

to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule does not involve any collections of information that are subject to the Paperwork Reduction Act.

3. This rule does not contain policies with Federalism implications as this term is defined in Executive Order 13132.

4. Pursuant to 5 U.S.C. 553, the provisions of the Administrative Procedure Act requiring a notice of proposed rulemaking and the opportunity for public comment are waived, because this regulation involves a rule of agency procedure. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

#### List of Subjects in 15 CFR Part 756

Administrative practice and procedure, Exports, Penalties.

■ Accordingly, part 756 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

#### PART 756—[AMENDED]

■ 1. The authority citation for 15 CFR part 756 continues to read:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

■ 2. Section 756.2 is amended by revising the second sentence of paragraph (a), by adding a sentence immediately following the second sentence of paragraph (a) and by revising paragraph (b)(4)(v) to read as follows:

#### § 756.2 Appeal from an administrative action.

(a) *Review and appeal officials.* \* \* \* In addition, the Under Secretary may designate any employee of the Department of Commerce to be an appeals coordinator to assist in the review and processing of an appeal under this part. If such employee is not an employee of BIS, such designation may be made only with the concurrence

of the head of the operating unit in which that employee is employed.

\* \* \*

(b) \* \* \*

(4) \* \* \*

(v) *Report.* Any person designated by the Under Secretary to conduct an informal hearing shall submit a written report containing a summary of the hearing and recommend action to the Under Secretary.

\* \* \* \* \*

Dated: June 6, 2006.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. E6–9220 Filed 6–12–06; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[TD 9258 and TD 9264]

**RIN 1545–BE86; RIN 1545–BF26**

#### **Guidance Under Section 1502; Amendment of Tacking Rule Requirements of Life-Nonlife Consolidated Regulations; and Guidance Necessary To Facilitate Business Electronic Filing and Burden Reduction; Correction**

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

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to temporary regulations (TD 9258) that were published in the **Federal Register** on Tuesday, April 25, 2006 (71 FR 23856) relating to guidance regarding amendments to tacking rule requirements of Life-Nonlife consolidated regulations under section 1502; and final and temporary regulations (TD 9264), that were published in the **Federal Register** on Tuesday, May 30, 2006 (71 FR 30591) relating to guidance necessary to facilitate business electronic filing and burden reduction.

**DATES:** The amendment to § 1.1502–76T that published April 25, 2006, is effective April 25, 2006. The amendments to §§ 1.1563–1 and 602.101 and the removal of § 1.1502–76T that published May 30, 2006, is effective May 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Grid Glycer, (202) 622–7930 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

## Background

The temporary regulations (TD 9258) and final and temporary regulations (TD 9264) that are the subject of these corrections are under sections 332, 351, 355, 368, 1081, 1502, and 1563 of the Internal Revenue Code.

## Need for Correction

As published, TD 9258 and TD 9264 contain errors that may prove to be misleading and are in need of clarification. TD 9264 added § 1.1502–76T in error, as § 1.1502–76T was previously codified by TD 9258. This correcting amendment amends § 1.1502–76T as codified by TD 9258, and removes § 1.1502–76T as codified by TD 9264.

## List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

## Correction of Publication

■ Accordingly, 26 CFR parts 1 and 602 are corrected by making the following correcting amendments:

## PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.1502–76T published on April 25, 2006, as TD 9258 is amended by revising paragraphs (b) through (c)(3) and adding paragraph (d) to read as follows:

#### **§ 1.1502–76T Taxable year of members of group (temporary).**

\* \* \* \* \*

(b) through (b)(2)(ii)(C) [Reserved]. For further guidance, see § 1.1502–76(b) through (b)(2)(ii)(C).

(D) *Election*—(1) *Statement.* The election to ratably allocate items under paragraph (b)(2)(ii) of § 1.1502–76 must be made in a separate statement entitled, “THIS IS AN ELECTION UNDER § 1.1502–76(b)(2)(ii) TO RATABLY ALLOCATE THE YEAR’S ITEMS OF [INSERT NAME AND EMPLOYER IDENTIFICATION NUMBER OF THE MEMBER].” The election must be filed by including a statement on or with the returns including the items for the years ending and beginning with S’s change in status. If two or more members of the same consolidated group, as a consequence of

the same plan or arrangement, cease to be members of that group and remain affiliated as members of another consolidated group, an election under this paragraph (b)(2)(ii)(D)(1) may be made only if it is made by each such member. Each statement must also indicate that an agreement, as described in paragraph (b)(2)(ii)(D)(2) of this section, has been entered into. Each party signing the agreement must retain either the original or a copy of the agreement as part of its records. See § 1.6001-1(e).

(2) *Agreement.* For each election under § 1.1502-76(b)(2)(ii), the member and the common parent of each affected group must sign and date an agreement. The agreement must—

(i) Identify the extraordinary items, their amounts, and the separate or consolidated returns in which they are included;

(ii) Identify the aggregate amount to be ratably allocated, and the portion of the amount included in the separate and consolidated returns; and

(iii) Include the name and employer identification number of the common parent (if any) of each group that must take the items into account.

(b)(2)(iii) through (c) [Reserved]. For further guidance, see § 1.1502-76(b)(2)(iii) through (c).

(d) *Effective date.*—(1) *Applicability date.*—(i) Paragraph (a) of this section applies to any original consolidated Federal income tax return due (without extensions) on or after April 25, 2006.

(ii) Paragraph (b)(2)(ii)(D) of this section applies to any original consolidated Federal income tax return due (without extensions) after May 30, 2006. However, a consolidated group may apply this section to any original consolidated Federal income tax return (including any amended return filed on or before the due date (including extensions) of such original return) timely filed on or after May 30, 2006.

(2) *Expiration date.*—(i) The applicability of paragraph (a) of this section will expire on April 25, 2009.

(ii) The applicability of paragraph (b)(2)(ii)(D) of this section will expire on May 26, 2009.

#### § 1.1502-76T [Removed]

■ **Par. 3.** Section 1.1502-76T published on May 30, 2006, as TD 9264 is removed.

■ **Par. 4.** Section 1.1563-1 is amended by adding paragraph (c)(2)(iv) and revising paragraph (e) to read as follows:

#### § 1.1563-1 Definition of controlled group of corporations and component members.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(iv) The provisions of this paragraph (c)(2) may be illustrated by the following examples (in which it is assumed that all the individuals are unrelated):

*Example 1.* On each day of 1970 all the outstanding stock of corporations M, N, and P is held in the following manner:

| Individuals | Corporations   |                |                |
|-------------|----------------|----------------|----------------|
|             | M<br>(percent) | N<br>(percent) | P<br>(percent) |
| A .....     | 55             | 40             | 5              |
| B .....     | 40             | 20             | 40             |
| C .....     | 5              | 40             | 55             |

Since the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) is met with respect to corporations M and N and with respect to corporations N and P, but not with respect to corporations M, N, and P, corporation N

would, without the application of this paragraph (c)(2), be a component member on December 31, 1970, of overlapping groups consisting of M and N and of N and P. If N does not file an election in accordance with § 1.1563-1T (c)(2)(i), the Internal Revenue

Service will determine the group in which N is to be included.

*Example 2.* On each day of 1970, all the outstanding stock of corporations S, T, W, X, and Z is held in the following manner:

| Individuals | Corporations   |                |                |                |                |
|-------------|----------------|----------------|----------------|----------------|----------------|
|             | S<br>(percent) | T<br>(percent) | W<br>(percent) | X<br>(percent) | Z<br>(percent) |
| D .....     | 52             | 52             | 52             | 52             | 52             |
| E .....     | 40             | 2              | 2              | 2              | 2              |
| F .....     | 2              | 40             | 2              | 2              | 2              |
| G .....     | 2              | 2              | 40             | 2              | 2              |
| H .....     | 2              | 2              | 2              | 40             | 2              |
| I .....     | 2              | 2              | 2              | 2              | 40             |

On December 31, 1970, the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) may be met with regard to any combination of the corporations but all five corporations cannot be included as component members of a single controlled group because the inclusion of all the corporations in a single group would be dependent upon taking into account the stock ownership of more than five persons. Therefore, if the corporations do not file a statement in accordance with § 1.1563-1T (c)(2)(ii), the Internal Revenue Service will determine the group in which each corporation is to be included. The

corporations or the Internal Revenue Service, as the case may be, may designate that three corporations be included in one group and two corporations in another, or that any four corporations be included in one group and that the remaining corporation not be included in any group.

\* \* \* \* \*

(e) [Reserved]. For further guidance, see § 1.1563-1T(e)(1).

#### PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 5.** The authority citation for part 602 continues to read in part as follows:

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

#### § 602.101 [Amended]

■ **Par. 6.** Section 602.101, paragraph (b) is amended by removing the entries for

1.332–6, 1.351–3, 1.355–5, 1.368–3, and 1.1081–11.

Cynthia E. Grigsby,

Senior Federal Register Liaison Officer,  
Publications and Regulations Branch,  
Associate Chief Counsel, (Procedure and  
Administration).

[FR Doc. 06–5349 Filed 6–8–06; 3:47 pm]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2006–0473; FRL–8182–5]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO<sub>x</sub> RACT Determinations for Eight Individual Sources

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for eight major sources of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>). These sources are located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

**DATES:** This rule is effective on July 28, 2006 without further notice, unless EPA receives adverse written comment by July 13, 2006. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0473 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. E-mail: [morris.makeba@epa.gov](mailto:morris.makeba@epa.gov).

C. Mail: EPA–R03–OAR–2006–0473, Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the

Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA–R03–OAR–2006–0473. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814–2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Pursuant to sections 182(b)(2) and 182(f) of the CAA, the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO<sub>x</sub> sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing RACT for three classes of VOC sources are required under section 182(b)(2). The categories are:

(1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment;

(2) All sources covered by a CTG issued prior to November 15, 1990; and

(3) All major non-CTG sources.

The Pennsylvania SIP already has approved RACT regulations and requirements for all sources and source categories covered by the CTGs. The Pennsylvania SIP also has approved regulations to require major sources of NO<sub>x</sub> and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. These regulations are commonly termed the "generic RACT regulations". A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead establishes procedures for imposing case-by-case RACT determinations. The Commonwealth's SIP-approved generic RACT regulations consist of the procedures PADEP uses to establish and impose RACT for subject sources of VOC and NO<sub>x</sub>. Pursuant to the SIP-approved generic RACT rules, PADEP imposes RACT on each subject source in an enforceable document, usually a Plan Approval (PA) or Operating Permit (OP). The Commonwealth then submits these PAs and OPs to EPA for approval as source-specific SIP revisions. EPA reviews these SIP revisions to ensure that the PADEP has determined and imposed RACT in accordance with the provisions of the SIP-approved generic RACT rules.

It must be noted that the Commonwealth has adopted and is implementing additional "post RACT requirements" to reduce seasonal NO<sub>x</sub>