

minimal because the information required by section 6039I is readily available. Accordingly, the regulations will not have a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis is not required.

Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

**Drafting Information**

The principal author of these regulations is Linda K. Boyd, Office of Associate Chief Counsel (Financial Institutions & Products). However, other personnel from the IRS and Treasury Department participated in their development.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

■ Accordingly, 26 CFR part 1 is amended as follows:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 is amended by removing the entry for § 1.6039I–1T, and adding an entry in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \* .  
Section 1.6039I–1 also issued under 26 U.S.C. 6039I. \* \* \* .

■ **Par. 2.** Section 1.6039I–1 is added to read as follows:

**§ 1.6039I–1 Reporting of certain employer-owned life insurance contracts.**

(a) *Requirement to report.* Section 6039I requires every taxpayer that is an applicable policyholder owning one or more employer-owned life insurance contracts issued after August 17, 2006, to file a return showing the following information for each year the contracts are owned—

(1) The number of employees of the applicable policyholder at the end of the year;

(2) The number of such employees insured under such contracts at the end of the year;

(3) The total amount of insurance in force at the end of the year under such contracts;

(4) The name, address, and taxpayer identification number of the applicable policyholder and the type of business in which the policyholder is engaged; and

(5) That the applicable policyholder has a valid consent for each insured employee (or, if all such consents are not obtained, the number of insured employees for whom such consent was not obtained).

(b) *Time and manner of reporting.* Applicable policyholders owning one or more employer-owned life insurance contracts issued after August 17, 2006, must provide the information required under § 6039I by attaching Form 8925, “Report of Employer-Owned Life Insurance Contracts”, to the policyholder’s income tax return by the due date of that return, or by filing such other form at such time and in such manner as the Commissioner may in the future prescribe.

(c) *Effective/applicability date.* These regulations are applicable for tax years ending after November 6, 2008.

**§ 1.6039I–1T [Removed]**

■ **Par. 3.** Section 1.6039I–1T is removed.

Linda E. Stiff,  
*Deputy Commissioner for Services and Enforcement.*

Approved: October 16, 2008.

Eric Solomon,  
*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. E8–26424 Filed 11–5–08; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 602**

[TD 9424]

RIN 1545–BB61

**Unified Rule for Loss on Subsidiary Stock**

*Correction*

In rule document E8– 21006 beginning on page 53934 in the issue of Wednesday, September 17, 2008 make the following corrections:

**§1.1502–13 [Corrected]**

■ 1. On page 53948, in the first column, §1.1502–13(a)(4), in the second line “(4) Application of other rules of law.” should read “(4) *Application of other rules of law.*”.

**§1.1502–36 [Corrected]**

■ 2. On page 53962, in the third column, §1.1502–36(c)(8)(ii) at *Example 6* (ii) (A), in the first paragraphs, in the 32nd line, “(CNOL))” should read “(CNOL)”.

■ 3. On page 53964, in the second column, §1.1502–36(d)(4)(ii)(A), the

first sentence, “(A) Category A, Category B, and Category C attributes.” should read “(A) *Category A, Category B, and Category C attributes.*”.

■ 4. On page 53968, in the second column, §1.1502–36(d)(8) at *Example 1* (ii), in paragraphs (A) and (B), “Example 1” should read “*Example 1.*”.

■ 5. On page 53970, in the third column, §1.1502–36(d)(8) at *Example 4*, (i)(c) paragraph “(1)” should read, “1”.

■ 6. On page the same page, in the second column, §1.1502–36(d)(8) at *Example 4*, (ii)(c) paragraph “(1)” should read,“(1)”.

■ 7. On page 53974, in the third column, §1.1502–36(d)(8) at *Example 8*, (i)(c)(2) paragraph “(i)” should read, “(i)”.

■ 8. On page 53975, in the third column, §1.1502–36(d)(8) at *Example 8*, (ii)(c)(2) paragraph “(i)” should read, “(i)”.

■ 9. On page 53977, in the first column, §1.1502–36(d)(8) at *Example 9*, (iv)(B) paragraph “(1)” should read, “(1)”.

[FR Doc. Z8–21006 Filed 11–5–08; 8:45 am]

**BILLING CODE 1505–01–D**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[USCG–2008–0838]

RIN 1625–AA00

**Safety Zone; Christmas Holiday Boat Parade Fireworks Event, Appomattox River, Hopewell, VA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a 420-foot radius safety zone on the Appomattox River in the vicinity of Hopewell, VA in support of the Christmas Holiday Boat Parade Fireworks Event. This action will protect the maritime public on the Appomattox River from the hazards associated with fireworks displays.

**DATES:** This rule is effective from 8 p.m. until 9 p.m. on December 6, 2008.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2008–0838 and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2008–0838 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This

material is also available for inspection or copying at two locations: the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays and the Sector Hampton Roads, Norfolk Federal Building, 200 Granby St., 7th Floor, Norfolk, VA 23510 between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call LT Tiffany Duffy, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668-5580. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On August 28, 2008, we published a notice of proposed rulemaking (NPRM) entitled *Safety Zone: Christmas Holiday Boat Parade Fireworks Event*, Appomattox River, Hopewell, VA, in the **Federal Register** (73 FR 168). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

##### **Background and Purpose**

On December 6, 2008, the City of Hopewell, VA will sponsor a fireworks display on the Appomattox River centered on position 37°19'34" N/ 77°16'00" W (NAD 1983). Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, access to the Appomattox River within a 420 foot radius of the fireworks barge will be temporarily restricted.

##### **Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

##### **Regulatory Planning and Review**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because:

(i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. However, this rule may affect the following entities, some of which may be small entities: Owners and operators of vessels intending to transit or anchor in that portion of the Appomattox River from 8 p.m. to 9 p.m. on December 6, 2008. Although this regulation restricts access to the safety zone, the effect of this rule will not significantly impact small entities because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

##### **Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

##### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

##### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

##### **Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

##### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

##### **Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

##### **Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded under the Instruction that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. An environmental analysis checklist and a categorical exclusion determination will be available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0838, to read as follows:

#### § 165.T05–0838 Safety Zone: Christmas Holiday Boat Parade Fireworks Event, Appomattox River, Hopewell, VA.

(a) *Regulated Area.* The following area is a safety zone: All navigable waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10, in the vicinity of the Appomattox River in Hopewell, VA within 420 feet of position 37°19'34" N/77°16'00" W (NAD 1983).

(b) *Definitions.* As used in this section, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone number (757) 668–5555.

(4) The Captain of the Port Representative enforcing the safety zone can be contacted on VHF–FM marine band radio, channel 13 (156.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement Period.* This rule will be enforced from 8 p.m. to 9 p.m. on December 6, 2008.

Dated: October 17, 2008.

**Patrick B. Trapp,**

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.*

[FR Doc. E8–26523 Filed 11–5–08; 8:45 am]

**BILLING CODE 4910–15–P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 261

RIN 0596–AC38

#### Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations

**AGENCY:** Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends certain Forest Service regulations to allow, if necessary, for a criminal citation to be issued for unauthorized mineral operations on National Forest System (NFS) lands.

**DATE:** The final rule is effective December 8, 2008.

**ADDRESSES:** The documents used to develop this final rule, along with comments, including names and addresses when provided are placed in the record and are available for inspection and copying. The public may copy or inspect these items at the Office of the Director, Minerals and Geology Management (MGM), Forest Service, USDA, 1601 N. Kent Street, 5th Floor, Arlington, VA 22209 during regular business hours (8:30 a.m. to 4 p.m.), Monday through Friday except holidays. Visitors are encouraged to call ahead at (703) 605–4545 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Ivette Torres, Minerals and Geology Management Staff, (703) 605–4792, or electronic mail to [itorres@fs.fed.us](mailto:itorres@fs.fed.us). Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**