

been and remains suspended or disbarred by a court of the United States or of any State, commonwealth, possession, territory of the United States or the District of Columbia; any accountant or other licensed expert whose license to practice has been revoked in any State, commonwealth, possession, territory of the United States or the District of Columbia; any person who has been and remains suspended or barred from practice before the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of Federal Housing Enterprise Oversight, the Farm Credit Administration, the Securities and Exchange Commission, or the Commodity Futures Trading Commission is also suspended automatically from appearing or practicing before the Finance Board. A disbarment or suspension within the meaning of this paragraph shall be deemed to have occurred when the disbarment or suspending agency or tribunal enters its judgment or order, regardless of whether an appeal is pending or could be taken and regardless of whether a violation is admitted in the consent.

(2) A suspension or disbarment from practice before the Finance Board under paragraph (b)(1) of this section shall continue until the person suspended or disbarred is reinstated under paragraph (d)(2) of this section.

(c) *Notices to be filed.* (1) Any individual appearing or practicing before Finance Board who is the subject of an order, judgment, decree, or finding of the types set forth in paragraph (b)(1) of this section shall file promptly with the Finance Board a copy thereof, together with any related opinion or statement of the agency or tribunal involved.

(2) Any individual appearing or practicing before the Finance Board who is or within the last 10 years has been convicted of a felony or of a misdemeanor that resulted in a sentence of prison term or in a fine or restitution order totaling more than \$5,000 shall file a notice promptly with the Finance Board. The notice shall include a copy of the order imposing the sentence or fine, together with any related opinion or statement of the court involved.

(d) *Reinstatement.* (1) Unless otherwise ordered by the Finance Board, an application for reinstatement for good cause may be made in writing by a person suspended or disbarred under

paragraph (a)(1) of this section at any time more than three years after the effective date of the suspension or disbarment and, thereafter, at any time more than one year after the person's most recent application for reinstatement. An applicant for reinstatement under this paragraph (d)(1) may, in the Finance Board's sole discretion, be afforded a hearing.

(2) An application for reinstatement for good cause by any person suspended or disbarred under paragraph (b)(1) of this section may be filed at any time, but not less than 1 year after the applicant's most recent application. An applicant for reinstatement for good cause under this paragraph (d)(2) may, in the Finance Board's sole discretion, be afforded a hearing. However, if all the grounds for suspension or disbarment under paragraph (b)(1) of this section have been removed by a reversal of the order of suspension or disbarment or by termination of the underlying suspension or disbarment, any person suspended or disbarred under paragraph (b)(1) of this section may apply immediately for reinstatement and shall be reinstated upon written application notifying the Finance Board that the grounds have been removed.

(e) *Conferences.* (1) The Finance Board may confer with a proposed respondent concerning allegations of misconduct or other grounds for censure, disbarment or suspension, regardless of whether a proceeding for censure, disbarment or suspension has been commenced. If a conference results in a stipulation in connection with a proceeding in which the individual is the respondent, the stipulation may be entered in the record at the request of either party to the proceeding.

(2) Resignation or voluntary suspension. In order to avoid the institution of or a decision in a disbarment or suspension proceeding, a person who practices before the Finance Board may consent to censure, suspension or disbarment from practice. At the discretion of the Finance Board, the individual may be censured, suspended or disbarred in accordance with the consent offered.

(f) *Hearings under this section.* Hearings conducted under this section shall be conducted in substantially the same manner as other hearings under this part, provided that in proceedings to terminate an existing suspension or disbarment order, the person seeking the termination of the order shall bear the burden of going forward with an application supported with proof that the suspension should be terminated. The Finance Board may, in its sole discretion, direct that any proceeding to

terminate an existing suspension or disbarment be limited to written submissions. All hearings held under this section shall be closed to the public unless the Finance Board, on its own motion or upon the request of a party, otherwise directs that the hearing be open to the public.

Dated: November 30, 2000.

By the Board of Directors of the Federal Housing Finance Board.

**William C. Apgar,**

*HUD Secretary's Designee to the Board.*

[FR Doc. 00-31978 Filed 12-15-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Airspace Docket No. 00-AWP-13]

#### Proposed Establishment and Redesignation of Restricted Areas; NV

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to redesignate Restricted Area (R) 4804 Twin Peaks, NV, as R-4804A, and establish R-4804B from FL 180 to FL 350. Additionally, this action proposes to redesignate R-4813 Carson Sink, NV, as R-4813A, and establish R-4813B from FL 180 to FL 350. This action also proposes to revoke R-4802 Lone Rock, NV, and designate the U.S. Navy (USN) Naval Strike and Warfare Center Fallon, NV, as the using agency for R-4804A, R-4804B, R-4813A, and R-4813B.

**DATES:** Comments must be received on or before February 1, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP-500, Docket No. 00-AWP-13, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules Division,

ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AWP-13." The postcard will be date/time stamped and returned to the commenter. Send comments on environmental and land-use aspects to: Field Manager, Bureau of Land Management 5665 Morgan Mill Road, Carson City, NV 89701 ATTN: Navy EIS Project Manager. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Federal Register's electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Superintendent of Document's web page at <http://www.access.gpo.gov/nara> for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

This action proposes to redesignate R-4804 Twin Peaks, NV, as R-4804A, and establish R-4804B from FL 180 to FL 350. Additionally, this action proposes to redesignate R-4813 Carson Sink, NV, as R-4813A, and establish R-4813B from FL 180 to FL 350. The proposed establishing of restricted areas (R-4804B and R-4813B respectively) would increase the vertical limits of two existing restricted areas but would not increase the lateral boundaries of the existing airspace. This action also proposes to revoke R-4802 Lone Rock, NV, and designate the USN Naval Strike and Warfare Center Fallon, NV, as the using agency for R-4804A, R-4804B, R-4813A, and R-4813B.

The USN is requesting these modifications to meet the Chief of Naval Operations training requirements resulting from a real world threat environment that requires flight crews to develop and maintain an ability to deliver ordnance (bombs, missiles, bullets, etc.) from high altitudes.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The coordinates for this airspace docket are based on North American Datum 83. Section 73.48 of part 73 of

the Federal Aviation Regulations was republished in FAA Order 7400.8H dated September 1, 2000.

#### Environmental Review

This proposal will be subjected to further environmental review prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

#### PART 73—SPECIAL USE AIRSPACE

1. The authority citation for 14 CFR part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 73.32 [Amended]

2. Section 73.48 is amended as follows:

\* \* \* \* \*

**R-4802 Lone Rock, NV [Revoke]**

**R-4804 Twin Peaks, NV [Revoke]**

**R-4813 Carson Sink, NV [Revoke]**

**R-4804A Twin Peaks, NV [New]**

**Boundaries.** A 5-nautical-mile radius circle centered at lat. 39°13'00" N., long. 118°12'45" W.; and a 3-nautical-mile radius centered at lat. 39°14'15" N., long. 118°17'33" W.

**Designated altitudes.** Surface to but not including FL 180 excluding 2,000 feet AGL up to but not including 8,500 feet MSL, north of and within 1 NM of U.S. Highway 50 between the intersection of U.S. Highway 50 with long. 118°26'00" W., and long. 118°08'00" W.

**Controlling agency.** FAA, Oakland ARTCC.

**Using agency.** USN Naval Strike and Warfare Center Fallon, NV.

**R-4804B Twin Peaks, NV [New]**

**Boundaries.** A 5-nautical-mile radius circle centered at lat. 39°13'00" N., long. 118°12'45" W.; and a 3-nautical-mile radius centered at lat. 39°14'15" N., long. 118°17'33" W.;

**Designated altitudes.** FL 180 to and including FL 350.

**Times of use.** Intermittent by NOTAM 0715-2330 local time, daily.

**Controlling agency.** FAA Oakland, ARTCC.

**Using agency.** USN Naval Strike and Warfare Center Fallon, NV.

**R-4813A Carson Sink, NV [New]**

**Boundaries.** Beginning at lat. 39°51'00" N., Long. 118°38'04" W.; to lat. 40°01'00" N., long. 118°15'04" W.; to lat. 40°01'00" N., long. 118°01'03" W.; to lat. 39°58'00" N., long. 118°01'03" W.; to lat. 39°38'00" N., long. 118°17'03" W.; thence via the arc of a 15 NM radius circle centered at lat. 39°52'36" N., long. 118°20'31" W.; to lat. 39°45'50" N., long. 118°38'04" W.; thence to point of beginning.

**Designated altitudes.** Surface to but not including FL 180.

**Times of use.** 0715–2330 local time, daily.

**Controlling agency.** FAA Oakland, ARTCC.

Using agency. USN Naval Strike and Warfare Center Fallon, NV.

**R-4813B Carson Sink, NV [New]**

**Boundaries.** Beginning at lat. 39°51'00" N., Long. 118°38'04" W.; to lat. 40°01'00" N., long. 118°15'04" W.; to lat. 40°01'00" N., long. 118°01'03" W.; to lat. 39°58'00" N., long. 118°01'03" W.; to lat. 39°38'00" N., long. 118°17'03" W.; thence via the arc of a 15 NM radius circle centered at lat. 39°52'36" N., long. 118°20'31" W.; to lat. 39°45'50" N., long. 118°38'04" W.; thence to point of beginning.

**Designated altitudes.** FL 180 to and including FL 350.

**Times of use.** Intermittent by NOTAM 0715–2330 local time, daily.

**Controlling agency.** FAA Oakland, ARTCC.

Using agency. USN Naval Strike and Warfare Center Fallon, NV.

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Issued in Washington, DC, on December 12, 2000.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

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**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Parts 1, 301, and 602**

[REG-106542-98]

RIN 1545-AW24

**Election To Treat Trust as Part of an Estate**

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

**ACTION:** Notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains proposed regulations that relate to an

election to have certain revocable trusts treated and taxed as part of an estate. This document provides the procedures and requirements for making the election, rules regarding the tax treatment of the trust and the estate while the election is in effect, and rules regarding the termination of the election. This document also provides clarification of the reporting rules for a trust, or portion of a trust, that is treated as owned by the grantor, or another person under the provisions of subpart E (section 671 and following) part I, subchapter J, chapter 1 of the Internal Revenue Code, for the taxable year ending with the death of the grantor or other person. In addition, this document provides notice of a public hearing on these proposed regulations.

**DATES:** Written or electronic comments must be received by March 19, 2001. Requests to speak (with outlines of oral comments) at a public hearing scheduled for February 21, 2001, at 10 a.m., must be submitted by January 31, 2001.

**ADDRESSES:** Send submissions to: CC:M&SP:RU (REG-106542-98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may also be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:M&SP:RU (REG-106542-98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at [http://www.irs.gov/tax\\_regs/reglist.html](http://www.irs.gov/tax_regs/reglist.html) (the IRS Internet site). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Faith Colson, (202) 622-3060; concerning submission of comments, the hearing, and/or to be placed on the building access list to attend the hearing, LaNita VanDyke, (202) 622-7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:****Paperwork Reduction Act**

The collection of information in this notice of proposed rulemaking has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-1578.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to the collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Background**

This document contains proposed regulations under section 645 relating to certain revocable trusts for which an election is made to be treated and taxed as part of an estate. This document also contains proposed amendments to the Income Tax Regulations under section 671 relating to reporting for a trust, or portion of a trust, for the taxable year ending with the death of the grantor or other person treated as the owner of the trust, or portion of the trust.

**Explanation of Provisions***A. Overview of Section 645*

Both estates and trusts can function to settle the affairs of a decedent and distribute assets to heirs. In the case of a revocable inter vivos trust, the grantor transfers property to a trust that the grantor may revoke during the grantor's lifetime. When the grantor dies, the power to revoke ceases, and the trustee performs the settlement functions typically performed by an estate executor. See H.R. Conf. Rep. No. 220, 105th Cong., 1st Sess. at 711 (1997).

Section 1305 of the TRA 1997 added section 646 to the Internal Revenue Code. Section 646 was redesignated section 645 by section 6013(a) of the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105-206 (112 Stat. 685) (1998). Section 645 provides that an election may be made to have certain revocable trusts treated and taxed as part of an estate.

Under section 645, if both the executor (if any) of an estate and the trustee of a qualified revocable trust (QRT) elect the treatment provided in section 645, the trust shall be treated and taxed for income tax purposes as part of the estate (and not as a separate trust) during the election period.

A QRT is any trust (or portion thereof) that on the date of death of the decedent was treated as owned by the decedent under section 676 by reason of a power held by the decedent (determined without regard to section 672(e)). In accordance with the legislative history