



# Federal Register

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**Monday,  
May 16, 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**

**AGENCY:** Department of the Treasury.

**ACTION:** Semiannual regulatory agenda.

**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.

**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 the 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 listed in the semiannual regulatory agenda of the Departmental Offices of the Department of the Treasury. Because of continuing limitations in the computer software used to prepare the agenda, the agency information under the heading “For Further Information Contact” for most 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 conform to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

**Dated:** April 8, 2005.

**Richard S. Carro,**

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

**Departmental Offices—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2261	Terrorism Risk Insurance Program; Recoupments of Federal Share of Compensation for Insured Losses .....	1505-AB10
2262	19 CFR 111 Remote Location Filing .....	1505-AB20
2263	Uniform Rules of Origin .....	1505-AB49
2264	Revision of Outbound Redelivery Procedures and Liabilities .....	1505-AB52
2265	19 CFR 101 Centralization of the Continuous Bond Program at the CBP National Finance Center .....	1505-AB54
2266	Federal Benefit Payments Under Certain District of Columbia Retirement Plans .....	1505-AB55

**Departmental Offices—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2267	31 CFR 501 Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Economic Sanctions Enforcement Guidelines .....	1505-AA95
2268	Amendments to the Government Securities Act Regulations: Exemption for Holdings Subject to Fiduciary Standards .....	1505-AB06
2269	Terrorism Risk Insurance Program; Additional Claims Issues .....	1505-AB09
2270	Country-of-Origin Marking .....	1505-AB21
2271	Expanded Methods of Payment of Duties, Taxes, Interest, and Fees .....	1505-AB22
2272	19 CFR 4 User and Navigation Fees; Other Reimbursable Charges .....	1505-AB24
2273	19 CFR 10 African Growth and Opportunity Act and Generalized System of Preferences .....	1505-AB26
2274	Expanded Weekly Entry Procedure for Foreign Trade Zones .....	1505-AB27
2275	19 CFR 10 United States-Caribbean Basin Trade Partnership Act and Caribbean Basin Initiative .....	1505-AB28
2276	19 CFR 24 Reimbursable Customs Inspectional Services—Increase in Hourly Rate Charge .....	1505-AB29
2277	19 CFR 12 Dog and Cat Protection Act .....	1505-AB31
2278	19 CFR 141 Single Entry for Unassembled or Disassembled Entities Imported on Multiple Conveyances .....	1505-AB34
2279	19 CFR 10 Implementation of the Andean Trade Promotion and Drug Eradication Act .....	1505-AB37
2280	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
2281	19 CFR 24 Fees for Customs Processing at Express Courier Facilities .....	1505-AB39
2282	Trade Benefits Under the Caribbean Basin Economic Recovery Act .....	1505-AB40
2283	Tariff Treatment Related to Disassembly Operations Under the North American Free Trade Agreement (NAFTA) ..	1505-AB41
2284	19 CFR 10 United States—Chile Free Trade Agreement .....	1505-AB47
2285	19 CFR 10 United States—Singapore Free Trade Agreement .....	1505-AB48
2286	Recordation of Copyrights and Enforcement Procedures To Prevent Importation of Piratical Articles .....	1505-AB51

## Departmental Offices—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2287	31 CFR ch II Possible Regulation of Access to Accounts at Financial Institutions Through Payment Service Providers .....	1505-AA74
2288	Financial Activities of Financial Subsidiaries .....	1505-AA80
2289	Financial Subsidiaries .....	1505-AA81
2290	12 CFR 1501.2 Secretary's Determination of Real Estate Brokerage .....	1505-AA84
2291	12 CFR 1501.2 Secretary's Determination of Other Activities Financial in Nature .....	1505-AA85
2292	19 CFR 4 Harbor Maintenance Fee .....	1505-AB11
2293	Donated Cargo Exemption From Harbor Maintenance Fee .....	1505-AB12
2294	19 CFR 142 Reconciliation .....	1505-AB16
2295	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
2296	19 CFR 10 Prototypes Used Solely For Product Development, Testing, Evaluation, or Quality Control Purposes ...	1505-AB32
2297	19 CFR 10 Preferential Treatment of Brassieres Under the United States-Caribbean Basin Trade Partnership Act	1505-AB33
2298	Merchandise Processing Fees Eligible to be Claimed as Certain Types of Drawback Based on Substitution of Finished Petroleum Derivatives .....	1505-AB44
2299	Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Prehispanic Cultures of the Republic of El Salvador .....	1505-AB56

## Financial Crimes Enforcement Network—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2300	Customer Identification Programs for Pawn Brokers .....	1506-AA39

## Financial Crimes Enforcement Network—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2301	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Delegation of Authority To Assess Civil Money Penalties on Depository Institutions .....	1506-AA08
2302	Customer Identification Programs for Travel Agents .....	1506-AA38
2303	Customer Identification Programs for Loan and Finance Companies .....	1506-AA40
2304	Customer Identification Programs for Sellers of Vehicles .....	1506-AA41
2305	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Travel Agencies .....	1506-AA69

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

Sequence Number	Title	Regulation Identifier Number
2306	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Loan and Finance Companies .....	1506-AA73
2307	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
2308	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
2309	31 CFR 103 Amendment to the Bank Secrecy Act Regulations Regarding Reporting of Cross-Border Transportation of Certain Monetary Instruments .....	1506-AA15
2310	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Exemptions From the Requirement To Report Transactions in Currency .....	1506-AA23
2311	31 CFR 103.30 Amendment to the Bank Secrecy Act Regulations—Requirement that Nonfinancial Trades or Businesses Report Certain Currency Transactions .....	1506-AA25
2312	31 CFR 103.175-103.178 Due Diligence Requirements for Correspondent Accounts and Private Banking Accounts .....	1506-AA29
2313	31 CFR 103.121 Customer Identification Programs for Banks, Savings Associations, and Credit Unions .....	1506-AA31
2314	31 CFR 103.16 Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations Requirement That Insurance Companies Report Suspicious Transactions .....	1506-AA36
2315	31 CFR 103.15 Amendment to the Bank Secrecy Act Regulations—Requirement That Mutual Funds Report Suspicious Transactions .....	1506-AA37
2316	31 CFR 103.184 Imposition of Special Measures Against the Country of Nauru .....	1506-AA43
2317	Financial Crimes Enforcement; Amendments to the Bank Secrecy Act Regulations—Nomenclature Changes .....	1506-AA61
2318	Imposition of Special Measures Against the Commercial Bank of Syria as a Financial Institution of Primary Money Laundering Concern .....	1506-AA64
2319	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
2320	Imposition of Special Measure against Infobank as a Financial Institution of Primary Money Laundering Concern ..	1506-AA67
2321	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Mutual Funds .....	1506-AA68
2322	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Insurance Companies .....	1506-AA70
2323	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Investment Advisors .....	1506-AA71
2324	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Financial Institutions .....	1506-AA72
2325	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Money Services Businesses .....	1506-AA74
2326	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Commodity Trading Advisors .....	1506-AA75
2327	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Operators of a Credit Card System .....	1506-AA76
2328	31 CFR 103.65 Amendments to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Unregistered Investment Companies .....	1506-AA77
2329	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
2330	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
2331	31 CFR 245 Claims on Account of Treasury Checks .....	1510-AA51
2332	31 CFR 256 Payments Under Judgment and Private Relief Acts .....	1510-AA52

**Financial Management Service—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2333	31 CFR 285.7 Salary Offset .....	1510-AA70
2334	31 CFR 901.9 Federal Claims Collection Standard—Collection by Installments .....	1510-AA91
2335	Federal Government Participation in the ACH .....	1510-AB00
2336	Payment of Federal Taxes and the Treasury Tax and Loan Program .....	1510-AB01
2337	Administrative Wage Garnishment Clarifications .....	1510-AB02

**Financial Management Service—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
2338	31 CFR 285.5 Offset of Federal Payments (Other Than Tax Refund and Federal Benefit Payments) To Collect Past-Due, Legally Enforceable Nontax Debt .....	1510-AA65
2339	31 CFR 285.6 Offset of Federal Payments (Other Than Tax Refund and Federal Benefit Payments) To Collect Past-Due Debts Owed to States (Other Than Child Support) .....	1510-AA66
2340	31 CFR 285.14 Public Dissemination of Identity of Delinquent Debtors .....	1510-AA72
2341	31 CFR 285.8 Offset of Tax Refund Payment To Collect State Income Tax Obligations .....	1510-AA78
2342	31 CFR 223 Surety Bond Reimbursement Fund .....	1510-AA85
2343	Indorsement and Payment of Checks Drawn on the U.S. Treasury .....	1510-AA99

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

Sequence Number	Title	Regulation Identifier Number
2344	Proposed Revisions to the Beer Regulations .....	1513-AB05
2345	Labeling and Advertising of Wines, Distilled Spirits, and Malt Beverages .....	1513-AB07
2346	Allergen Labeling for Alcohol Beverages .....	1513-AB08
2347	27 CFR 252 Exportation of Liquors .....	1513-AA00

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

Sequence Number	Title	Regulation Identifier Number
2348	27 CFR 4 Prohibition of Alcohol Beverage Containers and Standard of Fill for Distilled Spirits and Wine .....	1513-AA07
2349	Wahluke Slope Viticultural Area .....	1513-AB01
2350	Petition To Establish San Antonio Valley as a New American Viticultural Area .....	1513-AB02

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

Sequence Number	Title	Regulation Identifier Number
2351	Denatured Spirits, Articles, and Nonbeverage Products .....	1513-AB03
2352	Alternating Brewery Proprietors .....	1513-AB09
2353	Availability of Information .....	1513-AA98
2354	Determination of Sale Price of Large Cigars .....	1513-AB10
2355	27 CFR 270 Determination of Tax and Recordkeeping on Large Cigars .....	1513-AA16
2356	27 CFR 19, subpart W Proposed Revisions to the Distilled Spirits Plant Regulations .....	1513-AA23
2357	27 CFR 44 Regulatory Changes From Customs Service Final Rule .....	1513-AA26
2358	27 CFR 40 Shipments of Tobacco Products or Cigarette Papers or Tubes Without Payment of Tax .....	1513-AA27
2359	27 CFR 17 Tax-Paid Distilled Spirits Used in Manufacturing Products Unfit for Beverage Use .....	1513-AA37
2360	27 CFR 4 Proposed Addition of New Grape Variety Names for American Wines .....	1513-AA42
2361	27 CFR 40 Marks, Labels, Notices, and Bonds for, and Removal of, Tobacco Products, and Cigarette Papers and Tubes .....	1513-AA49
2362	27 CFR 9 Petition To Establish "Santa Maria Bench" as a New American Viticultural Area .....	1513-AA51
2363	27 CFR 40 In-Transit Stops of Tobacco Products, and Cigarette Papers and Tubes Without Payment of Tax .....	1513-AA52
2364	27 CFR 9 Petition To Expand the Livermore Valley Viticultural Area .....	1513-AA54
2365	27 CFR 9 San Francisco Bay and Central Coast Viticultural Areas—Boundary Realignment/Expansion .....	1513-AA55
2366	Petition To Establish the "Fort Ross Seaview" Viticultural Area .....	1513-AA64
2367	Petition To Establish the "Shawnee Hills" Viticultural Area .....	1513-AA70
2368	Proposed Establishment of Alta Mesa Viticultural Area .....	1513-AA82
2369	Proposed Establishment of the Cosumnes River Viticultural Area .....	1513-AA83
2370	Proposed Establishment of Sloughhouse Viticultural Area .....	1513-AA84
2371	Proposed Establishment of Mokelumne River Viticultural Area .....	1513-AA85
2372	Proposed Establishment of Jahant Viticultural Area .....	1513-AA86
2373	Proposed Establishment of Borden Ranch Viticultural Area .....	1513-AA87
2374	Proposed Establishment of Clements Hills Viticultural Area .....	1513-AA88
2375	Proposed Establishment of the Mt. Oso Viticultural Area .....	1513-AA89
2376	Petition to Establish "Calistoga" as an American Viticultural Area .....	1513-AA92
2377	Ramona Valley Viticultural Area .....	1513-AA94
2378	Dos Rios Viticultural Area .....	1513-AA95

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

Sequence Number	Title	Regulation Identifier Number
2379	27 CFR 9 Petition To Establish "Alexandria Lakes" as a New American Viticultural Area .....	1513-AA45
2380	New Certification Requirements for Imported Wine .....	1513-AB00
2381	Administrative Changes to Alcohol, Tobacco, and Firearms Regulations Due to the Homeland Security Act of 2002 .....	1513-AA80
2382	Administrative Changes to the Publication of the TTB Bulletin .....	1513-AB06
2383	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
2384	27 CFR 275 Implementation of Public Law 105-33, Section 9302, Requiring the Qualification of Tobacco Product Importers and Miscellaneous Technical Amendments .....	1513-AA10
2385	27 CFR 31 Liquor Dealers; Recodification of Regulations .....	1513-AA19
2386	27 CFR 4 Proposal To Recognize Synonyms for Petite Sirah and Zinfandel Grape Varieties .....	1513-AA32
2387	27 CFR 9 Proposed Red Hill Douglas County, Oregon American Viticultural Area .....	1513-AA39
2388	27 CFR 9 Petition To Establish "Eola Hills" as a New American Viticultural Area .....	1513-AA41
2389	27 CFR 4 Organic Claims in Labeling and Advertising of Alcohol Beverages .....	1513-AA46
2390	27 CFR 9 Petition To Establish "Chehalem Mountains" as a New American Viticultural Area .....	1513-AA57
2391	27 CFR 9 Petition To Establish "Ribbon Ridge" as a New American Viticultural Area .....	1513-AA58
2392	27 CFR 7 Labeling and Advertising of Malt Beverages .....	1513-AA60
2393	Petition No. 2 To Expand the Russian River Valley Viticultural Area .....	1513-AA67
2394	Proposed Amended Boundaries for the Santa Lucia Highlands and the Arroyo Seco Viticultural Area .....	1513-AA72
2395	Petition To Establish "Texoma" as a Viticultural Area .....	1513-AA77
2396	Petition To Establish the "High Valley" Viticultural Area .....	1513-AA79
2397	Proposed Establishment of Covelo Viticultural Area .....	1513-AA90
2398	Proposed Establishment of Horse Heaven Hills .....	1513-AA91

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

Sequence Number	Title	Regulation Identifier Number
2399	Materials Authorized for the Treatment of Wine and Juice; Processes Authorized for the Treatment of Wine, Juice, and Distilling Material .....	1513-AA96
2400	Niagara Escarpment Viticultural Area .....	1513-AA97
2401	Suspension of Special (Occupational) Tax .....	1513-AB04

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

Sequence Number	Title	Regulation Identifier Number
2402	27 CFR 24.278 Implementation of Wine Credit Provisions of Public Law 104-188 .....	1513-AA05
2403	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
2404	27 CFR 4 Amended Standard of Identity for Sherry .....	1513-AA08
2405	27 CFR 275 Prohibited Marks on Packages of Tobacco Products and Cigarette Papers and Tubes Imported or Brought into the United States .....	1513-AA14

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

Sequence Number	Title	Regulation Identifier Number
2406	27 CFR 7 Flavored Malt Beverages and Related Proposals .....	1513-AA12
2407	27 CFR 24 Production of Dried Fruit and Honey Wines .....	1513-AA21
2408	27 CFR 9 Petition To Establish the "Trinity Lakes" Viticultural Area .....	1513-AA29
2409	27 CFR 9 Petition To Establish "Dundee Hills" as a New American Viticultural Area .....	1513-AA50
2410	27 CFR 9 Petition To Establish "Yamhill-Carlton District" as a New American Viticultural Area .....	1513-AA59
2411	Petition To Establish "McMinnville" as an American Viticultural Area in Oregon .....	1513-AA63
2412	27 CFR 9 Petition To Establish "Grand Lake O' the Cherokees" as a New American Viticultural Area .....	1513-AA66
2413	Petition To Establish "Southern Oregon" as a Viticultural Area .....	1513-AA75

## Comptroller of the Currency—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2414	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
2415	12 CFR 4 Rules, Policies, and Procedures for Corporate Activities; Licensing Procedures .....	1557-AC79
2416	Identity Theft Detection, Prevention, and Mitigation Program for Financial Institutions and Creditors .....	1557-AC87
2417	Implementation of a Revised Basel Capital Accord (Basel II) .....	1557-AC91
2418	One-Year Prohibition for Examiners .....	1557-AC94

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## Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2419	12 CFR 25 Community Reinvestment Act Regulation (12 CFR 25) .....	1557-AB98
2420	Electronic Filing and Disclosure of Beneficial Ownership Reports .....	1557-AC75
2421	Fair Credit Reporting: Use of Medical Information .....	1557-AC85
2422	Fair Credit Reporting: Affiliate Marketing Regulations .....	1557-AC88
2423	Securities Borrowing Transactions .....	1557-AC90

## Comptroller of the Currency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2424	Recordkeeping Requirements for Bank Exceptions From Securities Broker or Dealer Registration .....	1557-AB93
2425	Interagency Proposal To Consider Alternative Forms of Privacy Notices Under the Gramm-Leach-Bliley Act .....	1557-AC80
2426	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
2427	Rules, Policies, and Procedures for Corporate Activities; Operating Subsidiary Annual Report .....	1557-AC81
2428	12 CFR 19.240 Rules, Policies, and Procedures for Corporate Activities; Civil Monetary Penalties Adjustment .....	1557-AC82
2429	12 CFR 30 app B Proper Disposal of Consumer Information .....	1557-AC84
2430	Community Reinvestment Act Regulations .....	1557-AC86
2431	Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice .....	1557-AC92
2432	Guidelines for Residential Mortgage Lending Practices .....	1557-AC93

## Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2433	Foreign Insurance Companies .....	1545-AL82
2434	Computation of a Branch's Taxable Income; Taxation of Exchange Gain or Loss on Branch Remittances .....	1545-AM12
2435	Outbound Transfers of Property to Foreign Corporations .....	1545-AM97
2436	Foreign Insurance Company—Domestic Election .....	1545-AO25
2437	Taxation of Global Trading .....	1545-AP01
2438	Information Reporting and Record Maintenance .....	1545-AP10
2439	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
2440	Integrated Financial Transaction .....	1545-AR20
2441	Agreements for Payment of Tax Liabilities in Installments .....	1545-AU97
2442	Substantiating Travel Expense Deductions for Members of Congress .....	1545-AV55
2443	Transportation of Persons and Property by Air .....	1545-AW19
2444	Rules for Sourcing Certain Transportation Income, Space, or Ocean Activity Income, and Related Foreign Base Company Shipping Income .....	1545-AX02
2445	Definition of Accounting Method .....	1545-AX21
2446	Inspection of Written Determinations .....	1545-AX40
2447	Awarding of Costs and Certain Fees .....	1545-AX46
2448	Highly Compensated Employee .....	1545-AX48
2449	Modification to Section 367(a) Stock Transfer Regulations .....	1545-AX77
2450	Definition of Passive Foreign Investment Company Under Section 1297 .....	1545-AX78
2451	Clarification of Foreign-Based Company Sales Income Rules .....	1545-AX91
2452	Guidance on Changes to the Laws for Corporate Estimated Taxes .....	1545-AY22
2453	Withholding Tax on Foreign Partners' Share of Effectively Connected Income .....	1545-AY28



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

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2454	Taxable Years of Controlled Foreign Corporations (CFCs) and Foreign Personal Holding Companies (FPHCs) .....	1545–AY30
2455	Dollar-Value LIFO .....	1545–AY39
2456	Special Rules Relating to Transfers of Intangibles to Foreign Corporations .....	1545–AY41
2457	Previously Taxed Earnings and Profits Under Subpart F .....	1545–AY54
2458	Liabilities Assumed in Certain Corporate Transactions .....	1545–AY74
2459	Disclosure of Returns and Return Information in Judicial and Administrative Tax Proceedings .....	1545–AY89
2460	Transitional Relief for Qualified Intermediaries .....	1545–AY92
2461	Transactions Involving Obligations of Consolidated Group Members .....	1545–BA11
2462	Deductibility of Employer Contributions for Deferred Compensation .....	1545–BA13
2463	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
2464	Income From Sources Within Specified Possession .....	1545–BA37
2465	Provisions Regarding Cross-Border Transactions .....	1545–BA65
2466	Circular 230—Phase 2 Nonshelter Revisions .....	1545–BA72
2467	Allocation of New Markets Tax Credit .....	1545–BA84
2468	Guidance To Facilitate Electronic Tax Administration .....	1545–BA96
2469	Communications Excise Tax; Taxable Communication Services .....	1545–BB04
2470	Cost Sharing .....	1545–BB26
2471	Application of Separate Limitations to Dividends From Noncontrolled Section 902 Corporation .....	1545–BB28
2472	Amending the Low-Income Housing Tax Credit Program .....	1545–BB37
2473	Substitute Dividend Payments in Securities Lending and Similar Transactions .....	1545–BB56
2474	Loss on Subsidiary Stock .....	1545–BB61
2475	Liquidation of an Interest .....	1545–BB71
2476	REMIC Residuals—Timing of Income for Foreign Holders .....	1545–BB84
2477	Dependent Care Credit .....	1545–BB86
2478	Partnership Equity for Services .....	1545–BB92
2479	Determination of Single-Sum Distributions From Cash Balance Plans .....	1545–BB93
2480	Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing Upon Filing of Notice of Lien .....	1545–BB96
2481	Miscellaneous Changes to Collection Due Process Procedures Relating to Hearings Before Levy .....	1545–BB97
2482	General Allocation and Accounting Regulations .....	1545–BC07
2483	Utility Allowance Regulation Update .....	1545–BC22
2484	Guidance on PFIC Purging Elections .....	1545–BC37
2485	Substitute for Return (SFR) and Automated Substitute for Return (ASFR) .....	1545–BC45
2486	Substitute for Return (SFR) and Automated Substitute for Return (ASFR) (Temporary) .....	1545–BC46
2487	Additional Guidance Regarding Mark-to-Market Accounting for Traders in Securities and/or Commodities, Including Foreign Currency Instruments .....	1545–BC48
2488	Stewardship Expenses .....	1545–BC52
2489	Coordination of United States and Certain Possessions Income Taxes .....	1545–BC54
2490	Suspension of Running of Period of Limitation During a Proceeding To Enforce or Quash a Designated or Related Summons .....	1545–BC55
2491	Guidance Under Section 2053 Regarding Post-Death Events .....	1545–BC56
2492	Partnerships and Deemed Dispositions of Unrealized Receivables and Inventory Items .....	1545–BC65
2493	Collection After Assessment .....	1545–BC72
2494	Below-Market Loans .....	1545–BC78
2495	Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974 .....	1545–BC82
2496	Definition of Loss for Purposes of the Straddle Rules .....	1545–BC83
2497	Determination of Residency in U.S. Possessions .....	1545–BC86
2498	Transactions Involving the Transfer of No Net Equity Value .....	1545–BC88
2499	Sickness or Accident Disability Payments .....	1545–BC89
2500	Revision of Section 301.6103(j)-1 for Disclosure to the Bureau of Economic Analysis, Department of Commerce ...	1545–BC93
2501	Guidance Regarding the Active Trade or Business Requirement Under Section 355(b) .....	1545–BC94
2502	Accumulated Adjustment Account and Other Corporate Separations Under Section 355 .....	1545–BC98
2503	Attained Age of the Insured .....	1545–BD00
2504	Support Test in the Case of a Child of Divorced Parents .....	1545–BD01
2505	Treatment of Foreign Stapled Corporation (Temporary) .....	1545–BD06
2506	Public Inspection of Written Determinations Under Section 6110 of the Internal Revenue Code (Temporary) .....	1545–BD09
2507	Dual Consolidated Loss Regulations .....	1545–BD10

## TREAS

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

Sequence Number	Title	Regulation Identifier Number
2508	Current Liability Interest Rate Under Section 412(b)(5) .....	1545-BD13
2509	Current Liability Interest Rate Under Section 412(b)(5) (Temporary) .....	1545-BD14
2510	Definition of Qualified Foreign Corporation .....	1545-BD15
2511	Move and Update the Estimated Tax Regulations .....	1545-BD17
2512	REMIC Interest-Only Regular Interests .....	1545-BD18
2513	Escrow Accounts, Trusts, and Other Funds Used During Deferred Exchanges of Like-Kind Property .....	1545-BD19
2514	Section 42 Qualified Contract Provisions .....	1545-BD20
2515	Payments for Which No Return of Information is Required Under Section 6041 .....	1545-BD21
2516	Definition of Disqualified Person .....	1545-BD28
2517	Coordination of United States and Certain Possessions Income Taxes (Temporary) .....	1545-BD32
2518	Guidance on PFIC Purging Elections (Temporary) .....	1545-BD33
2519	Transfers of Restricted Stock .....	1545-BD44
2520	Transfers of Restricted Stock (Temporary) .....	1545-BD45
2521	Application of Sections 304(b)(6) and 367 in Cross Border Section 304 Transactions .....	1545-BD46
2522	Update of 415 Regulations .....	1545-BD52
2523	Aggregate Computation; Allocation of Research Credit II .....	1545-BD60
2524	Classification of Indian Tribal Corporations .....	1545-BD61
2525	Declaratory Judgment—Gift Tax Value .....	1545-BD67
2526	Use of Electronic Technologies for Providing Notices and Transmitting Elections and Consents .....	1545-BD68
2527	Disabled Access Credit .....	1545-BD69
2528	Section 704(b)(2) and Substantiality .....	1545-BD70
2529	Regulations Under Section 706 Regarding Taxable Year of a Partnership .....	1545-BD71
2530	Shareholder's Basis in Stock of an S Corporation .....	1545-BD72
2531	Guidance Under Section 6501(c)(1) Regulations .....	1545-BD73
2532	Guidance Under Section 707(c) Regarding Guaranteed Payments .....	1545-BD74
2533	Classification of Certain Foreign Entities .....	1545-BD77
2534	Possible Update and Revision of Treasury Regulation Sections 1.381(c)(4) and (5)-1 .....	1545-BD81
2535	Amendments to 26 CFR Section 1.263(a)-5 Regarding Treatment of Capitalized Costs .....	1545-BD82
2536	Guidance Regarding Selected Issues Under Section 336(e) .....	1545-BD84
2537	Guidance Under Section 79 .....	1545-BD85
2538	Definition of the "Due Date" for Purposes of Calculating Overpayment Interest Under Section 301.6611(h) .....	1545-BD86
2539	Return for Subchapter T Cooperatives .....	1545-BD92
2540	Employer's Annual Federal Employment Tax Return—Form 944 .....	1545-BD93
2541	Return for Subchapter T Cooperatives (Temporary) .....	1545-BD98
2542	Employer's Annual Federal Employment Tax Return—Form 944 (Temporary) .....	1545-BE00
2543	Revision of Section 301.6103(j)-1 for Disclosure to the Bureau of Economic Analysis, Department of Commerce (Temporary) .....	1545-BE02
2544	Reduction of Fuel Excise Tax Evasion .....	1545-BE03
2545	Dye Injection .....	1545-BE04
2546	Application of Section 6404(g) Suspension Provisions .....	1545-BE07
2547	Elimination of Country-by-Country Reporting to Shareholders of Foreign Taxes Paid by Regulated Investment Companies .....	1545-BE09
2548	Information Returns by Donees Relating to Qualified Intellectual Property Contributions .....	1545-BE11
2549	Intra-Group Gross Receipts Under Section 41 .....	1545-BE14
2550	Capitalization of Amounts Paid to Repair or Improve Tangible Property .....	1545-BE18
2551	Withholding Exemptions .....	1545-BE20
2552	Withholding Exemptions (Temporary) .....	1545-BE21
2553	Farmer and Fisherman Income Averaging Under the American Jobs Creation Act of 2004 (AJCA) .....	1545-BE23
2554	Section 6011 Regulations .....	1545-BE24
2555	Section 6011 Regulations (Temporary) .....	1545-BE25
2556	Section 6111 Regulations .....	1545-BE26
2557	Section 6111 Regulations (Temporary) .....	1545-BE27
2558	Section 6112 Regulations .....	1545-BE28
2559	Section 6112 Regulations (Temporary) .....	1545-BE29
2560	Employer Comparable Contributions To Archer Medical Savings Accounts Under 4980E and Health Savings Accounts Under Section 4980G .....	1545-BE30
2561	Tractors, Trailers, Trucks, and Tires .....	1545-BE31
2562	Domestic Workers Regulation Update (Application of the Federal Insurance Contributions Act To Payments Made for Certain Services) .....	1545-BE32

## TREAS

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

Sequence Number	Title	Regulation Identifier Number
2563	Income Attributable to Domestic Production Activities .....	1545-BE33
2564	Guidance Under Subpart F Relating to Partnerships .....	1545-BE34
2565	Release of Lien or Discharge of Property .....	1545-BE35
2566	Farmer and Fisherman Income Averaging Under the American Jobs Creation Act of 2004 (AJCA) (Temporary) .....	1545-BE39
2567	Disregarded Entities and Collections .....	1545-BE43
2568	Dye Injection (Temporary) .....	1545-BE44
2569	Balanced System for Measuring Organizational and Employee Performance Within the Internal Revenue Service .....	1545-BE45
2570	Balanced System for Measuring Organizational and Employee Performance Within the Internal Revenue Service (Temporary) .....	1545-BE46
2571	Information Returns Required With Respect to Certain Foreign Corporations and Other Conforming Changes .....	1545-BE47
2572	Modifications to the De Minimis Deposit Rule Under Section 6302 .....	1545-BE48
2573	Modification to the De Minimis Deposit Rule Under Section 6302 (Temporary) .....	1545-BE49
2574	Attained Age of Insured .....	1545-BE53

## Internal Revenue Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2575	Foreign Corporations .....	1545-AK74
2576	Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act .....	1545-AK79
2577	Earnings Stripping Payments .....	1545-AO24
2578	Fringe Benefit Sourcing Under Section 861 .....	1545-AO72
2579	Interest-Free Adjustments .....	1545-AQ61
2580	Definition of "Highly Compensated Employee" .....	1545-AQ74
2581	Escrow Funds and Other Similar Funds .....	1545-AR82
2582	Mark-to-Market Upon Disposition .....	1545-AS85
2583	Straddles—Miscellaneous Issues .....	1545-AT46
2584	Recomputation of Life Insurance Reserves .....	1545-AU49
2585	Definition of Private Activity Bond—Refunding Regulations .....	1545-AU98
2586	Return of Levied Property in Certain Cases .....	1545-AV01
2587	Mark-to-Market Accounting for Dealers in Commodities and Traders in Securities and Commodities .....	1545-AW06
2588	Stocks and Securities Safe Harbor Exception .....	1545-AW13
2589	Intercompany Obligations .....	1545-AW30
2590	Capital Gain Guidance Relating to CRTs .....	1545-AW35
2591	Reporting of Payments to Attorney .....	1545-AW72
2592	Highway Vehicle—Definition .....	1545-AX10
2593	Guidance on Cost Recovery in the Entertainment Industry .....	1545-AX12
2594	Cash or Deferred Arrangements .....	1545-AX26
2595	Stock Transfer Rules—Carryover of Earnings and Taxes .....	1545-AX65
2596	Allocation and Apportionment of Interest Expense and Certain Other Expenses .....	1545-AX72
2597	Capitalization of Interest and Carrying Charges Properly Allocable to Straddles .....	1545-AX92
2598	Assumption of Partnership Liabilities .....	1545-AX93
2599	Authorized Placement Agency .....	1545-AY18
2600	HIPAA General Nondiscrimination .....	1545-AY32
2601	HIPAA Nondiscrimination Exception for Church Plans .....	1545-AY33
2602	HIPAA Nondiscrimination Exception for Bona Fide Wellness Programs .....	1545-AY34
2603	Allocation of Income and Deductions from Intangibles .....	1545-AY38
2604	Guidance Under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities in Connection With an Acquisition .....	1545-AY42
2605	Election—Asset Acquisitions of Insurance Companies .....	1545-AY49
2606	Tax Treatment of Cafeteria Plans .....	1545-AY67
2607	Normalization .....	1545-AY75
2608	Mergers Involving Disregarded Entities .....	1545-BA06
2609	Consolidated Returns; Nonapplicability of Section 357(c) .....	1545-BA09
2610	Reductions of Accruals and Allocations Because of Increased Age .....	1545-BA10
2611	Property Exempt from Levy .....	1545-BA22

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

Sequence Number	Title	Regulation Identifier Number
2612	Noncompensatory Partnership Options .....	1545-BA53
2613	Carryback of Consolidated Net Operating Losses to Separate Return Years .....	1545-BA73
2614	Redemptions Treated as Dividends .....	1545-BA80
2615	Reporting Requirements for Widely Held Fixed Investment Trusts .....	1545-BA83
2616	Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens .....	1545-BA86
2617	Aggregate Computation and Allocation of Research Credit .....	1545-BA88
2618	Designated IRS Officer or Employee .....	1545-BA89
2619	Timely Mailing Treatment .....	1545-BA99
2620	Allocation of Foreign Tax Credits Among Partners .....	1545-BB11
2621	Distributions of Property .....	1545-BB12
2622	Investigative Disclosures .....	1545-BB16
2623	Toll Telephone Service—Definition .....	1545-BB18
2624	Duplicative Tax Benefits .....	1545-BB25
2625	Treatment of Services Under Section 482 .....	1545-BB31
2626	Investment Adjustment Rules and Waiver of Loss Carryovers From SRLY Years—Amended .....	1545-BB38
2627	Amendment to Section 6724 Relating to Failure To File Correct Information Returns .....	1545-BB41
2628	Limitation on Use of Nonaccrual Experience Method of Accounting .....	1545-BB43
2629	Election Out Generation-Skipping Transfer Tax (GST) Deemed Allocations .....	1545-BB54
2630	Special Depreciation Allowance .....	1545-BB57
2631	Contributions To Purchase Certain Retirement Annuities or Custodial Accounts Under Section 403(b) .....	1545-BB64
2632	Installment Obligations .....	1545-BB65
2633	Collected Excise Taxes; Duties of Collector .....	1545-BB75
2634	Application of Nondiscrimination Cross-Testing Rules To Cash Balance Plans .....	1545-BB79
2635	Corporate Reorganizations: Continuity Transfers of Assets or Stock Following a Reorganization .....	1545-BB80
2636	Notional Principal Contracts; Contingent Nonperiodic Payments .....	1545-BB82
2637	Predecessors or Successors Under Section 355(e) .....	1545-BB85
2638	Guidance Regarding Mark-to-Market Valuation for Certain Securities .....	1545-BB90
2639	Accrual for Certain REMIC Regular Interests .....	1545-BB94
2640	Determination of Basis of Securities Received in Exchange or With Respect to a Stock or Securities in Certain Transactions .....	1545-BC05
2641	Entry of Taxable Fuel .....	1545-BC08
2642	Guidance Necessary To Facilitate Business Electronic Filing .....	1545-BC15
2643	Contingent at Closing Escrows .....	1545-BC16
2644	Changes in Computing Depreciation .....	1545-BC18
2645	Value of Life Insurance When Distributed From a Qualified Retirement Plan .....	1545-BC20
2646	Special Consolidated Return Rules for Interest Expense Disallowed Under Section 265(a)(2) .....	1545-BC23
2647	Section 411(d)(6) Protected Benefits .....	1545-BC26
2648	Deemed Corporate Election for Electing S Corporations .....	1545-BC32
2649	Prohibited Allocation of Securities in an S Corporation .....	1545-BC34
2650	Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group .....	1545-BC38
2651	Guidance on PFIC Purging Elections .....	1545-BC49
2652	Qualified Severance Regulations .....	1545-BC50
2653	Guarantee Fees Under Section 143(g) .....	1545-BC59
2654	Predeceased Parent Rule .....	1545-BC60
2655	Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions .....	1545-BC61
2656	Guidance Under Section 707 Regarding Disguised Sales .....	1545-BC63
2657	Section 1045 Application to Partnerships .....	1545-BC67
2658	Section 179 Elections .....	1545-BC69
2659	Real Estate Mortgage Investment Conduit (REMIC) Tetra Rules .....	1545-BC71
2660	Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group .....	1545-BC74
2661	Exclusion of Employees of 501(c)(3) Organizations in 401(k) and 401(m) Plans .....	1545-BC87
2662	Disclosures to Subcontractors .....	1545-BC92
2663	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
2664	Deemed IRAs in Governmental Plans/Qualified Nonbank Trustee Rules .....	1545-BD07
2665	Time and Manner of Making Section 163(d)(4)(B) Election To Treat Qualified Dividend Income as Investment Income .....	1545-BD16
2666	Guidance on Phased Retirement .....	1545-BD23
2667	Stock Held by Foreign Insurance Companies .....	1545-BD27

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

Sequence Number	Title	Regulation Identifier Number
2668	Requirements for Reorganizations .....	1545-BD31
2669	LIFO Recapture Under Section 1363(d) .....	1545-BD34
2670	Clarification of Definitions .....	1545-BD37
2671	Underpayment for Qualified Amended Returns .....	1545-BD40
2672	Allocation and Apportionment of Deductions for Charitable Contributions (Temporary) .....	1545-BD47
2673	Treatment of Disregarded Entities Under Section 752 .....	1545-BD48
2674	Section 951 Pro Rata Rules .....	1545-BD49
2675	HIPAA Portability: Special Enrollment Procedures, Tolling, and Interaction With FMLA .....	1545-BD51
2676	Continuity of Interest/Stock Fluctuation .....	1545-BD53
2677	Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Applicability of Section 381 .....	1545-BD54
2678	Manufacturer Incentive Payments in an Intercompany Transaction .....	1545-BD55
2679	Asset Transfers Following Putative Reorganizations .....	1545-BD56
2680	Source of Compensation for Labor or Personal Services .....	1545-BD62
2681	Mandatory e-Filing for Forms 1120 .....	1545-BD65
2682	Guidance Under Section 368 Regarding Mergers With and Into a Foreign Corporation .....	1545-BD76
2683	Classification of Certain Foreign Entities (Temporary) .....	1545-BD78
2684	Special Rules To Reduce Section 1446 Withholding (Temporary) .....	1545-BD80
2685	Section 1374 Effective Dates .....	1545-BD95
2686	Flat Rate Supplemental Wage Withholding .....	1545-BD96
2687	Disclosure of Relative Values of Optional Forms of Benefit .....	1545-BD97
2688	Designated Roth Contributions Under Cash or Deferred Arrangements Under Section 401(k) .....	1545-BE05
2689	Information Returns by Donees Relating to Qualified Intellectual Property Contributions (Temporary) .....	1545-BE12
2690	Circular 230-Covered Opinion Amendments .....	1545-BE13
2691	Exclusions From Gross Income of Foreign Corporations .....	1545-BE16
2692	Aggregate Computation: Allocation of research Credit II (Temporary) .....	1545-BE17
2693	Residence and Source Rules Involving U.S. Possessions (Temporary) .....	1545-BE22

## Internal Revenue Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2694	Income Tax—Taxpayer's Obligation To File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure To File .....	1545-AC09
2695	Income Tax—Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico and Possession Tax Credit .....	1545-AC10
2696	FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction, and Other Special Rules for FSC .....	1545-AI16
2697	Information From Passport and Immigration Applicants .....	1545-AJ93
2698	Income of Foreign Governments and International Organizations .....	1545-AL93
2699	Clarification of Treatment of Separate Limitation Losses .....	1545-AM11
2700	Earnings and Profits of Controlled Foreign Corporations .....	1545-AM90
2701	Caribbean Basin Investments .....	1545-AM91
2702	Consolidated Alternative Minimum Tax .....	1545-AN73
2703	Conforming Taxable Years of CFCs and FPHCs .....	1545-AO22
2704	Registration Required Obligations .....	1545-AP33
2705	Use of GAAP Earnings as E&P of Foreign Corporations .....	1545-AQ55
2706	The Treatment of Accelerated Death Benefits .....	1545-AQ70
2707	Treatment of Dual Consolidated Losses .....	1545-AR26
2708	Allocation of Accrued Benefits Between Employer and Employee Contributions .....	1545-AT82
2709	Foreign Corporations Regulations .....	1545-AT96
2710	Application of Grantor Trust Rules to Nonexempt Employees' Trusts .....	1545-AU29
2711	Application of Attribution Rules to Foreign Trusts .....	1545-AU91
2712	Financial Asset Securitization Investment Trust (FASIT) Start-Up; Operational and Transitional Rules .....	1545-AU94
2713	Electronic Transmission of Withholding Certificates .....	1545-AV27
2714	Source of Income From Certain Space and Ocean Activities and for Communications Income .....	1545-AW50
2715	Constructive Sales of Appreciated Financial Positions .....	1545-AW97
2716	Special Rules for S Corporations .....	1545-AY44

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

Sequence Number	Title	Regulation Identifier Number
2717	Normal Retirement Age for Pension Plans .....	1545–AY61
2718	Payments For Interest in Partnership .....	1545–AY90
2719	Amendment to the Definition of Refunding .....	1545–BA46
2720	Allocation and Apportionment Rules: Guidance on Selected Issues .....	1545–BA64
2721	Earnings and Profits Attribution Principles .....	1545–BA93
2722	Mixed Use Output Facilities .....	1545–BB23
2723	Accrual Rules for Creditable Foreign Taxes and Guidance on Change in Taxable Year .....	1545–BB27
2724	Notarization Requirement for Statements of Purchase .....	1545–BC11
2725	Guidance Regarding Application of Section 265(a)(2) and 246A in Transactions Involving Related Parties, Pass-Through Entities, or Other Intermediaries .....	1545–BC24
2726	Solid Waste Disposal Facilities .....	1545–BD04
2727	Treatment of Foreign Stapled Corporation .....	1545–BD05
2728	Disclosure of Return Information to the Bureau of the Census .....	1545–BE08
2729	Disclosure of Return Information to the Department of Agriculture .....	1545–BE15
2730	Definition of Dependent and Other Related Provisions .....	1545–BE40

## Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2731	Foreign Trusts Regulations .....	1545–AR25
2732	Source Rules for Payments Made Pursuant to Certain Swap Arrangements .....	1545–AU89
2733	Cash or Deferred Arrangements (Temporary) .....	1545–AX43
2734	HIPAA Portability .....	1545–AX84
2735	Information Reporting on Cancellation of Indebtedness .....	1545–AY35
2736	New Market Tax Credit .....	1545–AY87
2737	Gasoline Tax Claims .....	1545–BA27
2738	Treatment of Certain Obligation-Shifting Transactions .....	1545–BA41
2739	Multifamily Housing Bonds .....	1545–BA45
2740	Loss Limitation Rules .....	1545–BA52
2741	Modification of Check the Box Regulations .....	1545–BA59
2742	Circular 230—Tax Shelter Amendments .....	1545–BA70
2743	Testimony Authorizations and Requests for IRS Information .....	1545–BB15
2744	Authorization for IRS To Charge Fees For Copying Exempt Organization Returns .....	1545–BB21
2745	Extension of Time for Filing Returns .....	1545–BB29
2746	Information Reporting Relating to Taxable Stock Transactions .....	1545–BB60
2747	Safe Harbor Leasing Second Interest Capitalization .....	1545–BB62
2748	Use of Government Depositories in Connection With Tax Under the Federal Unemployment Tax Act .....	1545–BB66
2749	Use of Government Depositories in Connection With Tax Under the Federal Unemployment Tax Act .....	1545–BB67
2750	Qualified Interests .....	1545–BB72
2751	Guidance on Life Insurance and Annuity Contracts .....	1545–BB77
2752	New Markets Tax Credit Amendments .....	1545–BC03
2753	Tax Exempt Bond Partnership Reporting Regulation .....	1545–BC04
2754	Timing and Modification of the Section 59(e) Election .....	1545–BC13
2755	Adjustment to Net Unrealized Built-in Gain .....	1545–BC29
2756	Elimination of Forms of Distribution in Defined Contribution Plans .....	1545–BC35
2757	Information Reporting Relating to Taxable Stock Transactions (Temporary) .....	1545–BC80
2758	Student FICA Guidance .....	1545–BC81
2759	Interest on Large Corporate Underpayments Under Section 6621(c) .....	1545–BD22
2760	Brief Asset Holding Period (Temporary) .....	1545–BD38
2761	Brief Asset Holding Period .....	1545–BD39
2762	Underpayment for Qualified Amended Returns (Temporary) .....	1545–BD42
2763	Salary Reduction Agreement Under Section 312(a)(5)(D) (Temporary) .....	1545–BD50
2764	REMIC Residuals-Foreign Holders (Temporary) .....	1545–BD66
2765	Removal of Section 6661 Regulations .....	1545–BD75
2766	Section 1374 Effective Dates (Temporary) .....	1545–BD99
2767	Disclosure of Return Information to the Bureau of the Census (Temporary) .....	1545–BE01

**TREAS**

## Internal Revenue Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2768	Return Required on Magnetic Media (Temporary) .....	1545-BE19

## Office of Thrift Supervision—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2769	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
2770	Risk-Based Capital Guidelines; Implementation of New Basel Capital Accord .....	1550-AB56
2771	12 CFR 506 Securities-Related Activities of Savings Associations .....	1550-AB92
2772	Identity Theft Detection, Prevention, and Mitigation Program for Financial Institutions and Creditors .....	1550-AB94

## Office of Thrift Supervision—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2773	Fair Credit Reporting Medical Information Regulations .....	1550-AB88
2774	Fair Credit Reporting Affiliate Marketing Regulations .....	1550-AB90
2775	12 CFR 506 EGRPRA Regulatory Review—Application and Reporting Requirements .....	1550-AB93
2776	Special Rules for Adjudicatory Proceedings for Certain Holding Companies .....	1550-AB96

## Office of Thrift Supervision—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2777	12 CFR 563e Community Reinvestment Act .....	1550-AB48

## Office of Thrift Supervision—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2778	12 CFR 568 Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003 .....	1550-AB87
2779	Community Reinvestment Act Regulations (Technical Amendment) .....	1550-AB91
2780	Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment .....	1550-AB95
2781	12 CFR 568 Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice .....	1550-AB97

**Department of the Treasury (TREAS)**  
**Departmental Offices (DO)**
**Proposed Rule Stage**
**2261. TERRORISM RISK INSURANCE PROGRAM; RECOUPMENTS OF FEDERAL SHARE OF COMPENSATION FOR INSURED LOSSES**

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

**Legal Authority:** Terrorism Risk Insurance Act, title 1, PL 107-297, 116 Stat 2322; 15 USC 6701 note; 5 USC 301

**CFR Citation:** 31 CFR 50

**Legal Deadline:** None

**Abstract:** As the statutorily authorized administrator of the Terrorism Risk Insurance Program, Treasury is issuing proposed and final regulations to implement the Program. Under the Terrorism Risk Insurance Act, title I, Public Law 107-297, and the Program, the Federal Government shares the risk of insured losses from certified acts of terrorism with commercial property and casualty insurers until the Program sunsets on December 31, 2005. This rule incorporates and clarifies statutory requirements for the recoupment of the Federal share of compensation for insured losses. The rule establishes requirements for determining amounts to be recouped and for procedures insurers are to use for collecting terrorism policy surcharges and remitting them to the Treasury.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Howard Leikin, Senior Insurance Advisor, Department of the Treasury, Office of Financial Institutions, Terrorism Risk Insurance Program, 1500 Pennsylvania Avenue NW., Washington, DC 20220  
Phone: 202 622-6770

**RIN:** 1505-AB10

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**2262. 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	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AC23

**Agency Contact:** Sherri H Braxton, Field Operations Specialist, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW, Washington, DC 20229  
Phone: 202 344-1082  
Email: sherri.braxton@dhs.gov

**RIN:** 1505-AB20

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**2263. UNIFORM RULES OF ORIGIN**

**Priority:** Substantive, Nonsignificant

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

**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	06/00/05	

**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

**2264. 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	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert C. Rawls, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1926

**RIN:** 1505-AB52

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**2265. 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



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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	06/00/05	

**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**2266. • FEDERAL BENEFIT PAYMENTS UNDER CERTAIN DISTRICT OF COLUMBIA RETIREMENT PLANS****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-33, sec 11001 to 11087; PL 105-33, sec 11251 to 11253; PL 105-33, sec 11721; PL 105-33, sec 11723 as amended

**CFR Citation:** 31 CFR 29**Legal Deadline:** None

**Abstract:** The Department of the Treasury proposes to amend its District of Columbia Pensions rules promulgated pursuant to the Balanced Budget Act of 1997, as amended, which was effective on October 1, 1997. The Act assigns to the Secretary of the Treasury responsibility for payment of benefits based on service accrued as of June 30, 1997, under the retirement plans for District of Columbia teachers and police officers and firefighters, and

payment of past and future benefits under the retirement plan for District of Columbia judges. The amended regulations will implement the Secretary's authority under the Act to ensure the accuracy of payments made to annuitants before the effective date of the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Elizabeth Cuffe, Attorney-Advisor, Department of the Treasury, MT Room 2209A, Office of the General Counsel, 1500 Pennsylvania Avenue NW., Washington, DC 20220  
Phone: 202 622-1682

**RIN:** 1505-AB55
**Department of the Treasury (TREAS)**  
**Departmental Offices (DO)**

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**2267. 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	07/00/05	

**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**2268. AMENDMENTS TO THE GOVERNMENT SECURITIES ACT REGULATIONS: EXEMPTION FOR HOLDINGS SUBJECT TO FIDUCIARY STANDARDS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 780-5(b)(1)(A); 15 USC 780-5(b)(4); 15

USC 780-5(b)(5); 31 USC 3121; 31 USC 9110

**CFR Citation:** 17 CFR 450.3**Legal Deadline:** None

**Abstract:** The final rule amends the Government Securities Act regulations applicable to custodial holdings of Government securities by depository institutions. Specifically, this amendment expands the eligibility for the exemption for holdings subject to fiduciary standards at 17 CFR part 450.3 to include savings associations examined by the Office of Thrift Supervision.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/04	69 FR 56968
NPRM Comment Period End	10/25/04	
Final Action	06/00/05	
Final Action Effective	06/00/05	

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

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**Agency Contact:** Lori Santamarena, Executive Director, Department of the Treasury, Government Securities Regulations Staff, 799 9th Street NW., Washington, DC 20239  
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Email: govsecreg@bpd.treas.gov  
**RIN:** 1505-AB06

### 2269. TERRORISM RISK INSURANCE PROGRAM; ADDITIONAL CLAIMS ISSUES

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

**Legal Authority:** Terrorism Risk Insurance Act, title 1, PL 107-297, 116 Stat 2322; 15 USC 6701 note; 5 USC 301

**CFR Citation:** 31 CFR 50

**Legal Deadline:** None

**Abstract:** As the statutorily authorized administrator of the Terrorism Risk Insurance Program, Treasury is issuing proposed and final regulations to implement the Program. Under the Terrorism Risk Insurance Act, title I, Public Law 107-297, and the Program, the Federal Government shares the risk of insured losses from certified acts of terrorism with commercial property and casualty insurers until the Program sunsets on December 31, 2005. This rule provides requirements for claims procedures related to the later stages of claims administration as well as secondary issues such as procedures in case of insurer insolvency. This rule clarifies that for purposes of calculating insurer deductibles and meeting the requirements for claiming the federal share of compensation, insurer affiliations are determined based on the insurer's circumstances as of the date

of the first certified act of terrorism in a Program Year.

#### Timetable:

Action	Date	FR Cite
NPRM	01/18/05	70 FR 2830
NPRM Comment Period End	02/18/05	
Final Action	05/00/05	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Agency Contact:** Howard Leikin, Senior Insurance Advisor, Department of the Treasury, Office of Financial Institutions, Terrorism Risk Insurance Program, 1500 Pennsylvania Avenue NW., Washington, DC 20220  
Phone: 202 622-6770

**RIN:** 1505-AB09

### 2270. 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	10/00/05	

#### 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 Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8810

Kristen VerSteege, Attorney-Advisor, Special Classification and Marking Branch, Department of the Treasury, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8832

**RIN:** 1505-AB21

### 2271. 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 payment of duties, taxes, fees, interest, and other charges by any electronic technology or charge cards (either debit or credit cards) that are authorized by the Commissioner and by removing the limitation that these methods of payment may only be used by noncommercial entities.

#### Timetable:

Action	Date	FR Cite
NPRM	03/17/99	64 FR 13141
NPRM Comment Period End	05/17/99	
Final Action	10/00/05	

#### 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

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**2272. 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	08/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC63**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**2273. 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	06/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC72**Agency Contact:** Cynthia Reese, Senior Attorney, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229 Phone: 202 572-8790**RIN:** 1505-AB26**2274. EXPANDED WEEKLY ENTRY PROCEDURE FOR FOREIGN TRADE ZONES****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 1484i; 19 USC 1623; 19 USC 1624**CFR Citation:** 19 CFR 146**Legal Deadline:** None**Abstract:** Amendment in conformance with the Trade and Development Act of 2000 to expand the weekly entry procedure for foreign trade zones to include merchandise involved in activities other than exclusively assembly-line production operations. Under the expanded weekly procedure, weekly entries covering estimated removals of merchandise from a foreign trade zone for any seven-day period and the associated entry summaries

will have to be filed exclusively through the Automated Broker Interface, with duties, fees, and taxes being scheduled for payment through the Automated Clearinghouse.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/02	67 FR 48594
NPRM Comment Period End	09/23/02	
To Be Withdrawn	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC74**Agency Contact:** William G. Rosoff, Chief, Duty Refund and Determination Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229 Phone: 202 572-8807

Debbie Scott, Chief, Entry and Drawback Management, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229 Phone: 202 344-1962

**RIN:** 1505-AB27**2275. 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

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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	06/00/05	

**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

### 2276. 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	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**Agency Contact:** Dennis Lomax, Accountant, Department of Homeland Security, Bureau of Customs and Border Protection, Accounting Services Division, Office of Finance, Indianapolis, IN 46278  
Phone: 317 298-1200

**RIN:** 1505-AB29

### 2277. 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 customs certification process of commercial laboratories, both domestic and foreign, that can 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	10/00/05	

**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

### 2278. 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	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**Agency Contact:** Gina Grier, Attorney, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8730

Robert E. Watt, Department of the Treasury, Office of Field Operations,

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1300 Pennsylvania Avenue NW.,  
Washington, DC 20229  
Phone: 202 344-2663

**RIN:** 1505-AB34

### 2279. 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	06/00/05	

**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

### 2280. 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 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 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	08/00/05	

**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,  
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Phone: 202 572-8790

**RIN:** 1505-AB38

### 2281. 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	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**Agency Contact:** Joseph Lanzante, Operations Officer, Department of the Treasury, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2675

**RIN:** 1505-AB39

### 2282. 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	06/00/05	

**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

### 2283. TARIFF TREATMENT RELATED TO DISASSEMBLY OPERATIONS UNDER THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

**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:** Amendment to amend the Customs and Border Protection Regulations concerning the North American Free Trade Agreement (NAFTA) to allow components that are recovered from the disassembly of used goods in a NAFTA country to be entitled to NAFTA originating status when imported into the United States, provided that: 1) the recovered components satisfy the applicable NAFTA rules of origin requirements; and 2) where the applicable rule of origin does not include a regional value content requirement, the components are subject to further processing in the NAFTA country beyond certain minor operations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/13/03	68 FR 12011
NPRM Comment Period End	05/12/03	
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD23

**Agency Contact:** Shari Suzuki, Attorney, International Agreements

Staff, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue, NW, Washington, DC 20229  
Phone: 202 572-8818

**RIN:** 1505-AB41

### 2284. 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 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

### 2285. 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

## TREAS—DO

## Final Rule Stage

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	07/00/05	

**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

### 2286. 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

Action	Date	FR Cite
NPRM Comment Period End	11/04/04	
Final Action	08/00/05	

**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

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

## Long-Term Actions

### 2287. 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

### 2288. 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

### 2289. 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

### 2290. 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
NPRM Comment Period End	03/02/01	
NPRM Comment Period Extended	05/01/01	66 FR 12440
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

## TREAS—DO

## Long-Term Actions

Email: gary.sutton@do.treas.gov

RIN: 1505-AA84

**2291. 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	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

**2292. 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	03/30/87	52 FR 10198

## Department of the Treasury (TREAS)

## Departmental Offices (DO)

**2296. PROTOTYPES USED SOLELY FOR PRODUCT DEVELOPMENT, TESTING, EVALUATION, OR QUALITY CONTROL PURPOSES**

Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR 10; 19 CFR 163

**Completed:**

Reason	Date	FR Cite
Final Action	11/02/04	69 FR 63445
Final Action Effective	12/02/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Richard Wallio

Action	Date	FR Cite
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

**2293. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE**

Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR 24

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	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

**2294. RECONCILIATION**

Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR 142; 19 CFR 159

Phone: 202 344-2556

RIN: 1505-AB32

**2297. PREFERENTIAL TREATMENT OF BRASSIERES UNDER THE UNITED STATES-CARIBBEAN BASIN TRADE PARTNERSHIP ACT**

Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR 10; 19 CFR 163

**Completed:**

Reason	Date	FR Cite
Final Action	11/30/04	69 FR 69511
Final Action Effective	12/30/04	

**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

**2295. 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	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

## Completed Actions

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Cynthia Reese

Phone: 202 572-8790

Brian Fennessy

Phone: 202 344-2272

RIN: 1505-AB33



## TREAS—DO

## Completed Actions

**2298. MERCHANDISE PROCESSING FEES ELIGIBLE TO BE CLAIMED AS CERTAIN TYPES OF DRAWBACK BASED ON SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 191**Completed:**

Reason	Date	FR Cite
Final Action	10/07/04	69 FR 60082
Final Action Effective	11/08/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William G. Rosoff  
Phone: 202 572-8807**RIN:** 1505-AB44**2299. • EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON CERTAIN CATEGORIES OF ARCHAEOLOGICAL MATERIAL FROM THE PREHISPANIC CULTURES OF THE REPUBLIC OF EL SALVADOR****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 of title 19 of the Code of Federal Regulations to reflect the extension for an additional five years of the import restrictions on certain categories of archaeological material from the Prehispanic cultures of the Republic of El Salvador. These restrictions are being extended pursuant to determinations of the U. S. Department of State made under the terms of the Convention on Cultural Property Implementation Act in

accordance with the United Nations Educational, Scientific, and Cultural Organization Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	03/08/05	
Final Action	03/09/05	70 FR 11539

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Joseph Howard,  
Attorney, Intellectual Property Rights Branch, Department of the Treasury, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8701**RIN:** 1505-AB56**BILLING CODE** 4810-25-S

## Department of the Treasury (TREAS)

## Prerule Stage

## Financial Crimes Enforcement Network (FINCEN)

**2300. 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 pawn brokers 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	12/00/05	

**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)

## Proposed Rule Stage

## Financial Crimes Enforcement Network (FINCEN)

**2301. 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	12/00/05	

**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**2302. CUSTOMER IDENTIFICATION PROGRAMS FOR TRAVEL AGENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-56, sec 326**CFR Citation:** Not Yet Determined

## TREAS—FINCEN

## Proposed Rule Stage

**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	12/00/05	

**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

**2303. 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	12/00/05	

**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

**2304. 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	12/00/05	

**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

**2305. 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
NPRM	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-AA69

**2306. 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	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-AA73

## TREAS—FINCEN

## Proposed Rule Stage

**2307. 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	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-AA79**2308. 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
NPRM	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-AA80**Department of the Treasury (TREAS)  
Financial Crimes Enforcement Network (FINCEN)**

## Final Rule Stage

**2309. 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 Period End	04/22/97	
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-AA15**2310. 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**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	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-AA23

## TREAS—FINCEN

## Final Rule Stage

**2311. 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
Interim Final Rule	12/31/01	66 FR 67680
NPRM Comment Period End	03/01/02	
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–AA25**2312. 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**2313. 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	06/00/05	

**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–AA31**2314. 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**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	06/00/05	

**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

## TREAS—FINCEN

## Final Rule Stage

**2315. 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
NPRM Comment Period End	03/24/03	
Final Action	06/00/05	

**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–AA37**2316. 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	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–AA43**2317. 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	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–AA61**2318. 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	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–AA64**2319. 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	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** 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

**RIN:** 1506-AA65

**2320. 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
NPRM Comment Period End	09/23/04	
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-AA67

**2321. 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
Final Action	06/00/05	

**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-AA68

**2322. 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
Final Action	06/00/05	

**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

**2323. 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
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-AA71

**2324. 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
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,

## TREAS—FINCEN

## Final Rule Stage

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

**2325. AMENDMENTS TO THE BANK  
SECURITY 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
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-AA74

**2326. AMENDMENTS TO THE BANK  
SECURITY 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
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-AA75

**2327. AMENDMENTS TO THE BANK  
SECURITY 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
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

**2328. AMENDMENTS TO THE BANK  
SECURITY 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
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,  
Previously reported as 1506-AA57

**RIN:** 1506-AA77

**2329. AMENDMENTS TO THE BANK  
SECURITY ACT REGULATIONS—  
ANTI-MONEY LAUNDERING  
PROGRAMS FOR DEALERS IN  
PRECIOUS METALS, STONES, OR  
JEWELS**

**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  
dealers in precious metals, stones, or  
jewels, as defined in the Bank Secrecy  
Act.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/05	

**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-AA78

**Department of the Treasury (TREAS)**  
**Financial Crimes Enforcement Network (FINCEN)**
**Long-Term Actions**
**2330. 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** 4820-02-S
**Department of the Treasury (TREAS)**  
**Financial Management Service (FMS)**
**Proposed Rule Stage**
**2331. 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
**2332. 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

**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	09/00/05	

**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
**Department of the Treasury (TREAS)**  
**Financial Management Service (FMS)**
**Final Rule Stage**
**2333. SALARY OFFSET**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5514**CFR Citation:** 31 CFR 285.7**Legal Deadline:** None

**Abstract:** This rule governs the centralized computer matching of Federal employee records for purposes of salary offset to collect nontax

delinquent debt owed the Federal Government.



## TREAS—FMS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/28/98	63 FR 23353
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Gerry Isenberg, Financial Program Specialist, Debt Management Service, Department of the Treasury, Financial Management Service, Room 448B, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7131  
Fax: 202 874-7494  
Email: gerald.isenberg@fms.treas.gov

**RIN:** 1510-AA70**2334. 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	12/00/05	

**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 448B, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7131  
Fax: 202 874-7494  
Email: gerald.isenberg@fms.treas.gov

**RIN:** 1510-AA91**2335. 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	07/00/05	

**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**2336. 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	05/00/05	

**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**2337. • ADMINISTRATIVE WAGE GARNISHMENT CLARIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3720D**CFR Citation:** 31 CFR 285.11**Legal Deadline:** None

**Abstract:** The Debt Collection Improvement Act of 1996, Public Law 104-134 (April 26, 1996) authorizes Federal agencies collecting a delinquent nontax debt to garnish administratively the wages of the debtor to collect the delinquent debt. A final rule implementing this authority was published in the Federal Register on May 6, 1998, at 63 FR 25135. This rule will clarify the meaning of certain terms used in the final rule, as well as clarify certain procedures described in the final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

**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

**Related RIN:** Related to 1510-AA67**RIN:** 1510-AB02

**Department of the Treasury (TREAS)**  
**Financial Management Service (FMS)**
**Completed Actions**
**2338. OFFSET OF FEDERAL PAYMENTS (OTHER THAN TAX REFUND AND FEDERAL BENEFIT PAYMENTS) TO COLLECT PAST-DUE, LEGALLY ENFORCEABLE NONTAX DEBT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 285.5

**Completed:**

Reason	Date	FR Cite
Final Rule	01/21/05	70 FR 3415

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Gerry Isenberg

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Fax: 202 874-7494

Email: gerald.isenberg@fms.treas.gov

**RIN:** 1510-AA65

**2339. OFFSET OF FEDERAL PAYMENTS (OTHER THAN TAX REFUND AND FEDERAL BENEFIT PAYMENTS) TO COLLECT PAST-DUE DEBTS OWED TO STATES (OTHER THAN CHILD SUPPORT)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 285.6

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/14/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Federalism:** Undetermined

**Agency Contact:** Gerry Isenberg

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**RIN:** 1510-AA66

**2340. PUBLIC DISSEMINATION OF IDENTITY OF DELINQUENT DEBTORS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 285.14

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/14/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Gerry Isenberg

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**RIN:** 1510-AA72

**2341. OFFSET OF TAX REFUND PAYMENT TO COLLECT STATE INCOME TAX OBLIGATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 285.8

**Completed:**

Reason	Date	FR Cite
Final Action	01/26/05	70 FR 3616

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Gerry Isenberg

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**RIN:** 1510-AA78

**2342. SURETY BOND REIMBURSEMENT FUND**

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

**CFR Citation:** 31 CFR 223

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/14/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Vivian Cooper

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**RIN:** 1510-AA85

**2343. INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE U.S. TREASURY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 240

**Completed:**

Reason	Date	FR Cite
Interim Final Rule	04/01/04	69 FR 17274

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Ronald Lee Brooks

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**Related RIN:** Related to 1510-AA51

**RIN:** 1510-AA99

**BILLING CODE** 4810-35-S

**Department of the Treasury (TREAS)**  
**Alcohol and Tobacco Tax and Trade Bureau (TTB)**
**Prerule Stage****ALCOHOL**
**2344. • PROPOSED REVISIONS TO THE BEER REGULATIONS**

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

**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	05/00/05	
ANPRM Comment Period End	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

## TREAS—TTB

## Prerule Stage

**Agency Contact:** RaMonna 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

### 2345. • LABELING AND ADVERTISING OF WINES, DISTILLED SPIRITS, AND MALT BEVERAGES

**Priority:** Other Significant

**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 the 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	05/00/05	

### 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

### 2346. • ALLERGEN LABELING FOR ALCOHOL BEVERAGES

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

**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	05/00/05	
NPRM	08/00/05	

### 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

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**RIN:** 1513-AB08

### 2347. 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	
ANPRM	05/00/05	

### 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

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Email: joanne.brady@ttb.treas.gov

**RIN:** 1513-AA00

## Department of the Treasury (TREAS)

Proposed Rule Stage

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

## ALCOHOL

**2348. PROHIBITION OF ALCOHOL BEVERAGE CONTAINERS AND STANDARD OF FILL FOR DISTILLED SPIRITS AND WINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7**Legal Deadline:** None

**Abstract:** TTB proposes to amend regulations to clarify the standards of fill for distilled spirits and wine. TTB also proposes to amend regulations to prohibit certain alcohol beverage containers that are likely to mislead consumers as to the identity or character of the distilled spirits, wine, or malt beverage products or to be confused with other (nonalcohol) food products.

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/99	64 FR 6486
NPRM Comment Period End	04/12/99	
Revised NPRM—Aggregate Packaging	04/00/06	
Revised NPRM—Deceptive Packaging	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AB89

**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  
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**RIN:** 1513-AA07**2349. ● 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 the November 2004 petition date. The major distinguishing factors include its single landform and geographic isolation, distinctive soil patterns, and unique climate characteristics. A notice of proposed rulemaking is in review.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**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, 1310 G Street NW., Room 200 East, Washington, DC 20220  
Phone: 415 271-1254  
Fax: 707-778-6349  
Email: nancy.sutton@ttb.gov

**RIN:** 1513-AB01**2350. ● 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	09/00/05	

**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-AB02**2351. ● 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, 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**2352. ● 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,

## TREAS—TTB

## Proposed Rule Stage

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	09/00/05	

**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  
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Email: charles.bacon@ttb.gov  
**RIN:** 1513-AB09

**Administrative/Procedures****2353. AVAILABILITY OF INFORMATION****Priority:** Info./Admin./Other**Legal Authority:** 26 USC 6103; 5 USC 552; 5 USC 552(a)**CFR Citation:** Not Yet Determined**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.

**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, 1310 G Street NW., Room 200E, Washington, DC 20220  
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**RIN:** 1513-AA98

**TOBACCO PRODUCTS****2354. • DETERMINATION OF SALE PRICE OF LARGE CIGARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 5701; 26 USC 5702; 26 USC 7805**CFR Citation:** 27 CFR 40.22**Legal Deadline:** None

**Abstract:** TTB will address how the sale price is determined on large cigars for excise tax purposes. We will provide guidance on issues such as exclusions from the sale price, rebates, promotions, discounts, and the treatment of large cigars given free as samples.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

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

**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  
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**RIN:** 1513-AB10**2355. 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	08/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None  
**Additional Information:** Transferred from RIN 1512-AC22

**Agency Contact:** Linda Wade-Chapman, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 200E, 1310 G Street NW., Washington, DC 20220  
Phone: 202 927-8181  
Fax: 202 927-8525  
Email: wade-chapman.linda@ttb.gov  
**RIN:** 1513-AA16

**2356. 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

## TREAS—TTB

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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	10/00/05	

**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, 1310 G Street NW., Room 200E, Washington, DC 20220  
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Fax: 202 927-8525  
Email: daniel.hiland@ttb.gov

**RIN:** 1513-AA23**2357. 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 class 9 customs bonded warehouse. This notice of proposed rulemaking

invites comments on the temporary rule.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA26**2358. 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	09/00/05	

**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,

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**RIN:** 1513-AA27

**2359. 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	09/00/05	

**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, Room 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

**2360. PROPOSED ADDITION OF NEW GRAPE VARIETY NAMES FOR AMERICAN WINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 4

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**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	09/00/05	

**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

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**RIN:** 1513-AA42

**2361. 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 requires 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, 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	09/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA49

**2362. PETITION TO ESTABLISH "SANTA MARIA BENCH" AS A NEW AMERICAN VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB received a petition from Cambria Winery and Vineyard proposing to establish the "Santa Maria Bench" viticultural area in Santa Barbara County, California. The petitioned viticultural area has 3,200 acres, with 1,500 acres planted to wine grapes, and is within the established Santa Maria and the Central Coast viticultural areas.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC93

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

**RIN:** 1513-AA51

**2363. 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	09/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA52

**2364. 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

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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 (NPRM) is being reviewed. The NPRM 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	05/00/05	

**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  
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**RIN:** 1513-AA54**2365. 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 (NPRM) is being reviewed. The NPRM includes expansion of the Livermore Valley American viticultural area. All three will be published together.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**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  
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**RIN:** 1513-AA55**2366. 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 feet and 1,800 feet elevations, is the sunny and warm growing season that contrasts to the surrounding foggy and cooler lower elevations. A draft notice of proposed rulemaking is in review.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA64**2367. 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 varieties.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA70**2368. 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 (LAVA) 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 Committee is petitioning for seven new viticultural areas within the original Lodi viticultural area boundaries. A notice of proposed rulemaking is being reviewed.



## TREAS—TTB

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

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

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**RIN:** 1513-AA82

### 2369. 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 (LAVA) 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 Committee is petitioning for seven new viticultural areas within the boundaries of the original Lodi viticultural area. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA83

### 2370. 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 (LAVA) 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 Committee is petitioning for seven new viticultural areas within the original boundaries of the Lodi viticultural area. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA84

### 2371. 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 (LAVA) 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 factors of the area include the alluvial fan with its

topography and geology in contrast to the surrounding areas, and the cool, breezy climate. The Committee is petitioning for seven new viticultural areas within the original Lodi viticultural area. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA85

### 2372. 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 (LAVA) 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 Committee is petitioning for seven new viticultural areas within the boundaries of the original Lodi viticultural area. A notice of proposed rulemaking is being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

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

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

## TREAS—TTB

## Proposed Rule Stage

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RIN: 1513-AA86

### 2373. 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	07/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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RIN: 1513-AA87

### 2374. 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	07/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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RIN: 1513-AA88

### 2375. 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	05/00/05	

**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

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RIN: 1513-AA89

### 2376. 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 proposes 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 invite comments on this proposed addition to our regulations, particularly from bottlers who use brand names similar to Calistoga.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 1513-AA92

## TREAS—TTB

## Proposed Rule Stage

**2377. 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	05/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA94**2378. 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	05/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA95

## Department of the Treasury (TREAS)

## Final Rule Stage

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

## ALCOHOL

**2379. PETITION TO ESTABLISH "ALEXANDRIA LAKES" AS A NEW AMERICAN VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** TTB proposes to establish "Alexandria Lakes" as a new American viticultural area. The proposed area is located in Douglas County, Minnesota. This proposal is a result of a petition filed by Robert G. Johnson on behalf of Carlos Creek Winery.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/03	68 FR 3199
NPRM Comment Period End	03/24/03	
Final Action	08/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC85

**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

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**RIN:** 1513-AA45**2380. • 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	05/00/05	

**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

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**RIN:** 1513-AB00

## TREAS—TTB

## Administrative/Procedures

**2381. 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	08/00/05	

**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

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**RIN:** 1513-AA80**2382. • ADMINISTRATIVE CHANGES TO THE PUBLICATION OF THE TTB BULLETIN****Priority:** Info./Admin./Other**Legal Authority:** 26 USC 301; 26 USC 7805**CFR Citation:** 27 CFR 70.701(d)**Legal Deadline:** None

**Abstract:** TTB is 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
Interim Final Rule	06/00/05	

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

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**RIN:** 1513-AB06

## TOBACCO PRODUCTS

**2383. 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. Major status under 5 USC 801 is undetermined.

**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	07/00/05	

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

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

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**RIN:** 1513-AA99**2384. 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:** Other, Statutory, January 1, 2000, Interim Final Rule.

**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.

**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	

## TREAS—TTB

## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/03/00	65 FR 17477
Final Action	09/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA10**2385. LIQUOR DEALERS; RECODIFICATION OF REGULATIONS****Priority:** Info./Admin./Other**Legal Authority:** 26 USC 7805**CFR Citation:** 27 CFR 31; 27 CFR 194;

...

**Legal Deadline:** None

**Abstract:** TTB is recodifying the regulations pertaining to liquor dealers. The purpose of this recodification is to reissue the regulations in part 194 of title 27 of the Code of Federal Regulations (CFR) as 27 CFR part 31. This change improves the organization of title 27 CFR. In addition, due to the reorganization of ATF into two separate bureaus, we are making nomenclature changes to this part.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC45

**Agency Contact:** Karl Joedicke, TTB Specialist, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Suite 200E, 1310 G Street NW., Washington, DC 20220  
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**RIN:** 1513-AA19**2386. 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	09/00/05	

**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

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**RIN:** 1513-AA32**2387. 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 5398
Reopened Comment Period End	03/04/05	
Final Action	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC76

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**RIN:** 1513-AA39**2388. 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	09/00/05	

## TREAS—TTB

Final Rule Stage

**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

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**RIN:** 1513-AA41**2389. 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 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	12/27/02	67 FR 79011
Period Reopened		
NPRM Comment	05/09/03	68 FR 24903
Period Reopened		
Final Action	12/00/05	

**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, 1310 G Street NW., Suite 200E, Washington, DC 20220

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**RIN:** 1513-AA46**2390. 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	12/08/03	
Period End		
Final Action	06/00/05	

**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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA57**2391. PETITION TO ESTABLISH "RIBBON RIDGE" 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 "Ribbon Ridge" viticultural area located in the northern part of Yamhill County, Oregon between Newberg and Gaston. A draft final rule is being reviewed.**Timetable:**

Action	Date	FR Cite
NPRM	11/03/03	68 FR 62259
NPRM Comment	01/02/04	
Period End		
Final Action	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AD03**Agency Contact:** Nancy Sutton, AVA Program Manager, Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Room 5000, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA58**2392. 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	08/26/02	
Period End		
NPRM Comment	08/27/02	67 FR 54388
Period Extended		
Comment Period	09/25/02	
Extended End		
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

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**RIN:** 1513-AA60

### 2393. 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 are 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	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, Room 200E, 1310 G Street NW., Washington, DC 20220

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

**RIN:** 1513-AA67

### 2394. 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	
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, Room 5000, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA72

### 2395. 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	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1513-AA77

### 2396. PETITION TO ESTABLISH THE "HIGH VALLEY" VITICULTURAL AREA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 9

**Legal Deadline:** None

**Abstract:** TTB has received a petition to establish the "High Valley" viticultural area, which is located about 85 miles north of San Francisco, California, on the eastern shore of Clear Lake. Public comments are requested by March 25, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/05	70 FR 3328
NPRM Comment Period End	03/25/05	
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, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA79

### 2397. 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

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orientations, commonly found in Mendocino County. Also, it has a short grape-growing season when compared to other Mendocino County viticultural areas. Public comments are 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	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, Room 5000, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA90**2398. PROPOSED ESTABLISHMENT OF HORSE HEAVEN HILLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** Paul D. Lucas is proposing the establishment of the 570,000-acre Horse Heaven Hills viticultural area. It is in the southern central part of Washington, east of the Cascade Mountain Range and north and west of the Columbia River, and is entirely within the Columbia Valley viticultural area. The Horse Heaven Hills area is noted for its series of south facing slopes and significant wind patterns. Public comments are requested by March 25, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/05	70 FR 3322
NPRM Comment Period End	03/25/05	
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, Room 5000, Room 200E, 1310 G Street NW., Washington, DC 20220

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**RIN:** 1513-AA91**2399. 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	09/00/05	

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

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**RIN:** 1513-AA96**2400. 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
NPRM Comment Period End	04/11/05	
Final Action	12/00/05	

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

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**RIN:** 1513-AA97**2401. • SUSPENSION OF SPECIAL (OCCUPATIONAL) TAX**

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

**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	05/00/05	

**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

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**RIN:** 1513-AB04



**Department of the Treasury (TREAS)**  
**Alcohol and Tobacco Tax and Trade Bureau (TTB)**
**Long-Term Actions**
**2402. 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	06/02/97	62 FR 29663
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf

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**RIN:** 1513-AA05

**2403. 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

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**RIN:** 1513-AA06

**2404. 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

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**RIN:** 1513-AA08

**2405. 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

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**RIN:** 1513-AA14

**Department of the Treasury (TREAS)**  
**Alcohol and Tobacco Tax and Trade Bureau (TTB)**
**Completed Actions**
**2406. FLAVORED MALT BEVERAGES AND RELATED PROPOSALS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 7; 27 CFR 25

**Completed:**

Reason	Date	FR Cite
Final Action	01/03/05	70 FR 194
Final Action Effective	01/03/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 1513-AA12

**2407. PRODUCTION OF DRIED FRUIT AND HONEY WINES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 24

**Completed:**

Reason	Date	FR Cite
Final Action	01/18/05	70 FR 2799
Final Action Effective	03/21/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1513-AA21

**2408. PETITION TO ESTABLISH THE "TRINITY LAKES" VITICULTURAL AREA**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 9

**Completed:**

Reason	Date	FR Cite
Final Action	02/28/05	70 FR 9528
Final Action Effective	04/29/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rita Butler

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**RIN:** 1513-AA29

## TREAS—TTB

## Completed Actions

**2409. PETITION TO ESTABLISH "DUNDEE HILLS" AS A NEW AMERICAN VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 9**Completed:**

Reason	Date	FR Cite
Final Action	11/30/04	69 FR 69524
Final Action Effective	01/31/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Sutton

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**RIN:** 1513-AA50**2410. PETITION TO ESTABLISH "YAMHILL-CARLTON DISTRICT" AS A NEW AMERICAN VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 9**Completed:**

Reason	Date	FR Cite
Final Action	12/09/04	69 FR 71372
Final Action Effective	02/07/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Sutton

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**RIN:** 1513-AA59**2411. PETITION TO ESTABLISH "MCMINNVILLE" AS AN AMERICAN VITICULTURAL AREA IN OREGON****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 9**Completed:**

Reason	Date	FR Cite
Final Action	01/18/05	70 FR 2801
Final Action Effective	03/21/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jennifer Berry

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**RIN:** 1513-AA63**2412. PETITION TO ESTABLISH "GRAND LAKE O' THE CHEROKEES" AS A NEW AMERICAN VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 9**Completed:**

Reason	Date	FR Cite
Withdrawn	03/04/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rita Butler

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**RIN:** 1513-AA66**2413. PETITION TO ESTABLISH "SOUTHERN OREGON" AS A VITICULTURAL AREA****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 9**Completed:**

Reason	Date	FR Cite
Final Action	12/08/04	69 FR 70889
Final Action Effective	02/07/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy Sutton

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**Related RIN:** Previously reported as 1512-AC81**RIN:** 1513-AA75**BILLING CODE** 4810-25-S

## Department of the Treasury (TREAS)

## Prerule Stage

## Comptroller of the Currency (OCC)

**2414. ● RISK-BASED CAPITAL GUIDELINES; CAPITAL ADEQUACY GUIDELINES; CAPITAL MAINTENANCE; DOMESTIC CAPITAL MODIFICATIONS****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 12 CFR 3**Legal Deadline:** None**Abstract:** As part of OCC's ongoing efforts to develop and refine the capital standards to ensure the safety and soundness of the national banking system and to implement statutory

requirements, 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	07/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Laura Goldman, Counsel, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219  
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**RIN:** 1557-AC95

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

**Proposed Rule Stage**

**2415. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; LICENSING PROCEDURES**

**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 governing corporate activities in 12 CFR part 5. The rulemaking also would make technical changes to certain provisions in 12 CFR part 4 to reflect organizational restructuring and to 12 CFR part 9 to reflect changes in regulations adopted by the Securities and Exchange Commission (SEC). Additionally, the rulemaking would amend subpart O of 12 CFR part 19 to combine current 12 CFR 19.240 and 19.241 into one section, and would make a technical correction to the regulation governing debt cancellation contracts (DCCs) and debt suspension agreements (DSAs) in 12 CFR part 37.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**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  
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**RIN:** 1557-AC79

**2416. 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	06/00/05	

**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  
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**RIN:** 1557-AC87

**2417. IMPLEMENTATION OF A REVISED BASEL CAPITAL ACCORD (BASEL II)**

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

**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 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. This change involves the implementation of the new Basel Capital Accord (Basel II). OCC is conducting this rulemaking jointly with the other Federal banking agencies.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/04/03	68 FR 45900
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Split from 1557-AB14

**RIN:** 1557-AC91

**2418. • ONE-YEAR PROHIBITION FOR EXAMINERS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 12 USC 1820

## TREAS—OCC

## Proposed Rule Stage

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**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 part to chapter I of 12 CFR, implements section 6303(b) of the Intelligence Reform Act for OCC employees who serve as examiners of national banks.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 1557-AC94

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

**Final Rule Stage**

**2419. COMMUNITY REINVESTMENT ACT REGULATION (12 CFR 25)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 21; 12 USC 22; 12 USC 26; 12 USC 27; 12 USC 30; 12 USC 36; 12 USC 93a; 12 USC 161; 12 USC 215; 12 USC 215a; 12 USC 481; 12 USC 1814; 12 USC 1816; 12 USC 1828(c); 12 USC 1835a; 12 USC 2901 to 2907; 12 USC 3101 to 3111

**CFR Citation:** 12 CFR 25

**Legal Deadline:** None

**Abstract:** OCC, together with the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation, proposed revising certain provisions of its rules implementing the Community Reinvestment Act (CRA). This rulemaking would address the regulatory burden imposed on smaller banks by revising the eligibility requirements for CRA evaluation under the lending, investment, and service tests. The rulemaking would add a new community development test for banks with at least \$250 million and less than \$1 billion in assets. This rulemaking would also revise the definition of the term “community development” to include affordable housing and revitalization and stabilization in underserved rural areas and designated disaster areas and revise the regulation to address the impact on a bank’s CRA rating of evidence of discrimination or other illegal credit practices.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/19/01	66 FR 37602
ANPRM Comment Period End	10/17/01	
NPRM	02/06/04	69 FR 5729
NPRM Comment Period End	04/06/04	
NPRM	03/11/05	70 FR 12148
NPRM Comment Period End	05/10/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 1557-AB98

**2420. ELECTRONIC FILING AND DISCLOSURE OF BENEFICIAL OWNERSHIP REPORTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 93a; 15 USC 78l; 15 USC 78p

**CFR Citation:** 12 CFR 11

**Legal Deadline:** None

**Abstract:** The Sarbanes-Oxley Act of 2002 made amendments to section 16(a) of the Securities Exchange Act of 1934, which requires the filing of

beneficial ownership reports by officers, directors, and principal shareholders of issuers of securities. OCC administers and enforces section 16(a) with respect to officers, directors, and principal shareholders of national banks. Effective July 30, 2003, the amendments required that beneficial ownership reports be filed electronically and posted on the issuer’s corporate Web site if it has a Web site. The rulemaking would require that beneficial ownership reports filed by officers, directors, and principal shareholders of national banks be filed electronically pursuant to the FDICconnect system and that the reports be placed on the Web site of national banks that have Web sites.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/22/03	68 FR 54981
Interim Final Rule Effective	09/22/03	68 FR 54891
Interim Final Rule Comment Period End	11/30/03	68 FR 54981
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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## TREAS—OCC

## Final Rule Stage

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RIN: 1557-AC75

### 2421. FAIR CREDIT REPORTING: USE OF MEDICAL INFORMATION

**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:** None

**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
Final Action	08/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 1557-AC85

### 2422. 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, August 6, 2004, See section 214 of the FACT Act, PL 108-159.

**Abstract:** OCC, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Thrift Supervision (the Federal Banking Agencies), the National Credit Union Administration, and the Federal Trade Commission are planning 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 regulations would implement the consumer notice and opt-out provisions of the FACT Act regarding the sharing of consumer information among affiliates for marketing purposes.

#### Timetable:

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42502
Final Action	09/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

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RIN: 1557-AC88

### 2423. 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	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Split from 1557-AB14

RIN: 1557-AC90

**Department of the Treasury (TREAS)  
Comptroller of the Currency (OCC)**
**Long-Term Actions**
**2424. 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

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**RIN:** 1557-AB93

**2425. 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 Period End	03/29/04	
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 1557-AC80

**2426. ACCURACY AND INTEGRITY OF  
INFORMATION FURNISHED TO A  
CONSUMER REPORTING AGENCY**

**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:** Businesses

**Government Levels Affected:** None

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**RIN:** 1557-AC89

**Department of the Treasury (TREAS)  
Comptroller of the Currency (OCC)**
**Completed Actions**
**2427. RULES, POLICIES, AND  
PROCEDURES FOR CORPORATE  
ACTIVITIES; OPERATING SUBSIDIARY  
ANNUAL REPORT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 5.34

**Completed:**

Reason	Date	FR Cite
Final Action	11/05/04	69 FR 64478

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 1557-AC81

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1557-AC82

**2429. PROPER DISPOSAL OF  
CONSUMER INFORMATION**

**Priority:** Other Significant

**CFR Citation:** 12 CFR 30 app B; 12  
CFR 41

**Completed:**

Reason	Date	FR Cite
Final Action	12/28/04	69 FR 77610

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1557-AC84

**2430. COMMUNITY REINVESTMENT  
ACT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 25

**Completed:**

Reason	Date	FR Cite
Final Action	03/28/05	70 FR 15570

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1557-AC86

**2431. INTERAGENCY GUIDANCE ON  
RESPONSE PROGRAMS FOR  
UNAUTHORIZED ACCESS TO  
CUSTOMER INFORMATION AND  
CUSTOMER NOTICE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 30, app B

**Completed:**

Reason	Date	FR Cite
Final Interpretive Guidance	03/29/05	70 FR 15736

**2428. RULES, POLICIES, AND  
PROCEDURES FOR CORPORATE  
ACTIVITIES; CIVIL MONETARY  
PENALTIES ADJUSTMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 19.240; 12 CFR  
19.241

**Completed:**

Reason	Date	FR Cite
Final Action	11/10/04	69 FR 65067

**Regulatory Flexibility Analysis**

**Required:** No

## TREAS—OCC

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Deborah Katz

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**RIN:** 1557-AC92**2432. • GUIDELINES FOR RESIDENTIAL MORTGAGE LENDING PRACTICES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 12 USC 93a; 12 USC 371; 12 USC 1818; 12 USC 1831p; 12 USC 3102(b); 15 USC 1681s; 15 USC

1681w; 15 USC 6801; 15 USC 6805(b)(1)

**CFR Citation:** 12 CFR 30**Legal Deadline:** None**Abstract:** OCC issued guidelines concerning the residential mortgage lending practices of national banks and their operating subsidiaries as a further step to protect against national bank involvement in predatory, abusive, unfair, or deceptive residential mortgage lending practices. They identify practices that are consistent with sound residential mortgage lending practices and describe terms and practices that may lead to predatory, abusive, unfair, or deceptive lending practices. The Guidelines address steps banks should take to mitigate risks associated with their purchase of residential mortgage loans

and use of mortgage brokers to originate loans.

**Timetable:**

Action	Date	FR Cite
Final Action	02/07/05	70 FR 6329

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michele Meyer, Special Counsel, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW., Washington, DC 20219

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**RIN:** 1557-AC93**BILLING CODE** 4810-33-S

## Department of the Treasury (TREAS)

## Internal Revenue Service (IRS)

## Proposed Rule Stage

**2433. FOREIGN INSURANCE COMPANIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 842; 26 USC 864**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will prescribe rules for determining income from stocks effectively connected under the asset use test with the conduct of an insurance business in the United States by a foreign company.**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-209066-88 (INTL-024-88)

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**RIN:** 1545-AL82**2434. 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)

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**RIN:** 1545-AM12**2435. 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

## TREAS—IRS

## Proposed Rule Stage

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	06/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-209006-89 (INTL-089-89)

Drafting attorney: Richard L. Osborne (202) 622-3860

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**RIN:** 1545-AM97**2436. 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)

Drafting attorney: Valerie A. Mark-Lippe (202) 622-3840

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**RIN:** 1545-AO25**2437. 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	06/04/98	
Period End		
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

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**RIN:** 1545-AP01**2438. INFORMATION REPORTING AND RECORD MAINTENANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 7801; 26 USC 6038C**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will implement the directives of section 6038C. This will be accomplished by requiring foreign corporations engaged in a U.S. business to provide specific information regarding related party transactions.

**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-208265-90 (INTL-102-90)

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Treasury attorney: Andrew Froberg (202) 622-1779

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**RIN:** 1545-AP10**2439. 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**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 337**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations will implement the guidance provided in Notice 89-37, 1989-1 C.B. 679, concerning the treatment of certain



## TREAS—IRS

## Proposed Rule Stage

partnership transactions involving the stock of a corporate partner.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/92	57 FR 59324
NPRM Comment Period End	01/20/93	
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-208989-90 (CO-91-90)

Drafting attorney: Tara P. Volungis (202) 622-3080

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**RIN:** 1545-AP52

**2440. 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

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**RIN:** 1545-AR20

**2441. 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

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**RIN:** 1545-AU97

**2442. 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 regulations are currently 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

Drafting attorney: Edwin B. Cleverdon (202) 622-7900

Reviewing attorney: Robert A. Berkovsky (202) 622-4920

CC:ITA

**Agency Contact:** Edwin B. Cleverdon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7900

**RIN:** 1545-AV55

**2443. 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 1

**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

## TREAS—IRS

## Proposed Rule Stage

**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

**2444. 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

**2445. 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	12/00/05	

**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

CC:ITA

**Agency Contact:** Grant D. Anderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4930

**RIN:** 1545-AX21

**2446. INSPECTION OF WRITTEN DETERMINATIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** This regulation amends Treasury Regulation sections 301.6110-1 through 301.6110-7.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**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

**2447. 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

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**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

## TREAS—IRS

## Proposed Rule Stage

**2448. HIGHLY COMPENSATED EMPLOYEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 414**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulations will provide the definition of highly compensated employee.**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-111277-99

Drafting attorney: R. Lisa Mojiri-Azad (202) 622-6080

Reviewing attorney: Marjorie Hoffman (202) 622-6030

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-AX48**2449. 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

Treasury attorney: Michael Caballero (202) 622-0851

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**2450. 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: Carl Dubert (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**RIN:** 1545-AX78**2451. 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 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**2452. 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 on changes to the law for corporate estimated taxes.

## TREAS—IRS

## Proposed Rule Stage

**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**2453. WITHHOLDING TAX ON FOREIGN PARTNERS' SHARE OF EFFECTIVELY CONNECTED INCOME****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1446**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations provide guidance for partnerships obligated to pay withholding tax under section 1446 of the Internal Revenue Code. Specifically, the proposed and temporary regulations address the circumstances under which a partnership may reduce its withholding tax due based upon certifications of losses by foreign partners. The temporary regulations will be effective for partnership taxable years beginning after the date the regulations are published in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/03	68 FR 52466
Second NPRM	07/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Additional Information:** REG-108524-00

Drafting attorney: Ronald M. Gootzeit (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

Treasury attorney: David Sotos (202) 622-0851

CC:INTL

**Agency Contact:** Ronald M. Gootzeit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
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**Related RIN:** Related to 1545-BD80**RIN:** 1545-AY28**2454. 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 CFCs and FPHCs.

**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-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**2455. 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**2456. 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

## TREAS—IRS

## Proposed Rule Stage

Drafting attorney: Thomas D. Beem  
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Reviewing attorney: Charles P. Besecky  
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622-1754

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DC 20224  
Phone: 202 622-3860

**RIN:** 1545-AY41

#### 2457. 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  
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CC:INTL

**Agency Contact:** Jeffrey L. Vinnik,  
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**RIN:** 1545-AY54

#### 2458. 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	06/00/05	

**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,  
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1111 Constitution Avenue NW,  
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**RIN:** 1545-AY74

#### 2459. 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	06/00/05	

**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  
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CC:PA:DPL

**Agency Contact:** Geoffrey M.  
Campbell, Attorney, Department of the  
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1111 Constitution Avenue NW,  
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**RIN:** 1545-AY89

#### 2460. 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	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,  
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1111 Constitution Avenue NW,  
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Phone: 202 622-3840

**RIN:** 1545-AY92

## TREAS—IRS

## Proposed Rule Stage

**2461. 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	07/00/05	

**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**2462. 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	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**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**2463. 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	05/00/05	

**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**2464. INCOME FROM SOURCES WITHIN SPECIFIED POSSESSION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 931; 26 USC 911**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will remove section 1.931-1 and references thereto in other sections.**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-159068-01

Drafting attorney: Ethan A. Atticks (202) 622-3840

Reviewing attorney: Phyllis E. Marcus (202) 622-3840

Treasury attorney: Carl Dubert (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**RIN:** 1545-BA37**2465. PROVISIONS REGARDING CROSS-BORDER TRANSACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 368(a)

## TREAS—IRS

## Proposed Rule Stage

**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**2466. 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

Reviewing attorney: Richard S. Goldstein (202) 622-7820

Treasury attorney: Stephanie Robinson (202) 622-9858

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**2467. 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	12/00/05	

**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**2468. GUIDANCE TO FACILITATE ELECTRONIC TAX ADMINISTRATION****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** This regulation will facilitate electronic tax administration.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-137243-02

Drafting attorney: Sanford Kelsey (202) 622-4940

Reviewing attorney: Ashton P. Trice (202) 622-4940

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Sanford Kelsey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940**RIN:** 1545-BA96**2469. 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

## TREAS—IRS

## Proposed Rule Stage

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**RIN:** 1545-BB04

**2470. 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	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) 622-3800

Reviewing attorney: Elizabeth G. Beck (202) 435-5265

Treasury attorney: David Ernick (202) 622-1754

CC:INTL

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Phone: 202 435-5265

**RIN:** 1545-BB26

**2471. 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

**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

**2472. AMENDING THE LOW-INCOME HOUSING TAX CREDIT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 42; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations are amendments to the general public use requirements in the low-income housing tax credit program.

**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-151145-02

Drafting attorney: Jack Malgeri (202) 622-3040

Reviewing attorney: Harold Burghart (202) 622-3040

CC:PSI

**Agency Contact:** Jack Malgeri, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040

**RIN:** 1545-BB37

**2473. 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

**2474. 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



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prevent rules relating to certain adjustments to the basis of subsidiary member stock from having the effect of offsetting certain income and gain upon a disposition of the stock by the consolidated group.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**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

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**RIN:** 1545-BB61

**2475. 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	12/00/05	

**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

**2476. 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) accelerate the recognition of income associated with a REMIC resident interest that is allocation 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

CC:FI

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**RIN:** 1545-BB84

**2477. DEPENDENT CARE CREDIT**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**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	06/00/05	

**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

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**RIN:** 1545-BB86

**2478. PARTNERSHIP EQUITY FOR SERVICES**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 721; 26 USC 83

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations will describe the tax treatment of partnership equity issued in connection with the performance of services.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105346-03

Drafting attorneys: Demetri G. Yatrakis (202) 622-3060

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## TREAS—IRS

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**RIN:** 1545-BB92

#### 2479. 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	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** REG-168897-02

Drafting attorney: Linda S.F. Marshall  
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Reviewing attorney: Marjorie Hoffman  
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**RIN:** 1545-BB93

#### 2480. 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	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-150088-02

Drafting attorney: Laurence K. Williams  
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Reviewing attorney: Alan Levine (202)  
622-3600

CC:PA:CBS

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Phone: 202 622-3600

**Related RIN:** Related to 1545-BB97

**RIN:** 1545-BB96

#### 2481. 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	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-150091-02

Drafting attorney: Laurence K. Williams  
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Reviewing attorney: Alan Levine (202)  
622-3610

CC:PA:CBS

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Phone: 202 622-3600

**Related RIN:** Related to 1545-BB96

**RIN:** 1545-BB97

#### 2482. 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	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State

**Federalism:** Undetermined

**Additional Information:** REG-140379-02

Drafting attorney: Michael P. Brewer  
(202) 622-3980

CC:TEGE

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Phone: 202 622-3980

**RIN:** 1545-BC07

#### 2483. 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 1.142-10, which provides for an alternative method for computing utility allowances under section 1.142-10(b)(4)(ii). Also, the regulation will

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provide for annual updates of utility allowances.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**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: Harold Burghart (202) 622-3040

Treasury attorney: Sharon Kay (202) 622-0865

CC:PSI

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Phone: 202 622-3040

**RIN:** 1545-BC22

**2484. 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 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

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Treasury attorney: Carl Dubert (202) 622-0222

CC:INTL

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**Related RIN:** Related to 1545-BD33

**RIN:** 1545-BC37

**2485. SUBSTITUTE FOR RETURN (SFR) AND AUTOMATED SUBSTITUTE FOR RETURN (ASFR)**

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

**Unfunded Mandates:** Undetermined

**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	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: Eric San Juan (202) 622-0224

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**Related RIN:** Related to 1545-BC46

**RIN:** 1545-BC45

**2486. SUBSTITUTE FOR RETURN (SFR) AND AUTOMATED SUBSTITUTE FOR RETURN (ASFR) (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 6020

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The temporary regulation serves as IRS' expression of intent that certain documents generated in the substitute for return (SFR) and Automated Substitute for Return (ASFR) process constitute section 6020(b) returns for purposes of assessing the section 6651(a)(2) addition to tax.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** REG-131739-03

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**Related RIN:** Related to 1545-BC45

**RIN:** 1545-BC46

**2487. 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

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**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

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Treasury attorney: Andrew Froberg (202) 622-1779

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**Agency Contact:** Camille B. Evans, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
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**RIN:** 1545-BC48

**2488. 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

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**RIN:** 1545-BC52

**2489. COORDINATION OF UNITED STATES AND CERTAIN POSSESSIONS INCOME TAXES**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** Internal Revenue Code section 7654 contains provisions for coordination of United States and certain Possessions income taxes. Specifically, section 7654 provides for "cover over" of the net collection of taxes imposed under chapter 1 or deducted and withheld under chapter 24. Section 7654 of the Internal Revenue Code of 1986 provides specific rules for cover over with regard to the possessions American Samoa and the U.S. Virgin Islands.

Section 7654 of the 1954 Code, as amended in 1972 by Public Law 92-606, provides specific rules for cover over with regard to the possessions, Guam and the Northern Mariana Islands (NMI). Section 7654 of the 1954 Code remains applicable to Guam and the NMI because neither of these two possessions have an effective implementing agreement with the United States, in accordance with the Tax Reform Act of 1986, Public Law 99-514.

The regulations will include regs for both the 1954 Code and the 1986 Code versions of section 7654.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-139900-03

Drafting attorney: Mae J. Lew (202) 435-5262

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Phone: 202 435-5262

**Related RIN:** Related to 1545-BD32

**RIN:** 1545-BC54

**2490. 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	05/00/05	

**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

## TREAS—IRS

## Proposed Rule Stage

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**RIN:** 1545-BC55

#### 2491. 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	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-143316-03

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**RIN:** 1545-BC56

#### 2492. 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
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-149610-03

Drafting attorneys: Charlotte Chyr (202)  
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3070

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**RIN:** 1545-BC65

#### 2493. 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 and will provide in part that the only two circumstances under which an agreement extending the collecting period may be executed are: (1) when the extension agreement is executed in connection with an Installment Agreement; and (2) when the extension agreement is executed prior to a levy being released pursuant to section 6343, when the release occurs after the expiration of the original 10-year statutory collection period. Also, the revised regulations will discuss the continued validity of extension agreements executed prior to January 1, 2000.

##### Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

**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: Fredrick W.  
Schindler (202) 622-3600

Treasury attorney: Julian Kim (202)  
622-1981

CC:PA:CBS

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**RIN:** 1545-BC72

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**2494. 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

**2495. 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: Elizabeth Van Osten (202) 622-8257

Treasury attorney: Harlan Weller (202) 622-1001

CC:TEGE

**Agency Contact:** Elizabeth Van Osten, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-8257

**RIN:** 1545-BC82

**2496. 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:** This regulation expands the definition of the term "loss" for purposes of sections 1092 and 263(g) to include otherwise deductible payments or accruals determined with respect to changes in the capital value of offsetting positions in a straddle that lacks a capital investment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**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

**2497. DETERMINATION OF RESIDENCY IN U.S. POSSESSIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**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	12/00/05	

**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) 435-5265

Reviewing attorney: W. Edward Williams (202) 622-3830

Treasury attorney: Gretchen Sierra (202) 622-1755

CC:INTL

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## Proposed Rule Stage

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RIN: 1545-BC86

#### 2498. TRANSACTIONS INVOLVING THE TRANSFER OF NO NET EQUITY VALUE

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805; 26 USC  
351

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will  
provide guidance regarding the  
application of sections 332, 351, and  
368 in certain transactions involving  
insolvent corporations.

##### Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-163314-03

Drafting attorney: Jean R. Brenner (202)  
622-7790

Reviewing attorneys: Victor L. Penico  
and Lisa Fuller (202) 622-7750

Treasury attorney: Audrey Nacamuli  
(202) 622-5721

CC:COR

**Agency Contact:** Jean R. Brenner,  
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RIN: 1545-BC88

#### 2499. SICKNESS OR ACCIDENT DISABILITY PAYMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulation  
provides guidance regarding the  
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	05/00/05	

**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,  
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1111 Constitution Avenue NW,  
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Phone: 202 622-6040

RIN: 1545-BC89

#### 2500. 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: Joseph E. Conley  
(202) 622-4580

CC:PA:DPL

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RIN: 1545-BC93

#### 2501. 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	06/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-123365-03

Drafting attorney: Russell P. Subin  
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Reviewing attorney: Richard Coss (202)  
622-7790

Treasury attorney: Audrey Nacamuli  
(202) 622-5721

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RIN: 1545-BC94

#### 2502. ACCUMULATED ADJUSTMENT ACCOUNT AND OTHER CORPORATE SEPARATIONS UNDER SECTION 355

**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  
will amend the current regulations  
under section 1.1368-2 in order to

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address the proper treatment of an S corporation's accumulated adjustment account in a section 355 transaction not preceded by a section 368(a)(1)(D) reorganization.

**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-168722-03

Drafting attorney: Deane M. Burke (202) 622-3070

Reviewing attorney: James Quinn (202) 622-3070

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-BC98

**2503. ATTAINED AGE OF THE INSURED**

**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 regulations define the age of the insured to be used by the insurance companies for the cash value corridor and maturity date assumption required to determine if a contract insuring more than one life qualifies as a life insurance contract for Federal income tax purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-168892-03

Drafting attorney: Ann H. Logan (202) 622-3970

Reviewing attorney: Donald Drees (202) 622-3970

CC:FI

**Agency Contact:** Ann H. Logan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3970

**RIN:** 1545-BD00

**2504. 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	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-149856-03

Drafting attorney: Victoria J. Driscoll (202) 622-4920

Reviewing attorney: 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  
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**RIN:** 1545-BD01

**2505. TREATMENT OF FOREIGN STAPLED CORPORATION (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 269B

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will provide regulatory guidance to implement Notice 2003-50.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-101282-04

Drafting attorney: Richard L. Osborne (202) 622-3860

Reviewing attorney: Robert W. Lorence (202) 622-3860

Treasury attorney: Michael Cabellero (202) 622-0851

CC:INTL

**Agency Contact:** Richard L. Osborne, 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-BD05

**RIN:** 1545-BD06

**2506. 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	06/00/05	

**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

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**Related RIN:** Related to 1545-AX40

**RIN:** 1545-BD09

### 2507. 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 proposed regulation provides additional guidance with respect to dual consolidated losses under section 1503(d).

**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-102144-04

Drafting attorney: Kathryn T. Holman  
(202) 622-3860

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: 202 622-3860

**RIN:** 1545-BD10

### 2508. CURRENT LIABILITY INTEREST RATE UNDER SECTION 412(B)(5)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 412(b)(5)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations will provide rules regarding the current liability interest rate under section 412(b)(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-105966-04

Drafting attorney: Linda S.F. Marshall  
(202) 622-6090

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

**RIN:** 1545-BD13

### 2509. 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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105966-04

Drafting attorney: Linda S.F. Marshall  
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Treasury attorney: Harlan Weller (202)  
622-1001

CC:TEGE

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**Related RIN:** Related to 1545-BD13

**RIN:** 1545-BD14

### 2510. 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 FPHC, FIC, or 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. Drumb  
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Reviewing attorney: Karen Rennie (202)  
622-3880

Treasury attorney: John Harrington  
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CC:INTL

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## Proposed Rule Stage

**Agency Contact:** Michelle L. Drumb, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545-BD15

### 2511. MOVE AND UPDATE THE ESTIMATED TAX REGULATIONS

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

**Legal Authority:** 26 USC 6654

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulation will move and update the estimated tax regulations from Treasury Regulation sections 1.6015(a)-(j) and 301.6015 to the section 6654 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-147157-03

Drafting attorney: Tonya L. Christianson (202) 622-4910

Reviewing attorney: Tiffany Smith (202) 622-4910

Treasury attorney: Eric San Juan (202) 622-0224

CC:PA:APJ

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Phone: 202 622-4910

**RIN:** 1545-BD17

### 2512. 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	06/00/05	

**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

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Phone: 202 622-3920

**RIN:** 1545-BD18

### 2513. 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 proposed 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 proposed 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.

**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

CC:ITA:B07

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Phone: 202 622-4930

**Related RIN:** Split from 1545-AR82

**RIN:** 1545-BD19

### 2514. 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	06/00/05	

**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 attorney: Sharon Kay (202) 622-0865

CC:PSI

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Phone: 202 622-3040

**RIN:** 1545-BD20

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**2515. 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

**2516. 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	11/00/05	

**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

CC:ITA

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Phone: 202 622-4920

**RIN:** 1545-BD28

**2517. COORDINATION OF UNITED STATES AND CERTAIN POSSESSIONS INCOME TAXES (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** Internal Revenue Code section 7654 contains provisions for coordination of United States and certain Possessions income taxes. Specifically, section 7654 provides for "cover over" of the net collection of taxes imposed under chapter 1 or deducted and withheld under chapter 24. Section 7654 of the Internal Revenue Code of 1986 provides specific rules for cover over with regard to the possessions American Samoa and the U.S. Virgin Islands.

Section 7654 of the 1954 Code, as amended in 1972 by Public Law 92-606, provides specific rules for cover over with regard to the possessions, Guam and the Northern Mariana Islands (NMI). Section 7654 of the 1954 Code remains applicable to Guam and the NMI because neither of these two possessions have an effective implementing agreement with the United States, in accordance with the Tax Reform Act of 1986, Public Law 99-514.

The regulations will include regs for both the 1954 Code and the 1986 Code versions of section 7654.

**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-139900-03

Drafting attorney: Mae J. Lew (202) 435-5262

Reviewing attorney: Ricardo A. Cadenas (202) 435-5262

Treasury attorney: Carl Dubert (202) 622-1765

CC:INTL

**Agency Contact:** Mae J. Lew, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 435-5262

**Related RIN:** Related to 1545-BC54

**RIN:** 1545-BD32

**2518. 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: Carl Dubert (202) 622-0222

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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

**2519. TRANSFERS OF RESTRICTED STOCK**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 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, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6030

**Related RIN:** Related to 1545-BD45

**RIN:** 1545-BD44

**2520. 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

**2521. 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) 622-3870

Reviewing attorney: Jeffrey Dorfman (202) 622-3870

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: 202 622-3870

**RIN:** 1545-BD46

**2522. UPDATE OF 415 REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** These proposed regulations amend the regulations under section 415 of the Internal Revenue Code relating to limitations on benefits and contributions under qualified plans. Section 415 provides a complex series of limits on benefits under defined benefit plans and contributions and other additions under defined contribution plans. Comprehensive regulations regarding section 415 were last issued in 1980. These regulations are being proposed to reflect statutory changes and guidance items and to clarify certain other issues.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-130241-04

Drafting attorney: Linda S.F. Marshall (202) 622-6090

CC: TEGE:QP1

**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-BD52

**2523. 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

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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	06/00/05	

**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

**2524. CLASSIFICATION OF INDIAN TRIBAL CORPORATIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7701; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance regarding classification of Indian Tribal Corporations for Federal tax purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-136069-04

Drafting attorney: Barbara Campbell (202) 622-3050

Reviewing attorney: Dianna Miosi (202) 622-3050

CC:PSI

**Agency Contact:** Barbara Campbell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**RIN:** 1545-BD61

**2525. 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	07/00/05	

**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

**2526. 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	05/00/05	

**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

**2527. 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	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-144246-04

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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

### 2528. 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	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-144620-04

Drafting attorneys: Rebekah A. Myers and Tim Leska (202) 622-3050

Reviewing attorney: Beverly Katz (202) 622-3060

Treasury attorney: Matthew Lay (202) 622-1788

CC:PSI

**Agency Contact:** Rebekah A. Myers, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**RIN:** 1545-BD70

### 2529. REGULATIONS UNDER SECTION 706 REGARDING TAXABLE YEAR OF A PARTNERSHIP

**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	05/00/05	

**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: Stephanie Robinson (202) 622-9858

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

### 2530. 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	12/00/05	

**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

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

### 2531. 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 their return (e.g., preparer, appraiser, accountant, etc.) commits fraud.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** REG-144905-04

Drafting attorney: Matthew Cooper (202) 622-4940

Reviewing 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

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**2532. 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	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-144694-04

Drafting attorney: Jason T. Smyczek (202) 622-3050

Reviewing attorney: David Haglund (202) 622-3050

Treasury attorney: Stephanie Robinson (202) 622-9858

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**2533. CLASSIFICATION OF CERTAIN FOREIGN ENTITIES****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 7701**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations will revise the entity classification rules.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-148521-04

Drafting attorney: Ronald M. Gootzeit (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

Treasury attorney: David Sotos (202) 622-0851

CC:INTL

**Agency Contact:** Ronald M. Gootzeit, 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-BD78**RIN:** 1545-BD77**2534. 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	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-151884-03 and REG-151887-03

Drafting attorney: C. Oseekey (202) 622-4970

Reviewing attorney: Jeffery G. Mitchell (202) 622-4970

Treasury attorney: Sharon Kay (202) 622-0865

CC:ITA

**Agency Contact:** Jeffery G. Mitchell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4970**RIN:** 1545-BD81**2535. 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:** To reduce the prospect of future controversy, the Service and Treasury Department intend 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	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-143640-04

Drafting attorney: Angella L. Warren (202) 622-4950

Reviewing attorney: Glenn Bogdonoff (202) 622-4950

Treasury 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

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**2536. 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, exchanges, or distributes all of such stock, can make an election under section 336(e) to treat such sale, exchange, or distribution as a disposition of all the assets of such other corporation and recognize no gain or loss on the sale, exchange, or distribution of such stock.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-143544-04

Drafting 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

**2537. GUIDANCE UNDER SECTION 79**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 79

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Guidance under 26 U.S.C. section 79, group term life insurance.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** Drafting attorney: Betty J. Clary (202) 622-6080

**Agency Contact:** Betty J. Clary, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-BD85

**2538. DEFINITION OF THE "DUE DATE" FOR PURPOSES OF CALCULATING OVERPAYMENT INTEREST UNDER SECTION 301.6611(H)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 6611

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations will amend 26 CFR section 301.6611-1(h) to clarify the allowance for overpayment interest in cases in which an overpayment is credited against an underpayment.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-148576-04

Drafting attorney: Tatiana Belenkaya (202) 622-4910

Reviewing attorney: Pamela W. Fuller (202) 622-4910

CC:APJP:B01

**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-BD86

**2539. • RETURN FOR SUBCHAPTER T COOPERATIVES**

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 6012

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This publication will amend Section 1.6012-2(f) of the Income Tax Regulations to provide that all Subchapter T cooperatives as defined under Section 1381 are required to a return on Form 1120-C.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-149436-04

Drafting attorney: Donnell M. Rini-Swyers (202) 622-4910

Reviewing attorney: James C. Gibbons (202) 622-4910

Treasury attorney: John Parcell (202) 622-2578

CC:PA:APJ

**Agency Contact:** Donnell M. Rini-Swyers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-4910

**RIN:** 1545-BD92

**2540. • EMPLOYER'S ANNUAL FEDERAL EMPLOYMENT TAX RETURN—FORM 944**

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 6011

**CFR Citation:** 26 CFR 31.6011(a)-1; 26 CFR 31.6011(a)-4

**Legal Deadline:** None

**Abstract:** The purpose of this regulatory action is to amend CRF sections 31.6011(a)-4 of the Withholding Taxes Regulations to allow the filing of Form 944, Employer's Annual Federal Employment Tax Return, for employers selected by the Service to participate in the Employer's 941 Annual Employment Tax Return Program.



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**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** REG-148568-04Tax Law Specialist: Raymond Bailey  
(202) 622-4910

CC:PA:APJ

**Agency Contact:** Raymond Bailey,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4910**Related RIN:** Related to 1545-BE00**RIN:** 1545-BD93**2541. • RETURN FOR SUBCHAPTER T  
COOPERATIVES (TEMPORARY)****Priority:** Info./Admin./Other**Legal Authority:** 26 USC 6012**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This publication will amend  
section 1.6012-2(f) of the Income Tax  
Regulations to provide that all  
Subchapter T cooperatives as defined  
under section 1381 are required to file  
a return on Form 1120-C.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-149436-04Drafting attorney: Donnell M. Rini-  
Swyers (202) 622-4910Reviewing attorney: James C. Gibbons  
(202) 622-4910Treasury attorney: John Parcell (202)  
622-2578

CC:PA:APJ

**Agency Contact:** Donnell M.  
Rini-Swyers, Attorney, Department of  
the Treasury, Internal Revenue Service,  
1111 Constitution Ave NW,  
Washington, DC 20224

Phone: 202 622-4910

**Related RIN:** Related to 1545-BD92**RIN:** 1545-BD98**2542. • EMPLOYER'S ANNUAL  
FEDERAL EMPLOYMENT TAX  
RETURN—FORM 944 (TEMPORARY)****Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 6011**CFR Citation:** 26 CFR 31**Legal Deadline:** None**Abstract:** The purpose of this  
regulatory action is to amend sections  
31.6011(a)-4 of the Withholding Taxes  
Regulations to allow the filing of Form  
944, Employer's Annual Federal  
Employment Tax Return, for employers  
selected by the Service to participate  
in the Employer's 941 Annual  
Employment Tax Return Program.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** REG-148568-04Tax Law Specialist: Raymond Bailey  
(202) 622-622-4910

CC:PA:APJ

**Agency Contact:** Raymond Bailey,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4910**Related RIN:** Related to 1545-BD93**RIN:** 1545-BE00**2543. • 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	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-148864-03  
AND 147195-04Drafting attorney: James C. O'Leary  
(202) 622-8543Treasury attorney: Michael Desmond  
(202) 622-1981

CC:PA:DPL

**Agency Contact:** James C. O'Leary,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave NW, Washington, DC  
20224

Phone: 202 622-8543

**Related RIN:** Related to 1545-BC93,  
Related to 1545-BE01, Related to  
1545-BE08**RIN:** 1545-BE02**2544. • 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	12/00/05	

**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

## TREAS—IRS

## Proposed Rule Stage

CC: PSI:B8

**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

**2545. • DYE INJECTION**

**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 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	05/00/05	

**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

**2546. • APPLICATION OF SECTION 6404(G) SUSPENSION PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** This proposed regulation is meant to clarify the types of cases in which interest and penalties are suspended for the Service's failure to issue a notice alerting taxpayers of their liability and the basis therefor within the statutory period.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** REG-149036-04

Drafting attorney: Julie A. Jebe (202) 622-7950

Reviewing attorney: Stuart Spielman (202) 622-7950

Treasury attorney: Michael Desmond (202) 622-1981

CC:PA:APJ

**Agency Contact:** Julie A. Jebe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7950

RIN: 1545-BE07

**2547. • 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 document contains proposed regulations that would 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 this information directly to the IRS. The

regulations will affect certain RICs that pay foreign taxes and their shareholders.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-105248-04

Drafting attorney: Susan T. Baker (202) 622-3930

CC:FI

**Agency Contact:** Susan T. Baker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3930

RIN: 1545-BE09

**2548. • INFORMATION RETURNS BY DONEES RELATING TO QUALIFIED INTELLECTUAL PROPERTY CONTRIBUTIONS****Priority:** Info./Admin./Other**Legal Authority:** 26 USC 6050L(b)**CFR Citation:** 26 CFR 1; 26 CFR 602**Legal Deadline:** None

**Abstract:** This publication will add section 1.6050L-2 of the Income Tax Regulations to provide guidance for filing information returns by donees relating to qualified intellectual property contributions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-158138-04

Drafting attorney: Donnell M. Rini-Swyers (202) 622-4910

Reviewing attorney: James C. Gibbons (202) 622-4910

Treasury attorney: Eric SanJuan (202) 622-0224

CC:PA:APJ

**Agency Contact:** Donnell M. Rini-Swyers, Attorney, Department of the Treasury, Internal Revenue Service,

## TREAS—IRS

## Proposed Rule Stage

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RIN: 1545-BE11

#### 2549. • 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	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-159420-04  
Drafting attorney: Eric B. Lee (202) 622-3120

Reviewing attorney: Brenda M. Stewart (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-BE14

#### 2550. • 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 clarifies the extent to which taxpayers must capitalize expenditures to repair,

improve, or rehabilitate tangible property.

##### Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

**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:1

**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

#### 2551. • WITHHOLDING EXEMPTIONS

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 3402

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** Amendment of section 31.3402(f)(2)-1 of the Employment Tax Regulations to provide guidance for employers and employees relating to the Form W-4, "Employee's Withholding Allowance Certificate," the submission of copies of certain withholding exemption certificates to the Internal Revenue Service, and the notice to the employer and employee of the maximum number of exemptions permitted.

##### Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

**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

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

RIN: 1545-BE20

#### 2552. • WITHHOLDING EXEMPTIONS (TEMPORARY)

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 3402

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** Amendment of section 31.3402(f)(2)-1 of the Employment Tax Regulations to provide guidance for employers and employees relating to the Form W-4, "Employee's Withholding Allowance Certificate," the submission of copies of certain withholding exemption certificates to the Internal Revenue Service, and the notice to the employer and employee of the maximum number of exemptions permitted.

##### Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/05	

**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

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-BE20

RIN: 1545-BE21

#### 2553. • FARMER AND FISHERMAN INCOME AVERAGING UNDER THE AMERICAN JOBS CREATION ACT OF 2004 (AJCA)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1301

## TREAS—IRS

## Proposed Rule Stage

**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 businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**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:B3

**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

**2554. • SECTION 6011 REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6011; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations are an update to the taxpayer disclosure regulations for reportable transactions under section 1.6011-4.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-103038-05

Drafting attorney: Tara P. Volungis (202) 622-3080

Reviewing attorney: Christine Ellison (202) 622-3080

Treasury attorney: Michael Desmond (202) 622-1981

CC: PSI

**Agency Contact:** Tara P. Volungis, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**Related RIN:** Related to 1545-BE25

**RIN:** 1545-BE24

**2555. • SECTION 6011 REGULATIONS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6011; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations are an update to the taxpayer disclosure regulations for reportable transactions under section 1.6011-4.

**Timetable:**

Action	Date	FR Cite
Temporary Regulations	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-103038-05

Drafting attorney: Tara P. Volungis (202) 622-3080

Reviewing attorney: Christine Ellison (202) 622-3080

Treasury attorney: Michael Desmond (202) 622-1981

CC:PSI

**Agency Contact:** Tara P. Volungis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**Related RIN:** Related to 1545-BE24

**RIN:** 1545-BE25

**2556. • SECTION 6111 REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6111; 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations are for section 6111, as revised under the American Jobs Creation Act of 2004, which will provide the rules for material advisors regarding disclosure of reportable transactions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-103039-05

Drafting attorney: Tara P. Volungis (202) 622-3080

Reviewing attorney: Christine Ellison (202) 622-3080

Treasury attorney: Michael Desmond (202) 622-1981

CC:PSI

**Agency Contact:** Tara P. Volungis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**Related RIN:** Related to 1545-BE27

**RIN:** 1545-BE26

**2557. • SECTION 6111 REGULATIONS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6111; 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations are for section 6111, as revised under the American Jobs Creation Act of 2004, which will provide the rules for material advisors regarding disclosure of reportable transactions.

**Timetable:**

Action	Date	FR Cite
Temporary Regulations	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-103039-05

Drafting attorney: Tara P. Volungis (202) 622-3080

Reviewing attorney: Christine Ellison (202) 622-3080

Treasury attorney: Michael Desmond (202) 622-1981

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**Agency Contact:** Tara P. Volungis, Attorney-Advisor, Department of the

## TREAS—IRS

## Proposed Rule Stage

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**Related RIN:** Related to 1545-BE26

**RIN:** 1545-BE27

### 2558. • SECTION 6112 REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6112; 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations are an update to the list maintenance regulations under section 6112 to take into account changes to the statute made in the AJCA.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-103043-05

Drafting attorney: Tara P. Volungis  
(202) 622-3080

Reviewing attorney: Christine Ellison  
(202) 622-3080

Treasury attorney: Michael Desmond  
(202) 622-1981

CC:PSI

**Agency Contact:** Christine E. Ellison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**Related RIN:** Related to 1545-BE29

**RIN:** 1545-BE28

### 2559. • SECTION 6112 REGULATIONS (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6112; 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations are an update to the list maintenance regulations under section 6112 to take into account changes to the statute made in the AJCA.

#### Timetable:

Action	Date	FR Cite
Temporary Regulations	07/00/05	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-103043-05

Drafting attorney: Tara P. Volungis  
(202) 622-3080

Reviewing attorney: Christine Ellison  
(202) 622-3080

Treasury attorney: Michael Desmond  
(202) 622-1981

CC:PSI

**Agency Contact:** Tara P. Volungis, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**Related RIN:** Related to 1545-BE28

**RIN:** 1545-BE29

### 2560. • EMPLOYER COMPARABLE CONTRIBUTIONS TO ARCHER MEDICAL SAVINGS ACCOUNTS UNDER 4980E AND 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 Archer Medical Savings Accounts under section 4980E and Health Savings Accounts under section 4980G. The proposed regulations will also set forth the rules for determining whether employer contributions to Archer Medical Savings Accounts and Health Savings Accounts satisfy the comparability rules under sections 4980E and 4980G.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

#### 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

### 2561. • 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	07/00/05	

#### 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

## TREAS—IRS

## Proposed Rule Stage

**2562. • DOMESTIC WORKERS REGULATION UPDATE (APPLICATION OF THE FEDERAL INSURANCE CONTRIBUTIONS ACT TO PAYMENTS MADE FOR CERTAIN SERVICES)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 31**Legal Deadline:** None

**Abstract:** The proposed amendments to the regulations under sections 3102, 3121(a), 3121(a)(7), 3121(a)(8), 3121(a)(10), and 3121(i) provide guidance concerning the application of the Federal Insurance Contributions Act (FICA) to payments made for service not in the course of an employer's trade or business, for domestic service in a private home of an employer, for agricultural labor, and for service performed as a home worker within the meaning of section 3121(d)(3)(C) of the Code. Changes to section 3121(a)(7)(B), relating to domestic service, were made by the Technical and Miscellaneous Revenue Act of 1988. Changes to section 3121(a)(7)(C), relating to service not in the course of an employer's trade or business, and 3121(a)(10), relating to home workers, were made by the Social Security Financing Amendments of 1977. These statutory changes are not reflected in the existing regulations, including regulations related to sections 3102, 3121(a), and 3121(i)(1).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-104143-05

Drafting attorney: Paul J. Carlino (202) 622-0047

Reviewing attorney: Michael A. Swim (202) 622-0047

Treasury attorney: 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

**RIN:** 1545-BE32**2563. • INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 199; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Guidance to taxpayers 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	07/00/05	

**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 attorney: George Manousos (202) 622-1335

CC: PSI

**Agency Contact:** Paul F. Handleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3040

**RIN:** 1545-BE33**2564. • 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**2565. • 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	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-159444-04

Drafting attorney: Debra A. Kohn (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

## TREAS—IRS

## Proposed Rule Stage

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Phone: 202 622-3620

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RIN: 1545-BE35

**2566. • 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 businesses.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	06/00/05	

Temporary Regulation 06/00/05

**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

**2567. • 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	12/00/05	

NPRM 12/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** REG-114371-05

Drafting attorney: Martin Schaffer (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

**2568. • DYE INJECTION (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 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
Temporary Regulation	12/00/05	

Temporary Regulation 12/00/05

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**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-BE44

**2569. • 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:** 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	05/00/05	

NPRM 05/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-114444-05

Drafting attorney: Nancy M. Kelley (202) 283-7919

Reviewing attorney: Neil B. Worden (202) 283-7911

Treasury attorney: Michael Desmond (202) 622-1981

CC:GLS:CL&

**Agency Contact:** Nancy M. Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 2nd Floor, 950 L'Enfant Plaza, Washington, DC 20024

## TREAS—IRS

## Proposed Rule Stage

Phone: 202 283-7919

**Related RIN:** Related to 1545-BE46

**RIN:** 1545-BE45

**2570. • 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:** 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	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** REG-114444-05

Drafting attorney: Nancy M. Kelley (202) 283-7919

Reviewing attorney: Neil B. Worden (202) 283-7911

Treasury attorney: Michael Desmond (202) 622-1981

CC:GLS:CL&

**Agency Contact:** Nancy M. Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 2nd Floor, 950 L'Enfant Plaza, Washington, DC 20024

Phone: 202 283-7919

**Related RIN:** Related to 1545-BE45

**RIN:** 1545-BE46

**2571. • 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.

**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

**2572. • MODIFICATIONS TO THE DE MINIMIS DEPOSIT RULE UNDER SECTION 6302**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6302

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** Proposed regulations regarding deposit requirements under section 6302 needed to implement a new annual file program for employment taxes.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-144900-04

Drafting attorney: Audra M. Dineen (202) 622-4940

CC:PA:APJ

**Agency Contact:** Audra M. Dineen, 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-BE49

**RIN:** 1545-BE48

**2573. • MODIFICATION TO THE DE MINIMIS DEPOSIT RULE UNDER SECTION 6302 (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6302

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** Temporary regulations regarding deposit requirements under section 6302 needed to implement a new annual file program for employment taxes.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-144900-04

Drafting attorney: Audra M. Dineen (202) 622-4940

CC:PA:APJ

**Agency Contact:** Audra M. Dineen, 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-BE48

**RIN:** 1545-BE49

**2574. • ATTAINED AGE OF INSURED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7702; 26 USC 7702A; 26 USC 7805(a)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed regulation defines the "attained age" to be used for single and multiple insureds under life insurance contracts for the testing required under sections 7702 and 7702A.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	



## TREAS—IRS

## Proposed Rule Stage

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-168892-03

Drafting attorney: Ann H. Logan (202) 622-3970

Treasury attorney: Mark Smith (202) 622-1778

**Agency Contact:** Ann H. Logan, Attorney-Advisor, Department of theTreasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3970**RIN:** 1545-BE53**Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)**

## Final Rule Stage

**2575. 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, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860**RIN:** 1545-AK74**2576. 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

**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**2577. 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

## TREAS—IRS

## Final Rule Stage

**2578. FRINGE BENEFIT SOURCING UNDER SECTION 861****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 861**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will address the circumstances in which an allocation of income of an individual for the performance of services, both within and outside the United States, is appropriately made only on the time basis.**Timetable:**

Action	Date	FR Cite
NPRM	01/21/00	65 FR 3402
Public Hearing	07/18/00	
Second NPRM	08/06/04	69 FR 47816
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-208254-90 (INTL-107-90)

Drafting attorney: David F. Bergkuist (202) 622-3850

Reviewing attorney: Richard L. Chewning (202) 622-3850

Treasury attorney: John Harrington (202) 622-0589

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-AO72**2579. INTEREST-FREE ADJUSTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 6205**CFR Citation:** 26 CFR 31**Legal Deadline:** None**Abstract:** Under section 6205(a)(1) of the Code, if less than the correct amount of tax imposed under the FICA, the RRTA, or the income tax withholding provisions is paid with respect to any payment of wages or compensation, proper adjustments with

respect to both the tax and amount to be deducted must be made without interest in such manner and in such times as the Secretary may by regulations prescribe. The amendments add language to clarify that an interest-free adjustment can be made in certain situations in which the error is ascertained before the appropriate return is filed. The amendments are intended to apply only to situations in which no return was filed because the employer improperly failed to treat its workers as employees.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/92	57 FR 58423
NPRM Comment Period End	02/08/93	
Final Action	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-209538-92 (EE-12-92)

Drafting attorney: Karin Loverud (202) 622-6060

Reviewing attorney: Mary Oppenheimer (202) 622-6010

CC:TEGE

**Agency Contact:** Karin Loverud, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060**RIN:** 1545-AQ61**2580. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE"****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 414**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations define the term "highly compensated employee" under section 414(q) of the Code. Temporary and proposed regulations, under sections 414(q) and 414(s), were published February 19, 1988 (53 FR 4965). Final regulations, under section 414(s), were published September 19, 1991 (56 FR 47659), under project EE-129-86. The regulations under 414(q) were split off from project EE-129-86.

It is anticipated that proposed regulations under section 414(q) will be published in the future under project REG-209558-92 (EE-32-92).

**Timetable:**

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
NPRM Comment Period End	04/19/88	
Partially Closed by TD 8548	06/27/94	59 FR 32911
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Federalism:** Undetermined**Additional Information:** REG-209558-92

Drafting attorney: R. Lisa Mojiri-Azad (202) 622-6080

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: W. Thomas Reeder (202) 622-1341

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-AQ74**2581. 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

## TREAS—IRS

## Final Rule Stage

**Additional Information:** REG-209619-93 (IA-17-93)

Drafting attorney: Richard Shevak (202) 622-8142

Reviewing attorney: Jeffery G. Mitchell (202) 622-4930

CC:ITA:7

**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

### 2582. MARK-TO-MARKET UPON DISPOSITION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 475

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations address the relationship between mark-to-market accounting and accrual of stated interest, discount and premium, and between mark-to-market accounting and the tax treatment of bad debts. The regulations also provide that securities are to be marked to market upon disposition by a dealer and the exemption from marking to market in certain securitization transactions.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/95	60 FR 397
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-209724-94 (FI-42-94)

Drafting attorney: Stephen J. Coleman (202) 622-6289

Reviewing attorney: Elizabeth Handler (202) 622-3157

CC:FIP

Sections 1.475(a)-3 finalized in TD 8700. Sections 1.475(b)-4 finalized in TD 8700. Sections 1.475(c)-2 finalized in TD 8700.

**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-AS85

### 2583. 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	06/00/05	

**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

### 2584. 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

### 2585. 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 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	06/00/05	

**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,

## TREAS—IRS

## Final Rule Stage

Internal Revenue Service, 1111  
Constitution Avenue NW, Washington,  
DC 20224  
Phone: 202 622-3980

RIN: 1545-AU98

### 2586. RETURN OF LEVIED PROPERTY IN CERTAIN CASES

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Section 501(b) of the Taxpayer Bill of Rights 2 amended section 6343 of the Internal Revenue Code to authorize the Secretary to return levied property in four enumerated circumstances. Section 1102(d)(1)(B) of RRA 98 changed "Taxpayer Advocate" to "National Taxpayer Advocate" as a person who determines what is in the best interest of the taxpayer. The regulations set forth the circumstances in which the Secretary may return property and procedures to implement these sections.

#### Timetable:

Action	Date	FR Cite
NPRM	02/14/01	66 FR 10249
Final Action	06/00/05	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-101520-97

Drafting attorney: Kevin B. Connelly  
(202) 622-3630

Reviewing attorney: Robert Miller (202)  
622-3630

Treasury attorney: Michael Desmond  
(202) 622-1981

CC:PA:CBS

**Agency Contact:** Kevin B. Connelly,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3630

RIN: 1545-AV01

### 2587. 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	05/00/05	

#### 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

### 2588. 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

### 2589. 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	07/00/05	

#### 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

## TREAS—IRS

## Final Rule Stage

**2590. CAPITAL GAIN GUIDANCE RELATING TO CRTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1; 26 USC 664**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation provides guidance relating to charitable remainder trusts in light of the changes made to section 1(h) of the Internal Revenue Code by the Taxpayer Relief Act of 1997, the Internal Revenue Service Restructuring and Reform Act of 1998, and the Jobs and Growth Tax Relief Reconciliation Act of 2003.**Timetable:**

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65419
Final Action	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-110896-98

Drafting attorney: Theresa M. Melchiorre (202) 622-7830

Reviewing attorney: Katherine A. Mellody (202) 622-3090

Treasury attorney: Catherine Hughes (202) 622-9407

CC:PSI

**Agency Contact:** Theresa M. Melchiorre, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7830**RIN:** 1545-AW35**2591. REPORTING OF PAYMENTS TO ATTORNEY****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**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

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**2592. 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	07/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-103829-99

Drafting attorney: Ceclia 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**2593. 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	06/00/05	

**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**2594. CASH OR DEFERRED ARRANGEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation updates and revises regulations on qualified cash or deferred arrangements, matching contributions, and employee contributions.

## TREAS—IRS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/03	68 FR 42476
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-108639-99

Drafting attorney: R. Lisa Mojiri-Azad (202) 622-6060

Reviewing attorney: Marjorie Hoffman (202) 622-6000

Treasury attorney: W. Thomas Reeder (202) 622-1341

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

**Related RIN:** Related to 1545-AX43**RIN:** 1545-AX26**2595. 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: Mark R. Pollard (202) 622-3850

Reviewing attorney: Anne Devereaux (202) 622-3850

Treasury attorney: Michael Caballero (202) 622-0851

CC:INTL

**Agency Contact:** Mark R. Pollard, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-AX65**2596. 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**2597. 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	06/00/05	

**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**2598. ASSUMPTION OF PARTNERSHIP LIABILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 752**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation prevents the acceleration or duplication of losses through the assumption of liabilities in transactions involving partnerships.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/03	68 FR 37434
Final Action	05/00/05	

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

## TREAS—IRS

## Final Rule Stage

**Additional Information:** REG-106736-00

Drafting attorney: Laura C. Fields (202) 622-3050

Reviewing attorney: Dianna Miosi (202) 622-3050

Treasury attorney: Stephanie Robinson (202) 622-9858

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

**Related RIN:** Related to 1545-BB83

**RIN:** 1545-AX93

**2599. 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

CC:PA: 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

**2600. 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	12/00/05	

**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

**2601. 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	12/00/05	

**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

**2602. 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	12/00/05	

**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 Tawshunsky (202) 622-6080

Treasury attorney: Kevin Knopf (202) 622-2329

## TREAS—IRS

## Final Rule Stage

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

**2603. 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 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-AY38

**2604. GUIDANCE UNDER SECTION 355(E); RECOGNITION OF GAIN ON CERTAIN DISTRIBUTIONS OF STOCK OR SECURITIES IN CONNECTION WITH AN ACQUISITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 355(e)(5)**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation provides guidance on section 355(e) of the Internal Revenue Code. Section 355(e) provides that a distributing corporation will recognize gain on the distribution of stock of a controlled corporation if 50 percent or more of the stock of the distributing corporation or controlled corporation is acquired pursuant to a plan that includes the distribution.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/02	67 FR 20711
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-163892-01

Drafting attorney: Amber R. Cook (202) 622-7530

Reviewing attorney: Stephen P. Fattman (202) 622-7700

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:CORP:4

On January 2, 2001, a notice of proposed rulemaking was published in the Federal Register (REG-107566-00; 66 FR 66) under section 355(e) of the Internal Revenue Code of 1986. A public hearing regarding those proposed regulations was held on May 15, 2001. On August 3, 2001, those proposed regulations were published as temporary regulations in the Federal Register (REG-107566-00; 66 FR 40590). This regulation withdrew the notice of proposed rulemaking that was published on January 2, 2001, and provided new rules under section 355(e) of the Internal Revenue Code of 1986 by cross-reference to temporary regulations published in the same issue of the Federal Register.

**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-BA55

RIN: 1545-AY42

**2605. 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

**2606. 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	



## TREAS—IRS

## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** REG-209461-79Drafting attorney: Shoshanna Tanner  
(202) 622-6080Reviewing 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**2607. 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.**Timetable:**

Action	Date	FR Cite
NPRM	03/04/03	68 FR 10190
Final Action	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-104385-01Drafting attorney: David Selig (202)  
622-3040Reviewing attorney: Peter Friedman  
(202) 622-3110Treasury 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**2608. 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-126485-01Drafting attorneys: Richard M. Heinecke  
(202) 622-7930Reviewing attorney: Alfred C. Bishop  
(202) 622-7930Treasury 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 serve as  
final regulations. The final regulationsuse 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**2609. CONSOLIDATED RETURNS;  
NONAPPLICABILITY OF SECTION  
357(C)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC  
1502**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations make  
amendments to section 1.1502-80(d) of  
the consolidated return regulations  
dealing with the scope of the  
nonapplicability of section 357(c) in a  
consolidated group.**Timetable:**

Action	Date	FR Cite
NPRM	11/14/01	66 FR 57021
Public Hearing	03/21/02	
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-137519-01Drafting attorney: Thomas I. Russell  
(202) 622-7550Reviewing attorney: Al Bishop (202)  
622-7930Treasury attorney: Audrey Nacamuli  
(202) 622-5721

CC:CORP

**Agency Contact:** Thomas I. Russell,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-7550**RIN:** 1545-BA09

## TREAS—IRS

## Final Rule Stage

**2610. 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	12/00/05	

**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

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**2611. PROPERTY EXEMPT FROM LEVY****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6334**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** This regulation will describe the judicial procedures for approval of a principal residence seizure, pursuant to I.R.C. sections 6334(a)(13)(B)(i) and 6334(e)(1).**Timetable:**

Action	Date	FR Cite
NPRM	08/19/03	68 FR 49729
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-140378-01

Drafting attorney: Robin M. Ferguson (202) 622-3610

Reviewing attorney: Alan Levine (202) 622-3610

Treasury attorney: Jonathan Ackerman (202) 622-5293

CC:PA:CBS

**Agency Contact:** Robin M. Ferguson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3610**RIN:** 1545-BA22**2612. 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
Public Hearing	05/20/03	
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: Stephanie Robinson (202) 622-9858

CC:PSI

**Agency Contact:** Demetri G. Yatrakis, Attorney-Advisor, Department of theTreasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060Audrey 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**2613. CARRYBACK OF CONSOLIDATED NET OPERATING LOSSES TO SEPARATE RETURN YEARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1502**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will harmonize the waiver election in regulations section 1.1502-21(b)(3) with the amendments to IRC 172(b) with the Job Creation and Worker Assistance Act of 2002.**Timetable:**

Action	Date	FR Cite
NPRM	05/31/02	67 FR 38039
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-122564-02

Drafting attorney: Theresa Kolish (202) 622-7530

Reviewing attorney: Lewis 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**Related RIN:** Related to 1545-BA76**RIN:** 1545-BA73**2614. REDEMPTIONS TREATED AS DIVIDENDS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

## TREAS—IRS

## Final Rule Stage

**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

### 2615. 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	05/00/05	

**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  
Phone: 202 622-3060

**Related RIN:** Related to 1545-AU15

**RIN:** 1545-BA83

### 2616. 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

### 2617. AGGREGATE COMPUTATION AND ALLOCATION OF RESEARCH CREDIT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 41

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on the proper method of computing the research credit for a controlled group. In addition, this regulation will provide guidance on the allocation of the research credit among members of a controlled group.

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/03	68 FR 44499
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-133791-01

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-AX05, Related to 1545-BD60

**RIN:** 1545-BA88

## TREAS—IRS

## Final Rule Stage

**2618. DESIGNATED IRS OFFICER OR EMPLOYEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7802**CFR Citation:** 26 CFR 1; 26 CFR 301**Legal Deadline:** None**Abstract:** This regulatory amendment clarifies that chief counsel attorneys can receive the designated authority to take summoned testimony under oath.**Timetable:**

Action	Date	FR Cite
NPRM	09/10/02	67 FR 57354
Final Action	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-134026-02

Drafting attorney: Elizabeth D. Rawlins (202) 622-3600

Reviewing attorney: Peter J. Devlin (202) 622-3600

Treasury attorney: Jonathan Ackerman (202) 622-5293

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**Related RIN:** Related to 1545-BA98**RIN:** 1545-BA89**2619. TIMELY MAILING TREATMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7502**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** This regulation will expressly provide that a registered or certified mail receipt is the sole means to prove delivery of a document to the Internal Revenue Service.**Timetable:**

Action	Date	FR Cite
NPRM	09/21/04	69 FR 56377
Final Action	06/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-138176-02

Drafting attorney: Dillon Taylor (202) 622-4940

Reviewing attorney: Charles Hall (202) 622-4940

Treasury attorney: Eric San Juan (202) 622-0224

CC:PA:APJ

**Agency Contact:** Dillon Taylor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224

Phone: 202 622-4940

**RIN:** 1545-BA99**2620. ALLOCATION OF FOREIGN TAX CREDITS AMONG PARTNERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 704(6); 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	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-139792-02

Drafting attorney: Rebekah A. Myers (202) 622-3050 and Tim Leska (202) 622-3050

Reviewing attorney: Beverly M. Katz (202) 622-3060

Treasury attorney: Matt Lay (202) 622-1788

CC:PSI

**Agency Contact:** Rebekah A. Myers, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050**Related RIN:** Related to 1545-BD11**RIN:** 1545-BB11**2621. DISTRIBUTIONS OF PROPERTY****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1023; 26 USC 1024; 26 USC 2032**CFR Citation:** 26 CFR 301; 26 CFR 20**Legal Deadline:** None**Abstract:** This regulation will clarify the language in regulations section 301.9100-6T to remove confusion as to whether relief for making an election under regulations section 2032 is available under sections 301.9100-1 and 301.9100-3.**Timetable:**

Action	Date	FR Cite
NPRM	12/24/03	68 FR 74534
Public Hearing	04/19/04	69 FR 20840
Final Action	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-139845-02

Drafting attorney: Theresa M. Melchiorre (202) 622-7830

Reviewing attorney: Katherine A. Mellody (202) 622-7830

Treasury attorney: Catherine Hughes (202) 622-9407

CC:PSI

**Agency Contact:** Theresa M. Melchiorre, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7830**RIN:** 1545-BB12**2622. 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	12/00/05	

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

## TREAS—IRS

## Final Rule Stage

**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

### 2623. 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	06/00/05	

**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

### 2624. DUPLICATIVE TAX BENEFITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation prevents a consolidated group from deriving more than one tax benefit from a single economic loss. A loss on a consolidated return, with respect to the sale of a subsidiary's stock, will be suspended to the extent of duplication (i.e. the group retains the loss asset) as long as the subsidiary remains a member of the group. In addition, there is a basis leveling rule, which prevents groups from loading losses onto a single block of subsidiary stock and selling only that stock, while maintaining that subsidiary as part of the group.

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12324
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-131478-02

Drafting attorney: Jay M. Singer (202) 622-7530

Reviewing attorney: Lewis K. Brickates (202) 622-7530

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-BB95

**RIN:** 1545-BB25

### 2625. 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 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-BB31

### 2626. INVESTMENT ADJUSTMENT RULES AND WAIVER OF LOSS CARRYOVERS FROM SRLY YEARS—AMENDED

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1502

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will allow a group to revoke an election under regulations section 1.1502-32(b)(4), where such election has become unnecessary as a result of regulations section 1.1502-20T(i)(2).

**Timetable:**

Action	Date	FR Cite
NPRM	05/07/03	68 FR 24404
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-152524-02

Drafting attorney: Jeffrey B. Fienberg (202) 622-7700

Reviewing attorney: Alison G. Burns (202) 622-7550

## TREAS—IRS

## Final Rule Stage

Treasury attorney: Audrey Nacamuli  
(202) 622-5721

CC:COR

**Agency Contact:** Jeffrey B. Fienberg,  
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-BB39

**RIN:** 1545-BB38

### 2627. AMENDMENT TO SECTION 6724 RELATING TO FAILURE TO FILE CORRECT INFORMATION RETURNS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6724

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Amended regulations to  
provide an electronic alternative  
procedure as to when the filing of a  
correction is considered prompt for  
purposes of section 6724.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/03	68 FR 40857
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-141669-02

Drafting attorney: William M. Kostak  
(202) 622-4910

Reviewing attorney: John J. McGreevy  
(202) 622-4910

Treasury attorney: Eric San Juan (202)  
622-0224

CC:PA:APJ

**Agency Contact:** William M. Kostak,  
Attorney-Advisor, Department of the  
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1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4910

**RIN:** 1545-BB41

### 2628. 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. Under the proposed  
regulations, taxpayers will be permitted  
to determine such amounts using  
alternative computations or formulas  
which, based on experience, accurately  
reflect the amount of income that will  
not be collected by such taxpayer. The  
proposed regulations will provide safe  
harbor methods (computations or  
formulas) of estimating such amounts  
that the taxpayers can rely on.

**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

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

### 2629. ELECTION OUT GENERATION-SKIPPING TRANSFER TAX (GST) DEEMED ALLOCATIONS

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

**Legal Authority:** 26 USC 2601; 26 USC  
2632; 26 USC 2642

**CFR Citation:** 26 CFR 601

**Legal Deadline:** None

**Abstract:** Procedure for making the  
election to not have the deemed  
generation-skipping transfer tax  
allocation rules apply with respect to  
a GST Trust and for making the  
election to treat a trust as a GST Trust.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/04	69 FR 42000
Final Action	08/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-153841-02

Drafting attorney: Mayer Samuels (202)  
622-7265

Reviewing attorney: George Masnik  
(202) 622-3618

Treasury attorney: Catherine Hughes  
(202) 622-9407

CC:PSI

**Agency Contact:** Mayer Samuels,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW, Washington,  
DC 20224  
Phone: 202 622-7265

**RIN:** 1545-BB54

### 2630. 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	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

## TREAS—IRS

## Final Rule Stage

**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 Manuso (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

### 2631. 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 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	06/00/05	

**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

### 2632. INSTALLMENT OBLIGATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 704(c)(1)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on the treatment of installment obligations received in exchange for section 704(c) property.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/03	68 FR 65864
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-160330-02

Reviewing attorney: Jeanne Sullivan (202) 622-4117

Treasury attorney: Stephanie Robinson (202) 622-9858

CC:PSI

**Agency Contact:** Jeanne Sullivan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4117

**RIN:** 1545-BB65

### 2633. 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 that 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	05/00/05	

**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

### 2634. APPLICATION OF NONDISCRIMINATION CROSS-TESTING RULES TO CASH BALANCE PLANS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 411

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules for the application of certain nondiscrimination requirements, prohibiting discrimination in favor of highly compensated employees, to cash balance pension plans.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/02	67 FR 76123
Hearing	04/09/03	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

## TREAS—IRS

## Final Rule Stage

**Government Levels Affected:** None  
**Additional Information:** REG-164464-02  
 Drafting attorney: Linda S.F. Marshall (202) 622-6090  
 Reviewing attorney: Marjorie Hoffman (202) 622-6090  
 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

**Related RIN:** Related to 1545-BA10  
**RIN:** 1545-BB79

### 2635. CORPORATE REORGANIZATIONS: CONTINUITY TRANSFERS OF ASSETS OR STOCK FOLLOWING A REORGANIZATION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 7805  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None

**Abstract:** This regulation provides amendments to regulations section 1.368-2(k) of the income tax regulations, which sets forth rules providing that for certain reorganizations, transfers by the acquiring corporation of target assets or stock to certain controlled corporations will not disqualify the transaction from nonrecognition treatment. The proposed amendments will clarify the reorganizations subject to these rules.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/04	69 FR 9771
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-165579-02

Drafting attorney: Rebecca O. Burch (202) 622-7550  
 Reviewing attorney: T. Ian Russell (202) 622-7550  
 Treasury attorney: Audrey Nacamuli (202) 622-5721  
 CC:COR

**Agency Contact:** Rebecca O. Burch, 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-BB81  
**RIN:** 1545-BB80

### 2636. 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	06/00/05	

**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

### 2637. 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: Krishna P. Vallabhaneni (202) 622-7550

Reviewing attorney: Stephen P. Fattman (202) 622-7700

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

**Agency Contact:** Krishna P. Vallabhaneni, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-7550

**RIN:** 1545-BB85

### 2638. 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 securities that are not inventory as if they were sold for its 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 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



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(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. The ANPRM asked for comments on: (1) the securities to which this approach applies; (2) the taxpayers who may elect this approach; (3) the election into the approach; (4) the applicable financial statements to be used; (5) the recordkeeping, retention, and availability requirements for verification of financial statement-tax conformity; and (6) what approach will apply if the election for financial statement-tax conformity is not made. A notice of proposed rulemaking is being drafted currently based upon comments received from the ANPRM.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/05	

**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**2639. ACCRUAL FOR CERTAIN REMIC REGULAR INTERESTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The proposed 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	06/00/05	

**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**2640. 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:** Amendment to section 1.358-2 of the income tax regulation. The proposed regulation adopts a tracing approach in determining the basis of stock and securities received in transactions under sections 355 and 368, and certain transactions that qualify under both sections 351 and 368.

**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**2641. ENTRY OF TAXABLE FUEL****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**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	05/00/05	

**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

## TREAS—IRS

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**2642. 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	12/00/05	

**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: John Parcell (202) 622-2578

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**2643. CONTINGENT AT CLOSING ESCROWS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 468**CFR Citation:** 26 CFR 1; 26 CFR 602**Legal Deadline:** None**Abstract:** The regulations will provide rules for taxing the income of a contingent at closing escrow. A contingent at closing escrow is, generally, established in connection with the sale or exchange of real or personal property to hold assets that will be distributable to the purchaser or seller based on the post-closing resolution of bona fide contingencies. The rules will require the purchaser or seller to take into account all items of income and deduction for Federal income tax purposes.**Timetable:**

Action	Date	FR Cite
NPRM	02/01/99	64 FR 4801
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-103422-03

Drafting attorney: Richard Shevak (202) 622-8142

Reviewing attorney: Jeff Mitchell (202) 622-4930

Treasury attorney: Viva Hammer (202) 622-0869

CC:ITA:7

**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-AR82**RIN:** 1545-BC16**2644. CHANGES IN COMPUTING DEPRECIATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**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	05/00/05	

**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 theTreasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110**Related RIN:** Related to 1545-BC17**RIN:** 1545-BC18**2645. VALUE OF LIFE INSURANCE WHEN DISTRIBUTED FROM A QUALIFIED RETIREMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1**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	05/00/05	

**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**2646. 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

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**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	07/00/05	

**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

**2647. 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	05/00/05	

**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

**2648. DEEMED CORPORATE ELECTION FOR ELECTING S CORPORATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7701; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will deem an S corporation that makes a timely S Corporation election to have also made a timely election to be an association taxed as a corporation under section 301.7701-3(1)(i) to ease the administrative burden on taxpayers and IRS Service Centers. It will continue implementation of section 7701 under the Secretary's general section 7805 regulatory authority.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/04	69 FR 43369
Final Action	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** REG-131786-03

Drafting attorney: Rebekah A. Myers (202) 622-3050

Reviewing attorney: Dianna Miosi (202) 622-3050

Treasury attorney: Deborah Harrington (202) 622-1788

CC:PSI

**Agency Contact:** Rebekah A. Myers, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**Related RIN:** Related to 1545-BD24

**RIN:** 1545-BC32

**2649. 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	
Hearing	12/17/04	69 FR 75492
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

**2650. GUIDANCE UNDER SECTION 1502; APPLICATION OF SECTION 108 TO MEMBERS OF A CONSOLIDATED GROUP**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1502

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**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation provides guidance under section 1502 of the Internal Revenue Code concerning the application of certain provisions of section 108 to members of a consolidated group.**Timetable:**

Action	Date	FR Cite
NPRM	09/04/03	68 FR 52542
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-132760-03

Drafting attorney: Amber R. Cook (202) 622-7530

Reviewing attorney: Lewis K. Brickates (202) 622-7530

Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:CORP:4

**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-BC39**RIN:** 1545-BC38**2651. 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: Carl Dubert (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**RIN:** 1545-BC49**2652. 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	10/00/05	

**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: 202 622-7265**RIN:** 1545-BC50**2653. GUARANTEE FEES UNDER SECTION 143(G)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 143**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will allow issues of qualified mortgage revenue bonds under section 143 to exclude certain fees paid to guarantee pools of mortgages (including mortgage backed securities) from the calculation of the effective interest rate on the mortgages for purposes of section 143(g).**Timetable:**

Action	Date	FR Cite
NPRM	11/05/03	68 FR 62549
Final Action	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** REG-146692-03

Drafting attorney: Michael P. Brewer (202) 622-3980

Reviewing attorney: Timothy L. Jones (202) 622-3980

CC:TEGE

**Agency Contact:** Michael P. Brewer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980**RIN:** 1545-BC59**2654. PREDECEASED PARENT RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 2651**CFR Citation:** 26 CFR 26**Legal Deadline:** None**Abstract:** The regulation will provide guidance on the predeceased parent rule in section 2651(e) and amend the regulations under section 26.2612-1(a)(2).**Timetable:**

Action	Date	FR Cite
NPRM	09/03/04	69 FR 53863
Public Hearing	12/14/04	69 FR 53863
Final Action	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-145988-03

Drafting attorney: Lian A. Mito (202) 622-7830

## TREAS—IRS

## Final Rule Stage

Reviewing attorney: James F. Hogan  
(202) 622-3012

Treasury attorney: Catherine Hughes  
(202) 622-9407

CC:PSI

**Agency Contact:** Lian A. Mito,  
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Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-7830

**RIN:** 1545-BC60

### 2655. 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	05/00/05	

**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,  
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1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3721

**RIN:** 1545-BC61

### 2656. 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) 622-3080

Treasury attorney: Stephanie Robinson  
(202) 622-7858

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

### 2657. 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	06/00/05	

**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: 202 622-3070

Jian Grant, Attorney-Advisor,  
Department of the Treasury, Internal  
Revenue Service, 1111 Constitution  
Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**RIN:** 1545-BC67

### 2658. SECTION 179 ELECTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 202

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance for making and revoking elections under section 179, effective for 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/04	69 FR 47043
Final Action	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** REG-152549-03

Drafting attorney: Winston H. Douglas  
(202) 622-3110

Reviewing attorney: Charles B. Ramsey  
(202) 622-3110

Treasury attorney: George Manousos  
(202) 622-1335

CC:PSI

**Agency Contact:** Winston H. Douglas,  
Attorney-Advisor, Department of the  
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1111 Constitution Avenue NW,  
Washington, DC 20224

## TREAS—IRS

## Final Rule Stage

Phone: 202 622-3110

RIN: 1545-BC69

**2659. REAL ESTATE MORTGAGE INVESTMENT CONDUIT (REMIC) TETRA RULES**

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

**Legal Authority:** 26 USC 860F

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation relates to the application of partnership audit procedures to disputes regarding the ownership of residual interests in a REMIC.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48431
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-154077-03

Drafting attorney: Arturo Estrada (202) 622-3900

Reviewing attorney: Dale Collinson (202) 622-3900

Treasury attorney: Jonathan Ackerman (202) 622-0869

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-BC71

**2660. 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:CORP:4

**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

**2661. 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

**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 proposed 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	03/16/04	69 FR 12291
Final Action	12/00/05	

**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

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RIN: 1545-BC87

**2662. DISCLOSURES TO SUBCONTRACTORS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 6103

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Proposed rule to amend existing regulations on disclosure of returns and return information in connection with procurement of property and services for tax administration purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/05	70 FR 2076
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** REG-148867-03

Drafting attorney: Helene R. Newsome (202) 622-4570

## TREAS—IRS

## Final Rule Stage

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Treasury attorney: Michael Desmond  
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**RIN:** 1545-BC92

**2663. 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	03/15/04	69 FR 12091
Final Action	12/00/05	

**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

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**Related RIN:** Related to 1545-BC96

**RIN:** 1545-BC95

**2664. 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 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  
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Treasury attorney: W. Thomas Reeder  
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CC:TEGE

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**RIN:** 1545-BD07

**2665. TIME AND MANNER OF MAKING SECTION 163(D)(4)(B) ELECTION TO TREAT QUALIFIED DIVIDEND INCOME AS INVESTMENT INCOME**

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

**Legal Authority:** 26 USC 163 (d)(4)(B)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide guidance regarding time and manner for making the election under IRC section 163(d)(4)(B) to treat qualified dividend income as investment income.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/04	69 FR 47395
Final Action	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-171386-03

Drafting attorney: Amy J. Pfalzgraf (202) 622-4950

Reviewing attorney: Christopher F. Kane (202) 622-4950

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**RIN:** 1545-BD16

## TREAS—IRS

## Final Rule Stage

**2666. 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 proposed 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	12/00/05	

**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

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**RIN:** 1545-BD23**2667. 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

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CC:INTL

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**RIN:** 1545-BD27**2668. 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**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-106889-04

Drafting attorney: Robert B. Gray (202) 622-7550

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Treasury attorney: Audrey Nacamuli (202) 622-5721

CC:COR

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**RIN:** 1545-BD31**2669. LIFO RECAPTURE UNDER SECTION 1363(D)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations provide guidance on a C corporation that, owning LIFO inventory through a partnership, converts to an S corporation or transfers its partnership interest to an S corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50109
Final Action	11/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-149524-03

Drafting attorney: Pietro E. Canestrelli (202) 622-3060

Reviewing attorney: David Hagland (202) 622-3050

Treasury attorneys: Stephanie Robinson (202) 622-9858

CC:PSI

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**Related RIN:** Related to 1545-BC66**RIN:** 1545-BD34**2670. CLARIFICATION OF DEFINITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301



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## Final Rule Stage

**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: Gretchen Sierra (202) 622-1755

CC:INTL

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**Related RIN:** Related to 1545-BD43

**RIN:** 1545-BD37

**2671. 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	06/00/05	

**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 attorneys: Julian Kim and Jonathan Ackerman (202) 622-1981

CC: APJ

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**RIN:** 1545-BD40

**2672. ALLOCATION AND APPORTIONMENT OF DEDUCTIONS FOR CHARITABLE CONTRIBUTIONS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide final guidance relating to the allocation and apportionment of deductions for charitable contributions, including where the deductions are provided by an income tax treaty rather than by sections 170, 873(b)(2), and 882(c)(1)(B).

**Timetable:**

Action	Date	FR Cite
NPRM	07/28/04	69 FR 44988
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-129040-04

Drafting attorney: Teresa B. Hughes (202) 622-3850

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**Related RIN:** Related to 1545-AP30

**RIN:** 1545-BD47

**2673. 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	06/00/05	

**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: Stephanie Robinson (202) 622-9848

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**RIN:** 1545-BD48

**2674. 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	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## TREAS—IRS

## Final Rule Stage

**Government Levels Affected:** None

**Additional Information:** REG-129771-04

Drafting attorney: Jeffrey L. Vinnik  
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CC:INTL

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**RIN:** 1545-BD49

**2675. 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	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-130370-04

Drafting attorney: Russell Weinheimer  
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Treasury attorney: Kevin Knopf (202)  
622-2329

CC:TEGE

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**Related RIN:** Related to 1545-AW02,  
Related to 1545-AX84

**RIN:** 1545-BD51

**2676. 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 continuity of interest is measured using a transaction's signing date.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48429
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-129706-04

Drafting attorney: Christopher M. Bass  
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**RIN:** 1545-BD53

**2677. 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

**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  
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Reviewing attorney: Edward S. Cohen  
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**RIN:** 1545-BD54

**2678. 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	06/00/05	

**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

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Treasury attorney: Audrey Nacamuli  
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## TREAS—IRS

## Final Rule Stage

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RIN: 1545-BD55

**2679. 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(K). 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 Final Action	08/18/04 12/00/05	69 FR 51209

**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

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**Agency Contact:** Jeffrey B. Fienberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
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RIN: 1545-BD56

**2680. SOURCE OF COMPENSATION FOR LABOR OR PERSONAL SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 861**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will describe the appropriate basis for determining the source of income from labor or personal services performed partly within and partly without the United States.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	08/06/04 12/00/05	69 FR 47816

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None**Additional Information:** REG-136481-04

Drafting attorney: David F. Bergkuist (202) 622-3850

Reviewing attorney: Richard Chewning (202) 622-3850

Treasury attorney: John Harrington (202) 622-0589

CC:INTL

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RIN: 1545-BD62

**2681. MANDATORY E-FILING FOR FORMS 1120****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6011(e)**CFR Citation:** 26 CFR 1; 26 CFR 301**Legal Deadline:** None

**Abstract:** These regulations will provide that certain entities that file at least 250 information returns during the calendar year are required to file their income tax returns electronically.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	01/12/05 06/00/05	70 FR 2075

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None**Additional Information:** REG-130671-04

Drafting attorney: Michael E. Hara (202) 622-4910

Reviewing attorneys: James Gibbons (202) 622-4910 and Carol Nachman (202) 622-4910

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RIN: 1545-BD65

**2682. 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 Final Action	01/05/05 12/00/05	70 FR 746

**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

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RIN: 1545-BD76

## TREAS—IRS

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**2683. CLASSIFICATION OF CERTAIN FOREIGN ENTITIES (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 7701**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations will revise the entity classification rules.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	07/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-148521-04

Drafting attorney: Ronald M. Gootzeit (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

Treasury attorney: David Sotos (202) 622-0851

CC:INTL

**Agency Contact:** Ronald M. Gootzeit, 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-BD77**RIN:** 1545-BD78**2684. SPECIAL RULES TO REDUCE SECTION 1446 WITHHOLDING (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1446**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations provide guidance for partnerships obligated to pay withholding tax under section 1446 of the Internal Revenue Code. Specifically, the proposed and temporary regulations address the circumstances under which a partnership may reduce its withholding tax due based upon certifications of losses by foreign partners or when the partnership is in bankruptcy. The temporary regulations will be effective for partnership taxable years beginning after the date the regulations are published in the Federal Register.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	07/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-108524-00

Drafting attorney: Ronald M. Gootzeit (202) 622-3860

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CC:INTL

**Agency Contact:** Ronald M. Gootzeit, 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-AY28**RIN:** 1545-BD80**2685. • 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 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: Matthew Lay (202) 622-9858

CC: CORP:B1

**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**2686. • 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	
Final Action	08/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-152945-04

## TREAS—IRS

## Final Rule Stage

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

**2687. • 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

**2688. • DESIGNATED ROTH CONTRIBUTIONS UNDER CASH OR DEFERRED ARRANGEMENTS UNDER SECTION 401(K)**

**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:** The proposed regulations would provide guidance concerning the requirements for designated Roth contributions for plans containing cash or deferred arrangements under section 401(k). The proposed 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) 622-6080

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

**2689. • INFORMATION RETURNS BY DONEES RELATING TO QUALIFIED INTELLECTUAL PROPERTY CONTRIBUTIONS (TEMPORARY)**

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

**Legal Authority:** 26 USC 6050L(b)

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** This publication will add section 1.6050L-2T of the Income Tax Regulations to provide guidance for

filing information returns by donees relating to qualified intellectual property contributions.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-158138-04

Drafting attorney: Donnell M. Rini-Swyers (202) 622-4910

Reviewing attorney: James C. Gibbons (202) 622-4910

Treasury attorney: Eric SanJuan (202) 622-0224

CC:PA;APJ

**Agency Contact:** Donnell M. Rini-Swyers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW, Washington, DC 20224  
Phone: 202 622-4910

**Related RIN:** Related to 1545-BE11

**RIN:** 1545-BE12

**2690. • 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	06/00/05	

**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

## TREAS—IRS

## Final Rule Stage

**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

### 2691. • 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

### 2692. • AGGREGATE COMPUTATION: ALLOCATION OF RESEARCH CREDIT II (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 41

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This temporary 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
Temporary Regulation	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**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-BD60

**RIN:** 1545-BE17

### 2693. • RESIDENCE AND SOURCE RULES INVOLVING U.S. POSSESSIONS (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 937; PL 108-357, sec 908

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The section 937 temporary regulations provide rules for determining whether an individual is a bona fide resident of a U.S. possession, including American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. The temporary 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 temporary regulations contain additional conforming changes to regulations under related or effected sections of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
Temporary Regulations	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-159243-03

Drafting attorney: John David Varley (202) 435-5262

Reviewing attorney: W. Edward Williams (202) 622-3830

Treasury attorney: Gretchen Sierra (202) 622-1755

CC:INTL

**Agency Contact:** John David Varley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 435-5262

**Related RIN:** Related to 1545-BC86

**RIN:** 1545-BE22

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**
**Long-Term Actions**
**2694. 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:** Margaret A. Hogan  
Phone: 202 622-3850

**RIN:** 1545-AC09

**2695. 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:** W. Edward Williams  
Phone: 202 622-3830

**RIN:** 1545-AC10

**2696. 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	05/02/87	

Period End  
Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Christopher J. Bello  
Phone: 202 435-5265

**RIN:** 1545-AI16

**2697. INFORMATION FROM PASSPORT AND IMMIGRATION APPLICANTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301

**Timetable:**

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61373
Second NPRM	To Be	Determined

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Quyen Huynh  
Phone: 202 622-3880

**RIN:** 1545-AJ93

**2698. 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	08/26/88	

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

**2699. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

**2700. 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

**2701. 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:** W. Edward Williams  
Phone: 202 622-3830

**RIN:** 1545-AM91

**2702. 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	03/01/93	

Period End  
Hearing 04/06/93  
Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

## TREAS—IRS

## Long-Term Actions

**Agency Contact:** Martin Scully  
Phone: 202 622-8066  
**RIN:** 1545-AN73

**2703. 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

**2704. REGISTRATION REQUIRED OBLIGATIONS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/93	58 FR 5316
Final Action	To Be Determined	

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

**2705. 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

**2706. 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

**2707. TREATMENT OF DUAL CONSOLIDATED LOSSES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kathryn T. Holman  
Phone: 202 622-3860

**RIN:** 1545-AR26

**2708. 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

**2709. 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

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

**2710. 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 12/26/96

Period End

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: 202 622-3880

Linda S.F. Marshall  
Phone: 202 622-6090

James A. Quinn  
Phone: 202 622-3070

**RIN:** 1545-AU29

**2711. APPLICATION OF ATTRIBUTION RULES TO FOREIGN TRUSTS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None



## TREAS—IRS

## Long-Term Actions

**Federalism:** Undetermined

**Agency Contact:** M. Grace Fleeman  
Phone: 202 622-3880

**RIN:** 1545-AU91

**2712. FINANCIAL ASSET  
SECURITIZATION INVESTMENT  
TRUST (FASIT) START-UP;  
OPERATIONAL AND TRANSITIONAL  
RULES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301; 26 CFR 1

**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/96	61 FR 56648
ANPRM Comment Period End	12/31/96	

NPRM	02/07/00	65 FR 5807
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Arturo Estrada  
Phone: 202 622-3900

**RIN:** 1545-AU94

**2713. 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
Final Action	To Be	Determined

**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

**2714. SOURCE OF INCOME FROM  
CERTAIN SPACE AND OCEAN  
ACTIVITIES AND FOR  
COMMUNICATIONS INCOME**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/17/01	66 FR 3903

Action	Date	FR Cite
Hearing	05/23/01	66 FR 12916
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Edward R. Barret  
Phone: 202 622-3880

**RIN:** 1545-AW50

**2715. CONSTRUCTIVE SALES OF  
APPRECIATED FINANCIAL POSITIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**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

**2716. 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

**2717. 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

**2718. 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

**2719. AMENDMENT TO THE  
DEFINITION OF REFUNDING**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**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

**Agency Contact:** Michael P. Brewer  
Phone: 202 622-3980

**RIN:** 1545-BA46

**2720. ALLOCATION AND  
APPORTIONMENT RULES: GUIDANCE  
ON SELECTED ISSUES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis  
Required:** No

## TREAS—IRS

## Long-Term Actions

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Teresa B. Hughes  
 Phone: 202 622-3850  
**RIN:** 1545-BA64

**2721. 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:** Mark R. Pollard  
 Phone: 202 622-3850  
**RIN:** 1545-BA93

**2722. MIXED USE OUTPUT FACILITIES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Timetable:**

Action	Date	FR Cite
ANPRM	09/23/02	67 FR 59767
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined  
**Government Levels Affected:** Local, State  
**Federalism:** Undetermined  
**Agency Contact:** Rose M. Weber  
 Phone: 202 622-3980  
**RIN:** 1545-BB23

**2723. ACCRUAL RULES FOR CREDITABLE FOREIGN TAXES AND GUIDANCE ON CHANGE IN TAXABLE YEAR**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Timetable:** Next Action Undetermined  
**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** Margaret A. Hogan  
 Phone: 202 622-3850  
**RIN:** 1545-BB27

**2724. 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	
Final Action	To Be Determined	

**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

**2725. GUIDANCE REGARDING APPLICATION OF SECTION 265(A)(2) AND 246A IN TRANSACTIONS INVOLVING RELATED PARTIES, PASS-THROUGH ENTITIES, OR OTHER INTERMEDIARIES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/04	69 FR 25534
NPRM Comment Period End	08/05/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Avital Grunhaus  
 Phone: 202 622-3940  
**RIN:** 1545-BC24

**2726. SOLID WASTE DISPOSAL FACILITIES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Timetable:**

Action	Date	FR Cite
NPRM	05/10/04	69 FR 25856
Final Action	06/00/06	

**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-BD04

**2727. TREATMENT OF FOREIGN STAPLED CORPORATION**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1  
**Timetable:**

Action	Date	FR Cite
NPRM	09/07/04	69 FR 54067
Next Action Undetermined		

**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

**2728. • DISCLOSURE OF RETURN INFORMATION TO THE BUREAU OF THE CENSUS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 6103(j)  
**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Under section 6103(j)(1), upon written request from the Secretary of Commerce, the Secretary is to furnish to the Bureau of the Census (Bureau) return information that is prescribed by Treasury regulations for the purpose of, but only to the extent necessary in, structuring censuses and national economic accounts and conducting related statistical activities authorized by law. Section 301.6103(j)(1)-1 of these regulations further defines such purposes by reference to 13 U.S.C. chapter 5 and provides an itemized description of the return information authorized to be disclosed for such purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12166
Final Action	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Additional Information:** REG-147195-04 and REG-148864-03

## TREAS—IRS

## Long-Term Actions

Drafting attorney: James C. O'Leary  
(202) 622-8543

Treasury attorney: Michael Desmond  
(202) 622-1981

CC:DPL:B1

**Agency Contact:** James C. O'Leary,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave NW, Washington, DC  
20224

Phone: 202 622-8543

**Related RIN:** Related to 1545-BC93,  
Related to 1545-BE02, Related to  
1545-BE01

**RIN:** 1545-BE08

### 2729. • 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 proposed 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: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

### 2730. • 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-106682-05

Drafting attorney: Victoria J. Driscoll  
(202) 622-4920

Reviewing attorney: Robert 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-BE40

## Department of the Treasury (TREAS) Internal Revenue Service (IRS)

## Completed Actions

### 2731. FOREIGN TRUSTS REGULATIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

#### Completed:

Reason	Date	FR Cite
Withdrawn	01/07/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** M. Grace Fleeman  
Phone: 202 622-3880

**RIN:** 1545-AR25

### 2732. SOURCE RULES FOR PAYMENTS MADE PURSUANT TO CERTAIN SWAP ARRANGEMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

#### Completed:

Reason	Date	FR Cite
Withdrawn	03/15/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Theodore D. Setzer  
Phone: 202 622-3870

**RIN:** 1545-AU89

### 2733. CASH OR DEFERRED ARRANGEMENTS (TEMPORARY)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

#### Completed:

Reason	Date	FR Cite
Temporary Regulations Completed by TD	12/29/04	69 FR 78144
		9169

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** R. Lisa Mojiri-Azad

## TREAS—IRS

## Completed Actions

Phone: 202 622-6080

**Related RIN:** Related to 1545-AX26

**RIN:** 1545-AX43

**2734. HIPAA PORTABILITY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 54

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9166	12/30/04	69 FR 78720

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Russell Weinheimer  
Phone: 202 622-6080

**RIN:** 1545-AX84

**2735. INFORMATION REPORTING ON CANCELLATION OF INDEBTEDNESS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9160	10/25/04	69 FR 62181

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph P. Dewald  
Phone: 202 622-4910

**RIN:** 1545-AY35

**2736. NEW MARKET TAX CREDIT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9171	12/28/04	69 FR 77625

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul F. Handleman  
Phone: 202 622-3040

**RIN:** 1545-AY87

**2737. GASOLINE TAX CLAIMS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 48

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/18/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses,  
Governmental Jurisdictions

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

**Agency Contact:** Susan Athy  
Phone: 202 622-3130

**RIN:** 1545-BA27

**2738. TREATMENT OF CERTAIN OBLIGATION-SHIFTING TRANSACTIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/16/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeffrey L. Vinnik  
Phone: 202 622-3840

**RIN:** 1545-BA41

**2739. MULTIFAMILY HOUSING BONDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/18/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local,  
State

**Agency Contact:** Rose M. Weber  
Phone: 202 622-3980

**RIN:** 1545-BA45

**2740. LOSS LIMITATION RULES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9187	03/03/05	70 FR 10319

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Martin T. Huck  
Phone: 202 622-7216

**Related RIN:** Related to 1545-BA51,  
Related to 1545-BA74

**RIN:** 1545-BA52

**2741. MODIFICATION OF CHECK THE BOX REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9183	02/25/05	70 FR 9220

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James M. Gergurich  
Phone: 202 622-3070

**RIN:** 1545-BA59

**2742. CIRCULAR 230—TAX SHELTER AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 10

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9165	12/20/04	69 FR 75839

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Brinton T. Warren  
Phone: 202 622-7800

**RIN:** 1545-BA70

## TREAS—IRS

## Completed Actions

**2743. TESTIMONY AUTHORIZATIONS AND REQUESTS FOR IRS INFORMATION**

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

**CFR Citation:** 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9178	02/14/05	70 FR 7396

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Scott E. Powers  
Phone: 202 622-4580

**RIN:** 1545-BB15

**2744. AUTHORIZATION FOR IRS TO CHARGE FEES FOR COPYING EXEMPT ORGANIZATION RETURNS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9173	01/05/05	70 FR 704

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah Tate  
Phone: 202 622-4560

**Related RIN:** Related to 1545-BB22

**RIN:** 1545-BB21

**2745. EXTENSION OF TIME FOR FILING RETURNS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 53; 26 CFR 55; 26 CFR 156; ...

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9163	12/07/04	69 FR 70547

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sanford Kelsey  
Phone: 202 622-4940

**RIN:** 1545-BB29

**2746. INFORMATION REPORTING RELATING TO TAXABLE STOCK TRANSACTIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9101	12/30/03	68 FR 75119

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy L. Rose  
Phone: 202 622-4910

**Related RIN:** Related to 1545-BB40

**RIN:** 1545-BB60

**2747. SAFE HARBOR LEASING SECOND INTEREST CAPITALIZATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9179	02/23/05	70 FR 8729

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Grant D. Anderson  
Phone: 202 622-4930

**Related RIN:** Related to 1545-BB63

**RIN:** 1545-BB62

**2748. USE OF GOVERNMENT DEPOSITORIES IN CONNECTION WITH TAX UNDER THE FEDERAL UNEMPLOYMENT TAX ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 31

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9162	12/01/04	69 FR 69819

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Heather L. Dostaler  
Phone: 202 622-4940

**Related RIN:** Related to 1545-BB67

**RIN:** 1545-BB66

**2749. USE OF GOVERNMENT DEPOSITORIES IN CONNECTION WITH TAX UNDER THE FEDERAL UNEMPLOYMENT TAX ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 31

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/18/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Heather L. Dostaler  
Phone: 202 622-4940

**Related RIN:** Related to 1545-BB66

**RIN:** 1545-BB67

**2750. QUALIFIED INTERESTS**

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

**CFR Citation:** 26 CFR 25

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9181	02/25/05	70 FR 9222

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Juli Ro Kim  
Phone: 202 622-3090

**RIN:** 1545-BB72

**2751. GUIDANCE ON LIFE INSURANCE AND ANNUITY CONTRACTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

## TREAS—IRS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9185	03/01/05	70 FR 9869

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James Polfer  
Phone: 202 622-3970**RIN:** 1545-BB77**2752. NEW MARKETS TAX CREDIT AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9171	12/28/04	69 FR 77625

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul F. Handleman  
Phone: 202 622-3040**Related RIN:** Related to 1545-BC02**RIN:** 1545-BC03**2753. TAX EXEMPT BOND PARTNERSHIP REPORTING REGULATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9177	02/11/05	70 FR 7176

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David A. Shulman  
Phone: 202 622-3080**Related RIN:** Related to 1545-BC01**RIN:** 1545-BC04**2754. TIMING AND MODIFICATION OF THE SECTION 59(E) ELECTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Hearing	12/07/04	69 FR 64546
Final Action Completed by TD 9178	12/22/04	69 FR 76618

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Eric B. Lee  
Phone: 202 622-3120**RIN:** 1545-BC13**2755. ADJUSTMENT TO NET UNREALIZED BUILT-IN GAIN****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9180	02/23/05	70 FR 8727

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jennifer D. Sledge  
Phone: 202 622-7750**RIN:** 1545-BC29**2756. ELIMINATION OF FORMS OF DISTRIBUTION IN DEFINED CONTRIBUTION PLANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9176	01/25/05	70 FR 3475

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Vernon S. Carter  
Phone: 202 622-6060**RIN:** 1545-BC35**2757. INFORMATION REPORTING RELATING TO TAXABLE STOCK TRANSACTIONS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9101	02/17/04	69 FR 7350

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy L. Rose  
Phone: 202 622-4910**Related RIN:** Related to 1545-BB40, Related to 1545-BC79**RIN:** 1545-BC80**2758. STUDENT FICA GUIDANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9167	12/21/04	69 FR 76404

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John B. Richards  
Phone: 202 622-6040**RIN:** 1545-BC81**2759. INTEREST ON LARGE CORPORATE UNDERPAYMENTS UNDER SECTION 6621(C)****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 301**Completed:**

Reason	Date	FR Cite
Further Action Not Contemplated At This Time	05/05/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michelle B. Baxter

## TREAS—IRS

## Completed Actions

Phone: 202 622-4910

RIN: 1545-BD22

**2760. BRIEF ASSET HOLDING PERIOD (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Withdrawn	01/04/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080

RIN: 1545-BD38

**2761. BRIEF ASSET HOLDING PERIOD****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Withdrawn	01/04/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tara P. Volungis  
Phone: 202 622-3080

RIN: 1545-BD39

**2762. UNDERPAYMENT FOR QUALIFIED AMENDED RETURNS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9186	03/02/05	70 FR 10037

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Nancy M. Galib  
Phone: 202 622-7022**Related RIN:** Related to 1545-BD40

RIN: 1545-BD42

**2763. SALARY REDUCTION AGREEMENT UNDER SECTION 312(A)(5)(D) (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Completed:**

Reason	Date	FR Cite
Temporary Regulation Completed by TD 9159	11/16/04	69 FR 67054

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Agency Contact:** Neil D. Shepherd  
Phone: 202 622-6040**Related RIN:** Related to 1545-BB64

RIN: 1545-BD50

**2764. REMIC RESIDUALS—FOREIGN HOLDERS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Withdrawn	03/18/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Arturo Estrada  
Phone: 202 622-3900

RIN: 1545-BD66

**2765. REMOVAL OF SECTION 6661 REGULATIONS****Priority:** Info./Admin./Other**CFR Citation:** 26 CFR 1**Completed:**

Reason	Date	FR Cite
Final Action Completed by TD 9174	01/05/05	70 FR 704

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Audra M. Dineen  
Phone: 202 622-4940

RIN: 1545-BD75

**2766. • SECTION 1374 EFFECTIVE DATES (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 337; 26 USC 1374; 26 USC 7805**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 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
Temporary Regulation Completed by TD 9170	12/22/04	69 FR 76612

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-139683-04Drafting attorney: Stephen R. Cleary  
(202) 622-7750Reveiwng attorney: Lisa Fuller (202)  
622-7750Treasury attorney: Matthew Lay (202)  
622-9858

CC:COR

**Agency Contact:** Stephen R. Cleary,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224

## TREAS—IRS

## Completed Actions

Phone: 202 622-7750

**Related RIN:** Related to 1545-BD95

**RIN:** 1545-BD99

**2767. • DISCLOSURE OF RETURN INFORMATION TO THE BUREAU OF THE CENSUS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6103

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Under section 6103(j)(1), upon written request from the Secretary of Commerce, the Secretary is to furnish to the Bureau of the Census (Bureau) return information that is prescribed by Treasury regulations for the purpose of, but only to the extent necessary in, structuring censuses and national economic accounts and conducting related statistical activities authorized by law. Section 301.6103(j)(1)-1 of these regulations further defines such purposes by reference to 13 U.S.C. chapter 5 and provides an itemized description of the return information authorized to be disclosed for such purposes. This document adopts temporary regulations that authorize IRS to disclose the additional items of return information that have been requested by the Secretary of Commerce for specified purposes related to the SAIPE program. The temporary regulations also remove certain items of return information that are enumerated in the existing regulations but that the Secretary of

Commerce has indicated are no longer needed.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	03/11/05	70 FR 12140

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-147195-04 and REG-148864-03

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Treasury attorney: Michael Desmond (202) 622-1981

CC:DPL:B1

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**Related RIN:** Related to 1545-BE08, Related to 1545-BC93, Related to 1545-BE02

**RIN:** 1545-BE01

**2768. • RETURN REQUIRED ON MAGNETIC MEDIA (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6011

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

Office of Thrift Supervision are considering various revisions to the risk-based capital framework applicable to smaller banking organizations. 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 Accord, and smaller banks that will not be subject to these advanced approaches.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/00/05	

**Abstract:** The temporary regulations require certain corporations and organizations to file their Form 1120, "U.S. Corporation Income Tax Return," Form 1120S, "U.S. Income Tax Return for an S Corporation," Form 990, "Return of Organization Exempt From Income Tax," and Form 990-PF, "Return of Private Foundation or Section 4947(a)(1) Trust Treated as a Private Foundation," electronically.

**Timetable:**

Action	Date	FR Cite
Final Action Completed by TD 9175	01/12/05	70 FR 2012

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** REG-130671-04

Drafting attorney: Michael E. Hara (202) 622-4910

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**Related RIN:** Related to 1545-BD65

**RIN:** 1545-BE19

BILLING CODE 4830-01-S

**Department of the Treasury (TREAS)**

**Office of Thrift Supervision (OTS)**

**Prerule Stage**

**2769. • 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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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## TREAS—OTS

Prerule Stage

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RIN: 1550-AB98

**Department of the Treasury (TREAS)**  
**Office of Thrift Supervision (OTS)**

Proposed Rule Stage

**2770. 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	06/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**Related RIN:** Related to 1550-AB11

**RIN:** 1550-AB56

**2771. 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 1831o; 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	11/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**  
Undetermined

**Federalism:** Undetermined

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## TREAS—OTS

## Proposed Rule Stage

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**RIN:** 1550-AB92

### 2772. IDENTITY THEFT DETECTION, PREVENTION, AND MITIGATION PROGRAM FOR FINANCIAL INSTITUTIONS AND CREDITORS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1681m

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The banking agencies, NCUA, and FTC also plan to issue a proposed rule implementing section 114 of the FACT Act, which 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.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 1550-AB94

## Department of the Treasury (TREAS)

### Office of Thrift Supervision (OTS)

## Final Rule Stage

### 2773. 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	
Final Rule	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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**RIN:** 1550-AB88

### 2774. 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 of the FCRA. This new

## TREAS—OTS

## Final Rule Stage

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	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**Related RIN:** Related to 1550-AB33

**RIN:** 1550-AB90

**2775. EGRPRA REGULATORY REVIEW—APPLICATION AND REPORTING REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 559; 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 1828 note; 12 USC 1831i; 12 USC 1831o; 12 USC 2810 et seq; 12 USC 2901 et seq; 12 USC 3806; 15 USC 1691; 31 USC 5318; 42 USC 1981; 42 USC 1982; 42 USC 3601 to 3619; 42 USC 4106; 44 USC 3501 et seq

**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

**Legal Deadline:** None

**Abstract:** As part of its review of regulations under section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Pub. L. 104-208, September 30, 1996) (EGRPRA), OTS is reducing regulatory burden on savings associations by updating and revising various application and reporting requirements. Specifically, OTS is: (1) modifying the branch office and agency office application and notice requirements; (2) harmonizing publication and public comment procedures for various applications and notices; and (3) revising the meeting procedures. OTS is also eliminating various obsolete rules.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/24/04	69 FR 68239
Interim Final Rule Effective	01/01/05	
Interim Final Rule Comment Period End	01/24/05	
Final Rule	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1550-AB93

**2776. • SPECIAL RULES FOR ADJUDICATORY PROCEEDINGS FOR CERTAIN HOLDING COMPANIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 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 3349; 12 USC 4717; 15 USC 78(l); 15 USC 78o-5; 15 USC 78u-2; 28 USC 2461 note; 31 USC 5321; 42 USC 4012a

**CFR Citation:** 12 CFR 509

**Legal Deadline:** None

**Abstract:** OTS is adding a new subpart to its Rules of Practice and Procedure in Adjudicatory Proceedings to provide for expedited processing of certain actions to determine if a company is exercising a controlling influence over the management or policies of a savings association or savings and loan holding company (collectively, savings association) for certain purposes under section 10 of the Home Owners' Loan Act, 12 U.S.C. 1467a (HOLA). The new proceedings will be used only to determine if a company has acquired a controlling influence over the management or policies of a savings association for purposes of those subsections of section 10 other than subsections (c), (d), (f), (h)(2), (m), (n), (q), and (s). Under the new procedure, a company that holds at least one percent but no more than ten percent of the stock of a savings association may be found to control that savings association, thereby becoming an OTS-regulated entity.

## TREAS—OTS

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
Interim Final Rule	03/02/05	70 FR 10021
Interim Final Rule Effective	04/01/05	
Interim Final Rule Comment Period End	05/02/05	
Final Rule	06/00/05	

## Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1550-AB96

Department of the Treasury (TREAS)  
Office of Thrift Supervision (OTS)

## Long-Term Actions

## 2777. 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

Action	Date	FR Cite
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
Final Rule Effective	04/01/05	
Next Action Undetermined		

## Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1550-AB48

Department of the Treasury (TREAS)  
Office of Thrift Supervision (OTS)

## Completed Actions

## 2778. PROPER DISPOSAL OF CONSUMER INFORMATION UNDER THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Priority: Substantive, Nonsignificant

CFR Citation: 12 CFR 568; 12 CFR 570; 12 CFR 571

## Completed:

Reason	Date	FR Cite
Final Rule	12/28/04	69 FR 77610
Final Rule Effective	07/01/05	

## Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1550-AB87

## 2779. COMMUNITY REINVESTMENT ACT REGULATIONS (TECHNICAL AMENDMENT)

Priority: Substantive, Nonsignificant

CFR Citation: 12 CFR 563e

## Completed:

Reason	Date	FR Cite
Final Rule	03/28/05	70 FR 15570
Final Rule Effective	03/28/05	

## Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1550-AB91

## 2780. • RULES OF PRACTICE AND PROCEDURE IN ADJUDICATORY PROCEEDINGS; CIVIL MONEY PENALTY INFLATION ADJUSTMENT

Priority: Substantive, Nonsignificant

**Legal Authority:** 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 3349; 12 USC 4717; 15 USC 78(l); 15 USC 78o-5; 15 USC 78u-2; 28 USC 2461 note; 31 USC 5321; 42 USC 4012a

CFR Citation: 12 CFR 509

Legal Deadline: None

**Abstract:** The Federal Civil Penalties Inflation Adjustment Act of 1990 requires all Federal agencies with statutory authority to impose civil money penalties (CMPs) to evaluate and adjust those CMPs every four years. Prior to this rulemaking, OTS last adjusted its CMP statutes in 2000. Consequently, OTS issued this final rule to implement the required adjustments to OTS's CMP statutes.

## TREAS—OTS

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Final Rule	11/04/04	69 FR 64249
Final Rule Effective	11/04/04	

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

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**RIN:** 1550-AB95

**2781. • INTERAGENCY GUIDANCE ON RESPONSE PROGRAMS FOR UNAUTHORIZED ACCESS TO CUSTOMER INFORMATION AND CUSTOMER NOTICE**

**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 1681s; 15 USC 1681w; 15 USC 6801; 15 USC 6805(b)(1)

**CFR Citation:** 12 CFR 568; 12 CFR 570**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 OTS (the Agencies) are publishing an interpretation of the Gramm-Leach-Bliley Act and the Interagency Guidelines Establishing Information Security Standards (Security Guidelines). This interpretive guidance, titled "Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice" (final Guidance), is being published as a supplement to the Security Guidelines in the Code of Federal Regulations in order to make the interpretation more accessible to financial institutions and to the general public. The final Guidance will clarify the responsibilities of financial institutions under applicable Federal law. OTS is also making a conforming, technical change to its Security Procedures Rule.

**Timetable:**

Action	Date	FR Cite
Final Rule	03/29/05	70 FR 15736
Final Rule Effective	03/29/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

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**RIN:** 1550-AB97

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