of the methods described in paragraph (g)(6)(iii) of this section or by applying
the deemed equivalent value method described in this paragraph (i)(5)(iii).
The amount of the payment is not
redetermined except as provided in
paragraph (g)(6)(iv)(B) of this section. The
deeded equivalent value method
may be applied if the contract fixes the
timing and amount of all of the
payments under the contract, except for
a sole significant contingent
nonperiodic payment. Under the
deeded equivalent value method, the
amount of the significant contingent
nonperiodic payment is the amount
that, as of the date the terms of the
contract are fixed, causes the present
value of all of the payments by the
taxpayer to equal the present value of all
of the payments of the counterpart to
the contract. The present value of each
payment of the contract is determined
by applying the risk-free interest rate.

(iii) Nonapplicability to regulated
investment companies. Paragraphs
(i)(5)(i) and (ii) of this section do not
apply to a regulated investment
company described in paragraph
(i)(2)(iv) of this section that makes an
election under paragraph (i) of this
section.

(6) Election. An election to apply this
paragraph (i) must be made with respect
to all notional principal contracts
described in paragraph (i)(2) of this
section to which the taxpayer is a party.
The election must be made in the time
and manner prescribed by the
Commissioner and is effective for the
taxable year for which made and all
subsequent taxable years, unless
revoked with the consent of the
Commissioner.

(1) General rule. Except as provided in
paragraph (i)(2) of this section, this section is applicable
for notional principal contracts entered
into on or after December 13, 1993.

(2) Exception. Paragraphs (g)(6)(other
than (g)(6)(i)) and (i) of this section are applicable
for notional principal contracts entered into on or after 30
days after the date a Treasury decision
in order to effectuate a settlement
agreement we entered into with the
National Mining Association.

3. Section 1.1234A–1 is added to read as follows:

§1.1234A–1 Notional principal contracts,
bullet swaps, and forward contracts.

(a) General rule. If a taxpayer has a
position in a notional principal contract
governed by the rules of §1.446–3, any
gain or loss arising from a termination
payment as defined in §1.446–3(h)(1) is
treated as gain or loss from a
termination of the notional principal
contract.

(b) Nonapplicability to payments
other than termination payments. For
purposes of section 1234A, none of the
following payments terminate or cancel
a right or obligation: a periodic payment
described in §1.446–3(e), a nonperiodic
payment described in §1.446–3(f), a
contingent nonperiodic payment
described in §1.446–3(g)(6) to which
§1.446–3(g)(6)(ii) applies, or mark-to-
market income inclusions and
deductions described in §1.446–3(i)(1).
Accordingly, section 1234A does not
apply to any of these items, including
any final scheduled payment. If a
payment made or received pursuant to
a notional principal contract is not a
termination payment as defined in
§1.446–3(h)(1), the payment constitutes
ordinary income or expense. See
sections 162 and 212 and the
regulations thereunder.

(c) Bullets swaps and forward
contracts—(1) Any gain or loss arising
from the settlement of obligations under
a bullet swap or forward contract
(including a payment pursuant to the
terms of the obligations) is treated as
gain or loss from a termination of the
bullet swap or forward contract.

(2) Definition of bullet swap. A bullet
swap is a financial instrument that is
not an excluded contract as defined in
§1.446–3(c)(1)(ii), that provides for
the computation of an amount or amounts
due from one party to another by
reference to a specified index upon a
notional principal amount, and that
provides for settlement of all the parties'
obligations at or close to maturity of the
contract.

(d) Effective date. Paragraphs (b)(1)
and (c) of this section are applicable
to notional principal contracts, bullet
swaps, and forward contracts entered
into on or after 30 days after the date a
Treasury decision based on these
proposed regulations is published in the
Federal Register.

Mark E. Matthews,
Deputy Commissioner for Services and
Enforcement.

[FR Doc. 04–1151 Filed 2–25–04; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and
Enforcement
30 CFR Parts 701, 773, 774, 778, 843 and
847
RIN 1029–AC08
Ownership and Control Settlement
Rule
AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; extension of
comment period.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are extending the comment period on the proposed Ownership and Control Settlement Rule published on December 29, 2003. The comment period is being extended in response to a request for an extension from members of the public.

DATES: We will accept written comments on the proposed rule until 5

ADDRESSES: You may mail or hand-
deliver comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW., Washington, DC 20240. You may also submit comments electronically to OSM at the following Internet address: osmrules@osmre.gov.

FOR FURTHER INFORMATION CONTACT: Earl
D. Bandy, Jr., Office of Surface Mining Reclamation and Enforcement, Appalachian Regional Coordinating
Center, Applicant/Violator System Office, 2679 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 260–
8424 or (800) 643–9748. E-Mail:
 ebandy@osmre.gov.

SUPPLEMENTARY INFORMATION: On
December 29, 2003 (68 FR 75036), we published a proposed rule for public
comment. The proposed rule, referred to as the Ownership and Control Settlement Rule, would revise certain provisions adopted in our December 19, 2000, Ownership and Control final rule in order to effectuate a settlement agreement we entered into with the National Mining Association.

Specifically, the proposed rule would
revise the provisions in the 2000 final
rule pertaining to the definitions of
ownership and control; permit
eligibility determinations eligibility for
provisionally issued permits;
impromptu issued permits;
challenges to ownership or control
listings or findings; post-permit
issuance requirements for regulatory
DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 780, 816, and 817

RIN 1029–AC04

Surface Coal Mining and Reclamation Operations; Excess Spoil; Stream Buffer Zones; Diversions

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; extension of comment period and notice of public hearings.

SUMMARY: We are extending the comment period on our proposed rule commonly referred to as the "excess spoil/stream buffer zone rule." The comment period is being extended by 30 days in order to afford the public more time to comment and to allow enough time to hold five public hearings. We are also notifying the public of the dates and locations for five public hearings.

DATES: We will accept written comments on the proposed rule until 5 p.m., eastern time, on April 7, 2004.

See the SUPPLEMENTARY INFORMATION section for the hearing dates.

ADDRESSES: You may mail or hand carry comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW., Washington, DC 20240, or you may send comments via electronic mail to osmrules@osmre.gov.

If you wish to comment on the information collection aspects of this proposed rule, you may submit your comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Interior Desk Officer, via e-mail to oira_docket@omb.eop.gov, or via facsimile to 202–365–6566.

See the SUPPLEMENTARY INFORMATION section for hearing addresses.

FOR FURTHER INFORMATION CONTACT: David G. Harts, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 3 Parkway Center, Pittsburgh, PA 15220; Telephone: 412–937–2909; E-mail address: dharts@osmre.gov. Additional information concerning this rule and related documents may be found on our home page on the Internet at http://www.osmre.gov/ocpropos.htm.

SUPPLEMENTARY INFORMATION: On January 7, 2004 (69 FR 1036), we published a proposed rule that would minimize the adverse environmental effects stemming from the construction of excess spoil fills associated with coal mining in Appalachia. The proposed rule would also clarify the circumstances in which mining activities, such as the construction of excess spoil fills, may be allowed within the "stream buffer zone" within 100 feet of a perennial or intermittent stream.

The comment period on the proposed rule was scheduled to close on March 29, 2004. In response to a request from the public, we are extending the public comment period to March 29, 2004. We have received six requests to hold public hearings on the proposed rule from representatives of the following organizations: Save Our Cumberland Mountains, Citizens Coal Council, Kentuckians for the Commonwealth, Mountain Watershed Association, Inc., Coal River Watch, and Tri-State Citizens Mining Network. We are granting their requests for public hearings and are extending the comment period on the proposed rule by 30 days in order to hold the following five public hearings on the dates and locations shown below:

1. March 30, 2004, 6 p.m. to 9 p.m., Charleston Civic Center, Room 206, 200 Civic Center Drive, Charleston, WV.
2. March 30, 2004, 6 p.m. to 9 p.m., Best Western Parkway Center, 8th Floor in the Horizon Room, 875 Greentree Road, Greentree, PA.
3. March 30, 2004, 6 p.m. to 9 p.m., Hazard Community College, Hazard Campus, Jolly Center, Room 208, One Community College Drive, Hazard, KY.
4. March 30, 2004, 6 p.m. to 9 p.m., Roane State Community College, O'Brien Building, Room 101, 276 Patton Lane, Harriman, TN.
5. March 30, 2004, from 2 p.m. to 4 p.m., Office of Surface Mining, South Interior Auditorium, 151 Constitution Avenue NW., Washington, DC 20240.

Please use the rear entrance to the building and have photo identification with you.

These hearings will be open to anyone who would like to attend and/or testify. The primary purpose of the public hearing is to obtain your views on the proposed rule so that we can prepare a complete and objective analysis. A public hearing is not an adversarial process and, therefore, we encourage you to limit your testimony to the proposed rule. We appreciate any and all comments, but those most useful and likely to influence decisions on the final rule will be those that either involve personal experience or include citations to and analyses of the Surface Mining Control and Reclamation Act of 1977, its legislative history, its implementing regulations, case law, other State or Federal laws and regulations, technical literature, or relevant publications.

At the hearing, a court reporter will record and make a written record of the statements presented. This written record will be made part of the administrative record for the rule. If you have a written copy of your testimony, we encourage you to give us a copy. It will assist the court reporter in preparing the written record. Please do not feel intimidated by the reporter or the formal structure of the hearing. Any disabled individual who needs special accommodation to attend a public hearing is encouraged to contact the person listed under FOR FURTHER INFORMATION CONTACT.


Jeffrey D. Jarrett,
Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 04–4300 Filed 2–25–04; 8:45 am]

BILLING CODE 4310–05–M

POSTAL SERVICE

39 CFR Part 111

Packaging Standards and General Mailability

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule contains minor changes to the Domestic Mail Manual (DMM™) that would clarify packaging and closure requirements, types of acceptable mailing containers, and standards for certain articles processed on Postal Service™ parcel sorting equipment. This proposed rule would also update terminology and reorganize current standards for better reference and presentation.