 301**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tatiana L. Belenkaya  
Phone: 202 622-4910**RIN:** 1545-BD86**2824. RETURN FOR SUBCHAPTER T COOPERATIVES****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	07/29/05	70 FR 43811
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Donnell M. Rini-Swyers  
Phone: 202 622-4910**RIN:** 1545-BD92**2825. EMPLOYER'S ANNUAL FEDERAL EMPLOYMENT TAX RETURN—FORM 944****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 31**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Raymond Bailey  
Phone: 202 622-4910**Related RIN:** Related to 1545-BE00**RIN:** 1545-BD93**2826. RETURN FOR SUBCHAPTER T COOPERATIVES (TEMPORARY)****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 1**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Donnell M. Rini-Swyers  
Phone: 202 622-4910**Related RIN:** Related to 1545-BD92**RIN:** 1545-BD98**2827. EMPLOYER'S ANNUAL FEDERAL EMPLOYMENT TAX RETURN—FORM 944 (TEMPORARY)****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 31**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Raymond Bailey  
Phone: 202 622-4910**Related RIN:** Related to 1545-BD93**RIN:** 1545-BE00**2828. APPLICATION OF SECTION 6404(G) SUSPENSION PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Julie A. Jebe



## TREAS—IRS

## Long-Term Actions

Phone: 202 622-7950

RIN: 1545-BE07

**2829. DISCLOSURE OF RETURN INFORMATION TO THE BUREAU OF THE CENSUS****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12166
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James C. O'Leary  
Phone: 202 622-8543**Related RIN:** Related to 1545-BC93,  
Related to 1545-BE02, Related to  
1545-BE01

RIN: 1545-BE08

**2830. INFORMATION RETURNS BY DONEES RELATING TO QUALIFIED INTELLECTUAL PROPERTY CONTRIBUTIONS****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 1; 26 CFR 602**Timetable:**

Action	Date	FR Cite
NPRM	05/23/05	70 FR 29460
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Donnell M.  
Rini-Swyers  
Phone: 202 622-4910

RIN: 1545-BE11

**2831. SECTION 6011 REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis

Phone: 202 622-3080

**Related RIN:** Related to 1545-BE25

RIN: 1545-BE24

**2832. SECTION 6011 REGULATIONS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
Temporary Regulations	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080**Related RIN:** Related to 1545-BE24

RIN: 1545-BE25

**2833. SECTION 6111 REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080**Related RIN:** Related to 1545-BE27

RIN: 1545-BE26

**2834. SECTION 6111 REGULATIONS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
Temporary Regulations	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080**Related RIN:** Related to 1545-BE26

RIN: 1545-BE27

**2835. SECTION 6112 REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080**Related RIN:** Related to 1545-BE29

RIN: 1545-BE28

**2836. SECTION 6112 REGULATIONS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
Temporary Regulations	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080**Related RIN:** Related to 1545-BE28

RIN: 1545-BE29

**2837. DOMESTIC WORKERS REGULATION UPDATE (APPLICATION OF THE FEDERAL INSURANCE CONTRIBUTIONS ACT TO PAYMENTS MADE FOR CERTAIN SERVICES)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Timetable:**

Action	Date	FR Cite
NPRM	08/26/05	70 FR 50228
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul J. Carlino  
Phone: 202 622-0047

RIN: 1545-BE32

## TREAS—IRS

## Long-Term Actions

**2838. MODIFICATIONS TO THE DE MINIMIS DEPOSIT RULE UNDER SECTION 6302****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Audra M. Dineen  
Phone: 202 622-4940**Related RIN:** Related to 1545-BE49**RIN:** 1545-BE48**2839. MODIFICATION TO THE DE MINIMIS DEPOSIT RULE UNDER SECTION 6302 (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Audra M. Dineen  
Phone: 202 622-4940**Related RIN:** Related to 1545-BE48**RIN:** 1545-BE49**2840. • REGULATIONS UNDER SECTION 263A REGARDING USE OF SIMPLIFIED SERVICE COST METHOD AND SIMPLIFIED PRODUCTION METHOD****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 263A**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Application of simplified service cost method and simplified production method to self-constructed assets.**Timetable:**

Action	Date	FR Cite
NPRM	08/03/05	70 FR 44535
Final Action	12/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-121584-05Drafting attorney: Scott H. Rabinowitz  
(202) 622-4970

CC:ITA

**Agency Contact:** Scott H. Rabinowitz,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4970**Related RIN:** Related to 1545-BE61**RIN:** 1545-BE57**2841. • APPLICATION OF THE FEDERAL INSURANCE CONTRIBUTIONS ACT, FEDERAL UNEMPLOYMENT TAX ACT, AND COLLECTION OF INCOME TAX AT SOURCE TO STATUTORY STOCK OPTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-357, sec. 251**CFR Citation:** 26 CFR 31**Legal Deadline:** None**Abstract:** On November 14, 2001, the IRS and Treasury published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under section 424 of the Code, that would address the application of the FICA, FUTA, and Collection of Income Tax at Source to statutory stock options. These proposed amendments to the regulations were published in the Federal Register (66 FR 57023). Because section 251 of the American Jobs Creation Act of 2004 (the AJCA), H.R. 4520, Public Law 108-357, 118 Stat. 1418, subsequently amended sections 3121 (a), 3306(b), 421(b), and 423(c) of the Code to address the application of the Federal Insurance Contributions Act (FICA), Federal Unemployment Tax Act (FUTA), and Collection of Income Tax at Source to statutory stock options in a manner different than set forth in the proposed amendments to the regulations, the IRS and Treasury are withdrawing the proposed amendments to the regulations.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-142686-01

Drafting attorney: Paul J. Carlino (202) 622-0047

Reviewing attorney: Michael J. Swim  
(202) 622-0047 and Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Paul J. Carlino,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave NW, Washington, DC  
20224  
Phone: 202 622-0047**Related RIN:** Related to 1545-BA26**RIN:** 1545-BE60**2842. • SIMPLIFICATION OF EXTENSION PROCESS UNDER SECTION 6081****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Legal Authority:** 26 USC 6081**CFR Citation:** 26 CFR 1; 26 CFR 53;  
26 CFR 55; 26 CFR 156; 26 CFR 301**Legal Deadline:** None**Abstract:** The revision to the regulation  
will allow certain taxpayers a 6-month  
extension of time to file their tax  
returns. This is a proposed regulation.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis  
Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-144898-04Drafting attorney: Tracey B. Leibowitz  
(202) 622-4940

CC:PA:APJ

**Agency Contact:** Tracey B. Leibowitz,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4940**Related RIN:** Related to 1545-BE63**RIN:** 1545-BE62**2843. • SIMPLIFICATION OF EXTENSION PROCESS UNDER SECTION 6081 (TEMPORARY)****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Legal Authority:** 26 USC 6081**CFR Citation:** 26 CFR 1; 26 CFR 53;  
26 CFR 55; 26 CFR 156; 26 CFR 301**Legal Deadline:** None**Abstract:** This temporary regulation  
will allow certain taxpayers a 6-month  
extension of time to file their tax  
returns.

## TREAS—IRS

## Long-Term Actions

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-144898-04

Drafting attorney: Tracey B. Leibowitz (202) 622-4940

CC:PA:APJ

**Agency Contact:** Tracey B. Leibowitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**Related RIN:** Related to 1545-BE62

**RIN:** 1545-BE63

**2844. • DEFERRED COMPENSATION (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 409 A

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Temporary regulations that reflect the enactment of section 885 of the American Jobs Creation Act of 2004.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-158080-04

Drafting attorney: Michael B. Hughes (202) 622-6030

CC:TEGE

**Agency Contact:** Michael B. Hughes, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-6030

**RIN:** 1545-BE79

**2845. • ABANDONMENT OF STOCK AND OTHER SECURITIES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 165; 26 USC 166

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Guidance is needed regarding the Federal income tax consequences of the surrender of stock, securities, or debt for no consideration where the surrender is not a gift or contribution. Since these interpretive regulations will clarify current law, a cost/benefit analysis is not necessary.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-101001-05

Drafting attorney: Joy Spies (202) 622-5020

**Agency Contact:** Joy Spies, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-5020

**RIN:** 1545-BE80

**2846. • FOREIGN CURRENCY CONTRACT DEFINED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1256(g)(2)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations relate to the definition of a foreign currency contract of purposes of section 1256(g)(2) of the Internal Revenue Code.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-120934-05

Drafting attorney: Stephen J. Coleman (202) 622-6289

CC: FI

**Agency Contact:** Stephen J. Coleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6289

**Related RIN:** Related to 1545-BE83

**RIN:** 1545-BE82

**2847. • FOREIGN CURRENCY CONTRACT DEFINED (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1256(g)(2)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations relates to the definition of a foreign currency contract for purposes of section 1256(g)(2) of the Internal Revenue Code.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-120934-05

Drafting attorney: Stephen J. Coleman (202) 622-6289

CC:FI

**Agency Contact:** Stephen J. Coleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6289

**Related RIN:** Related to 1545-BE82

**RIN:** 1545-BE83

**2848. • SPECIAL ALLOCATION OF BASIS IN CONNECTION WITH ADJUSTMENTS AND DETERMINATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide rules for allocation of basis of member stock in connection with certain intragroup transactions.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-138879-05

Drafting attorney: Theresa M. Kolish (202) 622-7530

CC: COR

**Agency Contact:** Theresa M. Kolish, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

## TREAS—IRS

## Long-Term Actions

Phone: 202 622-7530

**Related RIN:** Related to 1545-BE88

**RIN:** 1545-BE87

**2849. • APPLICATION OF SECTION 338 TO INSURANCE COMPANIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 338

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations dealing with guidance of selected issues concerning the application of section 338 to insurance companies. These rules will address the determination of the amount of the

ceding commission required to be capitalized under section 848 and amortized under section 197 in connection with the deemed asset sale, and the effect of reserve increases by new target after the deemed asset sale. These rules will be incorporated by reference in final regulations, and will be issued concurrently with those final regulations (RIN 1545-AY49).

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-146384-05

Drafting attorney: Mark J. Weiss (202) 622-7790

Reviewing attorney: Victor Penico (202) 622-7750

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Mark Weiss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7790

**Related RIN:** Related to 1545-AY49, Related to 1545-BF03

**RIN:** 1545-BF02

**Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)**

## Completed Actions

**2850. FOREIGN INSURANCE COMPANIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/17/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sheila Ramaswamy  
Phone: 202 622-3870

**RIN:** 1545-AL82

**2851. FRINGE BENEFIT SOURCING UNDER SECTION 861**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9212	07/14/05	70 FR 40663

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** David F. Bergkuist  
Phone: 202 622-3850

**RIN:** 1545-AO72

**2852. GUIDANCE IN NOTICE 89-37, WHICH TREATS THE RECEIPT OF A CORPORATE PARTNER'S STOCK BY THE CORPORATE PARTNER AS A CIRCUMVENTION OF GENERAL UTILITIES REPEAL**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/17/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080

**RIN:** 1545-AP52

**2853. TREATMENT OF DUAL CONSOLIDATED LOSSES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/19/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kathryn T. Holman

Phone: 202 622-3840

**RIN:** 1545-AR26

**2854. FINANCIAL ASSET SECURITIZATION INVESTMENT TRUST (FASIT) START-UP; OPERATIONAL AND TRANSITIONAL RULES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301; 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/22/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Arturo Estrada  
Phone: 202 622-3900

**RIN:** 1545-AU94

**2855. RETURN OF LEVIED PROPERTY IN CERTAIN CASES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9213	07/14/05	70 FR 40669

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## TREAS—IRS

## Completed Actions

**Government Levels Affected:** None

**Agency Contact:** Kevin B. Connelly  
Phone: 202 622-3630

**RIN:** 1545-AV01

### 2856. CAPITAL GAIN GUIDANCE RELATING TO CRTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9190	03/16/05	70 FR 12793

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Theresa M.

Melchiorre

Phone: 202 622-7830

**RIN:** 1545-AW35

### 2857. CASH OR DEFERRED ARRANGEMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9169	12/29/04	69 FR 78144

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** R. Lisa Mojiri-Azad

Phone: 202 622-6080

**Related RIN:** Related to 1545-AX43

**RIN:** 1545-AX26

### 2858. ASSUMPTION OF PARTNERSHIP LIABILITIES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Second NPRM	05/26/05	70 FR 30381
Temporary Regulation Completed by TD 9207	05/26/05	70 FR 30334

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Laura C. Fields

Phone: 202 622-3050

**Related RIN:** Related to 1545-BB83

**RIN:** 1545-AX93

### 2859. WITHHOLDING TAX ON FOREIGN PARTNERS' SHARE OF EFFECTIVELY CONNECTED INCOME

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Second NPRM	05/18/05	70 FR 28743
Final Action Completed by TD 9200	05/18/05	70 FR 28702

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Ronald M. Gootzeit

Phone: 202 622-3860

**Related RIN:** Related to 1545-BD80

**RIN:** 1545-AY28

### 2860. GUIDANCE UNDER SECTION 355(E); RECOGNITION OF GAIN ON CERTAIN DISTRIBUTIONS OF STOCK OR SECURITIES IN CONNECTION WITH AN ACQUISITION

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9198	04/19/05	70 FR 20279

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Amber R. Cook

Phone: 202 622-7530

**Related RIN:** Related to 1545-BA55

**RIN:** 1545-AY42

### 2861. PROPERTY EXEMPT FROM LEVY

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9189	03/07/05	70 FR 10885

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robin M. Ferguson

Phone: 202 622-3610

**RIN:** 1545-BA22

### 2862. INCOME FROM SOURCES WITHIN SPECIFIED POSSESSION

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/29/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ethan A. Atticks

Phone: 202 622-3840

**RIN:** 1545-BA37

### 2863. CARRYBACK OF CONSOLIDATED NET OPERATING LOSSES TO SEPARATE RETURN YEARS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/22/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Theresa M. Kolish

Phone: 202 622-7530

**Related RIN:** Related to 1545-BA76

**RIN:** 1545-BA73

### 2864. AGGREGATE COMPUTATION AND ALLOCATION OF RESEARCH CREDIT

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

## TREAS—IRS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Withdrawn	05/24/05	70 FR 29662

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nicole R. Cimino  
Phone: 202 622-3120**Related RIN:** Related to 1545-AX05,  
Related to 1545-BD60**RIN:** 1545-BA88**2865. DESIGNATED IRS OFFICER OR EMPLOYEE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 301**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9195	04/01/05	70 FR 16711

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Elizabeth D. Rawlins  
Phone: 202 622-3600**Related RIN:** Related to 1545-BA98**RIN:** 1545-BA89**2866. DISTRIBUTIONS OF PROPERTY****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301; 26 CFR 20**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9172	01/04/05	70 FR 295

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Theresa M.  
Melchiorre  
Phone: 202 622-7830**RIN:** 1545-BB12**2867. DUPLICATIVE TAX BENEFITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Withdrawn	08/16/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jay M. Singer  
Phone: 202 622-7530**Related RIN:** Related to 1545-BB95**RIN:** 1545-BB25**2868. INVESTMENT ADJUSTMENT RULES AND WAIVER OF LOSS CARRYOVERS FROM SRLY YEARS—AMENDED****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9187	02/03/05	70 FR 10319

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeffrey B. Fienberg  
Phone: 202 622-7770**Related RIN:** Related to 1545-BD39**RIN:** 1545-BB38**2869. ELECTION OUT GENERATION-SKIPPING TRANSFER TAX (GST) DEEMED ALLOCATIONS****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 601**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9208	06/29/05	70 FR 37258

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mayer Samuels  
Phone: 202 622-7265**RIN:** 1545-BB54**2870. INSTALLMENT OBLIGATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9193	03/22/05	70 FR 14394

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeanne Sullivan  
Phone: 202 622-3070**RIN:** 1545-BB65**2871. CORPORATE REORGANIZATIONS: CONTINUITY TRANSFERS OF ASSETS OR STOCK FOLLOWING A REORGANIZATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Withdrawn	08/22/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rebecca O. Burch  
Phone: 202 622-7550**Related RIN:** Related to 1545-BB81**RIN:** 1545-BB80**2872. DEEMED CORPORATE ELECTION FOR ELECTING S CORPORATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9203	05/23/05	70 FR 29452

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Rebekah A. Myers  
Phone: 202 622-3050**Related RIN:** Related to 1545-BD24**RIN:** 1545-BC32

## TREAS—IRS

## Completed Actions

**2873. GUIDANCE UNDER SECTION 1502; APPLICATION OF SECTION 108 TO MEMBERS OF A CONSOLIDATED GROUP**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9192	03/22/05	70 FR 14395

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amber R. Cook  
Phone: 202 622-7530

Related RIN: Related to 1545-BC39

RIN: 1545-BC38

**2874. SUBSTITUTE FOR RETURN (SFR) AND AUTOMATED SUBSTITUTE FOR RETURN (ASFR) (TEMPORARY)**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9215	07/18/05	70 FR 41144

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tracey B. Leibowitz  
Phone: 202 622-4940

Related RIN: Related to 1545-BC45

RIN: 1545-BC46

**2875. GUARANTEE FEES UNDER SECTION 143(G)**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9204	05/23/05	70 FR 29447

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Michael P. Brewer  
Phone: 202 622-3980

RIN: 1545-BC59

**2876. PREDECEASED PARENT RULE**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 26

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9214	07/18/05	70 FR 41140

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lian A. Mito  
Phone: 202 622-7830

RIN: 1545-BC60

**2877. SECTION 179 ELECTIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9209	07/13/05	70 FR 40189

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Winston H. Douglas  
Phone: 202 622-3110

RIN: 1545-BC69

**2878. REAL ESTATE MORTGAGE INVESTMENT CONDUIT (REMIC) TETRA RULES**

Priority: Info./Admin./Other

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9182	02/25/05	70 FR 9218

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Arturo Estrada  
Phone: 202 622-3900

RIN: 1545-BC71

**2879. TREATMENT OF FOREIGN STAPLED CORPORATION**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9216	07/29/05	70 FR 43757

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert W. Lorence  
Phone: 202 622-3860

Related RIN: Related to 1545-BD06

RIN: 1545-BD05

**2880. TREATMENT OF FOREIGN STAPLED CORPORATION (TEMPORARY)**

Priority: Substantive, Nonsignificant

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9216	07/29/05	70 FR 43757

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard L. Osborne  
Phone: 202 622-3860

Related RIN: Related to 1545-BD05

RIN: 1545-BD06

**2881. TIME AND MANNER OF MAKING SECTION 163(D)(4)(B) ELECTION TO TREAT QUALIFIED DIVIDEND INCOME AS INVESTMENT INCOME**

Priority: Info./Admin./Other

CFR Citation: 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9191	03/18/05	70 FR 13100

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

## TREAS—IRS

## Completed Actions

**Agency Contact:** Amy J. Pfalzgraf  
Phone: 202 622-4950  
**RIN:** 1545-BD16

**2882. MOVE AND UPDATE THE ESTIMATED TAX REGULATIONS**

**Priority:** Info./Admin./Other  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Final Rule	09/02/05	70 FR 52299
Final Rule Effective	09/02/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tonya L. Christianson  
Phone: 202 622-4910

**RIN:** 1545-BD17

**2883. ALLOCATION AND APPORTIONMENT OF DEDUCTIONS FOR CHARITABLE CONTRIBUTIONS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9211	07/14/05	70 FR 40661

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Teresa B. Hughes  
Phone: 202 622-3850

**Related RIN:** Related to 1545-AP30

**RIN:** 1545-BD47

**2884. SOURCE OF COMPENSATION FOR LABOR OR PERSONAL SERVICES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Merged With 1545-AO72	07/14/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** David F. Bergkuist  
Phone: 202 622-3850  
**RIN:** 1545-BD62

**2885. GUIDANCE UNDER SECTION 79**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Withdrawn	08/22/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Betty J. Clary  
Phone: 202 622-6080

**RIN:** 1545-BD85

**2886. INFORMATION RETURNS BY DONEES RELATING TO QUALIFIED INTELLECTUAL PROPERTY CONTRIBUTIONS (TEMPORARY)**

**Priority:** Info./Admin./Other  
**CFR Citation:** 26 CFR 1; 26 CFR 602  
**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9206	05/23/05	70 FR 29460

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Donnell M. Rini-Swyers  
Phone: 202 622-4910

**Related RIN:** Related to 1545-BE11

**RIN:** 1545-BE12

**2887. AGGREGATE COMPUTATION: ALLOCATION OF RESEARCH CREDIT II (TEMPORARY)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9205	05/24/05	70 FR 29596

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Nicole R. Cimino

Phone: 202 622-3120  
**Related RIN:** Related to 1545-BD60  
**RIN:** 1545-BE17

**2888. WITHHOLDING EXEMPTIONS (TEMPORARY)**

**Priority:** Info./Admin./Other  
**CFR Citation:** 26 CFR 31  
**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9196	04/14/05	70 FR 19694

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Margaret A. Owens  
Phone: 202 622-0047

**Related RIN:** Related to 1545-BE20

**RIN:** 1545-BE21

**2889. RESIDENCE AND SOURCE RULES INVOLVING U.S. POSSESSIONS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9194	04/11/05	70 FR 18920

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John David Varley  
Phone: 202 435-5262

**Related RIN:** Related to 1545-BC86

**RIN:** 1545-BE22

**2890. DYE INJECTION (TEMPORARY)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9199	04/26/05	70 FR 21332

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None



## TREAS—IRS

## Completed Actions

**Agency Contact:** William L. Blodgett  
Phone: 202 622-3090

**Related RIN:** Related to 1545-BE44

**RIN:** 1545-BE44

**2891. ATTAINED AGE OF INSURED**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/22/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ann H. Logan

Phone: 202 622-3970

**RIN:** 1545-BE53

**2892. • REGULATIONS UNDER SECTION 263A REGARDING USE AT SIMPLIFIED SERVICE COST METHOD AND SIMPLIFIED PRODUCTION METHOD (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 263A

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Application of simplified service cost method and simplified

production method to self-constructed assets.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation Completed by TD 9217	08/03/05	70 FR 44467

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-121584-05

Drafting attorney: Scott H. Rabinowitz  
(202) 622-4970

CC:ITA

**Agency Contact:** Scott H. Rabinowitz,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4970

**Related RIN:** Related to 1545-BE57

**RIN:** 1545-BE61

**2893. • LIFO RECAPTURE UNDER SECTION 1363(D)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 337; 26 USC 1363

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** Corporations that hold LIFO inventory indirectly through partnerships and that elect to be treated as S corporations are subject to LIFO recapture under section 1363(d) based on their share of the income that would be allocated to them if the inventory were sold.

**Timetable:**

Action	Date	FR Cite
Final Action Completed by TD 9210	07/12/05	70 FR 39920

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-149524-03

Drafting attorney: Pietro Canestrelli  
(202) 622-3060

Reviewing attorney: David Haglund  
(202) 622-4031

Treasury attorney: Matthew Lay (202)  
622-1788

CC:PSI

**Agency Contact:** Pietro E. Canestrelli,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3060

**RIN:** 1545-BE75

**BILLING CODE** 6720-01-S

**Department of the Treasury (TREAS)  
Office of Thrift Supervision (OTS)**

## Prerule Stage

**2894. RISK-BASED CAPITAL GUIDELINES; CAPITAL ADEQUACY GUIDELINES; MAINTENANCE: DOMESTIC CAPITAL MODIFICATIONS**

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1828 note

**CFR Citation:** 12 CFR 567

**Legal Deadline:** None

**Abstract:** The Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and Office of Thrift Supervision are considering various revisions to the risk-based capital framework. The

revisions are designed to enhance the framework's risk sensitivity and to minimize competitive disparities between larger banking organizations that will be subject to the advanced approaches implemented under the new Basel Capital Framework and other banking organizations that will not be subject to these advanced approaches.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/20/05	70 FR 61068
ANPRM Comment Period End	01/18/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**  
Undetermined

**Federalism:** Undetermined

**Agency Contact:** Michael D. Solomon,  
Director, Capital Policy, Department of  
the Treasury, Office of Thrift  
Supervision, 1700 G Street NW.,  
Washington, DC 20552  
Phone: 202 906-5654

Teresa Scott, Counsel (Banking and  
Finance), Department of the Treasury,  
Office of Thrift Supervision, 1700 G  
Street NW., Washington, DC 20552  
Phone: 202 906-6478

Karen Osterloh, Special Counsel,  
Regulations and Legislation Division,  
Department of the Treasury, Office of  
Thrift Supervision, 1700 G Street NW.,  
Washington, DC 20552

## TREAS—OTS

Prerule Stage

Phone: 202 906-6639

RIN: 1550-AB98

**Department of the Treasury (TREAS)**  
**Office of Thrift Supervision (OTS)**

Proposed Rule Stage

**2895. RISK-BASED CAPITAL GUIDELINES; IMPLEMENTATION OF NEW BASEL CAPITAL ACCORD**
**Priority:** Economically Significant.

Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1828 (note)**CFR Citation:** 12 CFR 567**Legal Deadline:** None

**Abstract:** In 2003, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision (collectively, the "Federal Banking Agencies") sought industry comment on a proposed framework for implementing the New Basel Capital Accord in the United States. The advance notice of proposed rulemaking (ANPRM) described significant elements of the Advanced Internal Ratings-Based approach for credit risk and the Advanced Measurement Approaches for operational risk (together, the advanced approaches). The ANPRM specified criteria that would be used to determine banking organizations that would be required to use the advanced approaches, subject to meeting certain qualifying criteria, supervisory standards, and disclosure requirements. Other banking organizations that would meet the criteria, standards, and requirements also would be eligible to use the advanced approaches. Under the advanced approaches, banking organizations would use internal estimates of certain risk components as key inputs in the determination of their regulatory capital requirements.

In the fourth quarter of 2004, the Federal Banking Agencies began a quantitative impact study to help determine the potential impact of implementing the capital framework set forth in the "International Convergence of Capital Measurement and Capital Standards: A Revised Framework," which updates and makes some

significant revisions to the preliminary New Basel Capital Accord document from 2003, upon which the above ANPRM was based.

After review of the results of the quantitative impact study and after further review and full consideration of public comments received on the ANPRM, the Federal Banking Agencies plan to publish a notice of proposed rulemaking for implementation of this capital framework.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/04/03	68 FR 45900
ANPRM Comment Period End	11/03/03	
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Michael D. Solomon, Director, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5654

Karen Osterloh, Special Counsel, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6639

David Riley, Senior Analyst, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6669

**Related RIN:** Related to 1550-AB11**RIN:** 1550-AB56
**2896. SECURITIES-RELATED ACTIVITIES OF SAVINGS ASSOCIATIONS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 375b; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1817; 12 USC 1820; 12 USC 1828; 12 USC 18310; 12 USC

3806; 42 USC 4106; 44 USC 3501 et seq

**CFR Citation:** 12 CFR 506; 12 CFR 545; 12 CFR 559; 12 CFR 563**Legal Deadline:** None

**Abstract:** OTS is proposing to reduce regulatory burden by updating and revising its rules on securities-related activities of savings associations. First, the proposed rule describes the existing authority of federal savings associations to engage in various securities broker, dealer, and underwriting activities under the Home Owners' Loan Act (HOLA). This description should reduce compliance burdens by making OTS positions regarding the permissibility of these activities readily available to all.

OTS is also updating the existing prohibition on the sale of debt and equity securities issued by a savings association or its affiliate at the offices of a savings association. This change will reduce burden on savings associations by adding new exceptions and by eliminating consumer protection rules that overlap, and in some cases conflict, with other agency guidance. Finally, the proposed rule would eliminate various obsolete OTS securities activity regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Agency Contact:** Judi McCormick, Director, Consumer Protection and Specialized Programs, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5636

Karen Osterloh, Special Counsel, Regulations and Legislation Division, Department of the Treasury, Office of

## TREAS—OTS

## Proposed Rule Stage

Thrift Supervision, 1700 G Street NW.,  
Washington, DC 20552  
Phone: 202 906-6639

John P. Harootunian, Senior Attorney,  
Business Transactions Division,  
Department of the Treasury, Office of  
Thrift Supervision, 1700 G Street NW.,  
Washington, DC 20552  
Phone: 202 906-6415

**RIN:** 1550-AB92

### 2897. IDENTITY THEFT DETECTION, PREVENTION, AND MITIGATION PROGRAM FOR FINANCIAL INSTITUTIONS AND CREDITORS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1681m; 15 USC 1681c; 15 USC 1681s

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The banking agencies, NCUA, and FTC also plan to issue a proposed rule implementing sections 114 and 315 of the FACT Act. Section 114 requires the agencies to develop guidelines for use in identifying patterns, practices, and specific forms of activity that indicate the possible existence of identity theft. The agencies are also required to issue regulations requiring each financial institution and creditor to establish reasonable policies and procedures to implement such guidelines. The regulations must contain a provision requiring a card issuer to notify the cardholder if the card issuer receives a notice of change of address for an existing account, and a short time later receives a request for an additional or replacement card. Section 315 requires the agencies to issue regulations regarding reasonable policies and procedures that a user of a consumer report should employ when the user receives a notice of address discrepancy from a consumer reporting agency.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

### Regulatory Flexibility Analysis Required: Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Richard Bennett, Counsel, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7409

Glenn S. Gimble, Senior Project Manager, Thrift Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7158

**RIN:** 1550-AB94

### 2898. • ONE-YEAR POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1820(k); 5 USC 504; 5 USC 554 to 557; 12 USC 1464; 12 USC 1467; 12 USC 1467a; 12 USC 1468; 12 USC 1817(j); 12 USC 1818; 12 USC 1820(k); 12 USC 3349; 12 USC 4717; 15 USC 78(l); 15 USC 780-5; 15 USC 78u-2; 28 USC 2461 note 31; 31 USC 3321; 42 USC 4012a

**CFR Citation:** 12 CFR 507; 12 CFR 509

**Legal Deadline:** None

**Abstract:** The OCC, Board, FDIC and OTS (the Agencies) propose to adopt rules to implement section 6303(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Intelligence Reform Act), which added a new section 10(k) to the Federal Deposit Insurance Act (FDI Act). Section 10(k) imposes post-employment restrictions on senior examiners of depository institutions and depository institution holding companies. Under section 10(k), a senior examiner employed or commissioned by an Agency may not knowingly accept compensation as an

employee, officer, director, or consultant from certain depository institutions or depository institution holding companies he or she examined, or from certain related entities, for one year after the examiner leaves the employment or service of the Agency. If an examiner violates the one-year restriction, the statute requires the appropriate Federal banking agency to seek penalties. Accordingly, the examiner may be subject to an order of removal and prohibition or a civil money penalty of up to \$250,000.

The comment period closed on October 4, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/05	70 FR 45323
NPRM Comment Period End	10/04/05	
Proposed Rule	01/00/06	

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Osterloh, Special Counsel, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6639

Elizabeth Moore, Special Counsel, Litigation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552  
Phone: 202 906-7039

Lori J. Quigley, Asst. Managing Director, E&S Operations, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552  
Phone: 202 906-6265

**RIN:** 1550-AB99

**Department of the Treasury (TREAS)**  
**Office of Thrift Supervision (OTS)**

**Final Rule Stage**

**2899. FAIR CREDIT REPORTING  
 MEDICAL INFORMATION  
 REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1681b; 15 USC 1681s

**CFR Citation:** 12 CFR 571

**Legal Deadline:** Final, Statutory, June 4, 2004.

Creditors may not use a consumer's medical information to make credit determinations, except in accordance with the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). In accordance with section 411 of the FACT Act (15 U.S.C. 1681b(g)(5)(A) and (g)(5)(B)), the Federal banking agencies and the NCUA must, after notice and comment, issue regulations on necessary and appropriate access by creditors to medical information. Final regulations must be issued by June 4, 2004.

**Abstract:** The Office of the Comptroller of the Currency, Federal Reserve Board, Federal Deposit Insurance Corporation, Office of Thrift Supervision, and National Credit Union Administration published for comment proposed regulations implementing section 411 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). The FACT Act substantially amends the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681 et seq. Section 411(a) of the FACT Act adds a new section 604(g)(1) to the FCRA to prohibit creditors from obtaining or using medical information pertaining to a consumer in connection with any determination of the consumer's eligibility, or continued eligibility, for credit. In addition, section 411(b) of the FACT Act adds a new section 603(d)(3) to the FCRA to restrict the sharing of medical information and related lists or descriptions with affiliates.

The Agencies received comments from approximately 40 entities (and individuals). The Agencies are developing a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/04	69 FR 23380
NPRM Comment Period End	05/28/04	
Interim Final Rule	06/10/05	70 FR 33958
Interim Final Rule Comment Period End	07/11/05	
Final Rule	12/00/05	
Interim Final Rule Effective	03/07/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard Bennett, Counsel, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
 Phone: 202 906-7409

Glenn S. Gimble, Senior Project Manager, Thrift Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
 Phone: 202 906-7158

**RIN:** 1550-AB88

**2900. FAIR CREDIT REPORTING  
 AFFILIATE MARKETING  
 REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1828; 12 USC 1831p-1; 12 USC 1881 to 1884; 15 USC 1681b; 15 USC 1681s; 15 USC 1681w; 15 USC 6801; 15 USC 6805(b)(1); PL 108-159, sec 214, 117 Stat 1952

**CFR Citation:** 12 CFR 571

**Legal Deadline:** Final, Statutory, September 4, 2004.

Section 214 of the FACT Act adds a new section 624 to the FCRA. This new provision gives consumers the right to restrict a person from using certain information about a consumer obtained from an affiliate to make solicitations to that consumer. That section also

requires the Agencies, in consultation and coordination with each other, to issue regulations in final form implementing section 214 not later than 9 months after the date of enactment—effective not later than September 4, 2004.

**Abstract:** OCC, the Board, FDIC, OTS, and NCUA (Agencies) published for comment proposed regulations to implement the affiliate marketing provisions in section 214 of the Fair and Accurate Credit Transactions Act of 2003, which amends the Fair Credit Reporting Act. The proposed regulations generally prohibit a person from using information received from an affiliate to make a solicitation for marketing purposes to a consumer, unless the consumer is given notice and an opportunity and simple method to opt out of the making of such solicitations.

The comment period closed in August 2004 and comments are currently under review at the various agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42502
NPRM Comment Period End	08/16/04	
Final Rule	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Glenn S. Gimble, Senior Project Manager, Thrift Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
 Phone: 202 906-7158

Richard Bennett, Counsel, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
 Phone: 202 906-7409

**Related RIN:** Related to 1550-AB33

**RIN:** 1550-AB90

**Department of the Treasury (TREAS)**  
**Office of Thrift Supervision (OTS)**
**Long-Term Actions**
**2901. COMMUNITY REINVESTMENT ACT**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 563e

**Timetable:**

Action	Date	FR Cite
Joint ANPRM	07/19/01	66 FR 37602
Joint ANPRM Comment Period End	10/17/01	
NPRM	02/06/04	69 FR 5729
NPRM Comment Period End	04/06/04	
Final Rule	08/18/04	69 FR 51155
Final Rule Effective	10/01/04	
Second NPRM	11/24/04	69 FR 68257
Second NPRM Comment Period End	01/24/05	
Final Rule	03/02/05	70 FR 10023

Action	Date	FR Cite
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Final Rule Effective	04/01/05	
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Next Action Undetermined		
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**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Celeste Anderson

Phone: 202 906-7990

Richard Bennett

Phone: 202 906-7409

**RIN:** 1550-AB48

**2902. SPECIAL RULES FOR ADJUDICATORY PROCEEDINGS FOR CERTAIN HOLDING COMPANIES**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 509

**Timetable:**

Action	Date	FR Cite
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Interim Final Rule	03/02/05	70 FR 10021
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Interim Final Rule Effective	04/01/05	
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Interim Final Rule Comment Period End	05/02/05	
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Final Rule	To Be Determined	
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Final Rule	To Be Determined	
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**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Donna Deale

Phone: 202 906-7488

Aaron Kahn

Phone: 202 906-6263

**RIN:** 1550-AB96

**Department of the Treasury (TREAS)**  
**Office of Thrift Supervision (OTS)**
**Completed Actions**
**2903. EGRPRA REGULATORY REVIEW—APPLICATION AND REPORTING REQUIREMENTS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 506; 12 CFR 516; 12 CFR 528; 12 CFR 543 to 545; 12 CFR 552; 12 CFR 559; 12 CFR 563; 12 CFR 567; 12 CFR 574; 12 CFR 575

**Completed:**

Reason	Date	FR Cite
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Final Rule	08/31/05	70 FR 51582
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Final Action Effective	10/01/05	
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**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Don Dwyer

Phone: 202 906-6414

Karen Osterloh

Phone: 202 906-6639

Josephine Battle

Phone: 202 906-6870

Gary Jeffers

Phone: 202 906-6457

**RIN:** 1550-AB93

[FR Doc. 05-21045 Filed 10-28-05; 8:45 am]

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