The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

■ 2. In Appendix E to part 91, revise the entry for Altitude under the column heading ''Parameters'' to read as follows:

Parameters	Range	Installed system [1] minimum accuracy (to recovered data)	Sampling interval (per second)	Resolution [4] read out
* * *	*	* *	*	* *
Altitude	−1,000 ft. to max cert. alt. of A/C.	±100 to ±700 ft. (see Table 1, TSO C51–a).	1	25 to 150 ft.
* * *	*	* *	*	* *

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 3. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105.

■ 4. In Appendix M to part 121, revise footnote 5 to parameter 14a, Yaw control position(s) (fly-by-wire), to read as follows:

Appendix M to Part 121

* * * * *

[5] For A330/A340 series airplanes, resolution = 1.18% (0.703° > 0.120°).

For A330/A340 series airplanes, seconds per sampling interval = 1.

* * * * *

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD COPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 5. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44710–44711, 44713, 44716–44717, 44722.

■ 6. In Appendix E to part 125, revise footnote 5 to parameter 14a, Yaw control position(s) (fly-by-wire), to read as follows:

Appendix E to Part 125

* * * * *

[5] For A330/A340 series airplanes, resolution = 1.18% (0.703° > 0.120°).

For A330/A340 series airplanes, seconds per sampling interval = 1.

* * * * *

Issued under authority of 49 U.S.C. 106(f) and 44701(a) in Washington, DC, on June 21, 2013.

Michael P. Huerta,

Administrator.

[FR Doc. 2013–16011 Filed 7–2–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 120806310–3555–02]

RIN 0694–AF76

Implementation of the Understandings Reached at the 2012 Australia Group (AG) Plenary Meeting and the 2012 AG Intersessional Decisions; Changes to Select Agent Controls—Correction

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; correcting amendment.

SUMMARY: The Bureau of Industry and Security (BIS) published a final rule in the **Federal Register** on Wednesday, June 5, 2013 (78 FR 33692), that amended the Export Administration Regulations (EAR) to implement the understandings reached at the June 2012 plenary meeting of the Australia Group (AG) and the 2012 AG intersessional decisions. That final rule also amended the EAR to reflect recent changes to the controls maintained by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, on the possession, use, and transfer of select biological agents within the United States. The preamble of that final rule contained an error in its description of the amendments to Export Control Classification Number (ECCN) 1C351 that were based on the understandings reached at the 2012 AG Plenary. The preamble also contained an error in its description of the amendments to ECCN 2B352 that were based on the 2012 AG intersessional decisions. In addition, that final rule contained errors affecting the control language in ECCN 2B352, which controls specified equipment capable of use in handling biological materials. This document corrects these errors.

DATES: This rule is effective July 3, 2013.

FOR FURTHER INFORMATION CONTACT: Elizabeth Sangine, Director, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–3343.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 2013, the final rule ''Implementation of the Understandings Reached at the 2012 Australia Group (AG) Plenary Meeting and the 2012 AG Intersessional Decisions; Changes to Select Agent Controls'' was published in the **Federal Register** (78 FR 33692). In the preamble of that final rule, the discussion of the amendments to ECCN 1C351 erroneously indicated that the bacterium ''Coxiella burnetii'' was previously controlled under ECCN 1C351.c.11 when, in fact, this bacterium was previously controlled under ECCN 1C351.c.10 and is now controlled under 1C351.c.13, based on the amendments contained that final rule. Instead, prior to the publication of that final rule, ECCN 1C351.c.11 controlled ''Enterohaemorrhagic Escherichia coli, serotype O157 and other verotoxin producing serotypes.'' As a result of the

amendments made by that final rule, these bacteria are now controlled under ECCN 1C351.c.17, with the control language having been clarified to read ''Shiga toxin producing Escherichia coli (STEC) of serogroups O26, O45, O103, O104, O111, O121, O145, O157, and other shiga toxin producing serogroups.''

The preamble of that final rule also contained an error in its description of the amendments to ECCN 2B352. Specifically, in the description of the technical characteristics of the spray-drying equipment now controlled under ECCN 2B352.f, the preamble mistakenly referred to ''a typical mean product particles size'' when it should have said ''a typical mean product particle size,'' consistent with the control language in ECCN 2B352.f.2.

In addition, that final rule amended ECCN 2B352, under the ''Items'' paragraph in the List of Items Controlled, by redesignating paragraphs f. through h. as paragraphs g. through i., respectively, and adding a new paragraph f. to control specified spray drying equipment capable of drying toxins or pathogenic microorganisms. However, that final rule did not make the necessary conforming changes, in ECCN 2B352.i.3 and Technical Note 2 to ECCN 2B352, to reflect the redesignation of 2B352.h (specified spraying or fogging systems and components therefor) as 2B352.i.

This rule makes these conforming changes, as follows. First, in ECCN 2B352.i.3, the phrase ''as specified in paragraphs h.1 and h.2 of this ECCN'' is revised to read, ''as specified in paragraphs i.1 and i.2 of this ECCN.'' Second, in Technical Note 2 to ECCN 2B352, the phrase ''as specified in 2B352.h'' is revised to read, ''as specified in 2B352.i.'' These conforming changes do not affect either the scope of the EAR controls that apply to equipment controlled under ECCN 2B352 or the specific equipment that is subject to these EAR controls.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 15, 2012, 77 FR 49699 (August 16, 2012), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person 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 contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th Street and Pennsylvania Avenue NW., Room 6622, Washington, DC 20230.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). The changes contained in this rule are non-substantive technical corrections of a previously published rule that has already been exempted from notice and comment and delay in effective date provisions, because the content of the June 5, 2013, final rule involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). The corrections contained in this final rule are essential to ensuring the accurate and complete implementation of the June 5, 2013, final rule.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required 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. Therefore, this regulation is issued in final form.

List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 774 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 774—[AMENDED]

■ 1. The authority citation for 15 CFR Part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.,* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

Supplement No. 1 to Part 774—[Amended]

■ 2. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B352 is amended under the ''*Items''* paragraph in the List of Items Controlled section by revising paragraph i.3 and Technical Note 2 that follows paragraph i. to read as follows:

2B352 Equipment capable of use in handling biological materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

* * * * *

i. * * *

i.3. Aerosol generating units specially designed for fitting to the systems as specified in paragraphs i.1 and i.2 of this ECCN.

Technical Notes:

1. * * *

2. This ECCN does not control spraying or fogging systems and components, as specified in 2B352.i., that are demonstrated not to be capable of delivering biological agents in the form of infectious aerosols.

* * * * *

Dated: June 27, 2013.

Bernard Kritzer,

Director, Office of Exporter Services.

[FR Doc. 2013–15970 Filed 7–2–13; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9623]

RIN 1545–BI99

Application of Section 108(i) to Partnerships and S Corporations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to the application of section 108(i) of the Internal Revenue Code (Code) to partnerships and S corporations and provides rules regarding the deferral of discharge of indebtedness income and original issue discount deductions by a partnership or an S corporation with respect to reacquisitions of applicable debt instruments after December 31, 2008, and before January 1, 2011. The regulations affect partnerships and S corporations with respect to reacquisitions of applicable debt instruments and their partners and shareholders.

DATES: *Effective Date:* These regulations are effective on July 2, 2013.

Applicability Date: For dates of applicability, see § 1.108(i)–0(b).

FOR FURTHER INFORMATION CONTACT: Joseph R. Worst, Office of Associate Chief Counsel (Passthroughs and Special Industries), (202) 622–3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under control number 1545–2147. The collection of information in these final regulations is in § 1.108(i)–2(b)(3)(iv). Under § 1.108(i)–2(b)(3)(iv), when a partnership makes an election under section 108(i), one or more of the partners in the partnership may be required to provide certain information to the partnership so that the partnership can correctly determine each such partner's deferred section 752 amount with respect to an applicable debt instrument.

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 a 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 return information are confidential, as required by 26 U.S.C. 6103.

Background

Section 108(i) was added to the Code by section 1231 of the American Recovery and Reinvestment Tax Act of 2009, Public Law 111–5 (123 Stat. 338 (2009)), and generally provides for an elective deferral of cancellation of debt income (COD income) realized by a taxpayer from a reacquisition of an applicable debt instrument that occurs after December 31, 2008, and before January 1, 2011. COD income deferred under section 108(i) is included in gross income ratably over a five taxable-year period (inclusion period) beginning with the taxpayer's fourth or fifth taxable year following the taxable year of the reacquisition.

When a debt instrument is issued (or treated as issued) as part of the reacquisition, some or all of any original issue discount (OID) expense accruing from the debt instrument in a taxable year prior to the first taxable year of the inclusion period may also be required to be deferred (deferred OID deduction). The aggregate amount of deferred OID deductions is limited to the amount of COD income deferred with respect to the applicable debt instrument for which the section 108(i) election is made, and the aggregate amount of deferred OID deductions is taken into account ratably over the inclusion period.

In general, COD income deferred under section 108(i) and related deferred OID deductions with respect to an applicable debt instrument that have not been previously taken into account (deferred items) are accelerated and taken into account in the taxable year in which an acceleration event occurs.

A section 108(i) election is irrevocable and, if a section 108(i) election is made, sections 108(a)(1)(A), (B), (C), and (D) do not apply to the COD income that is deferred under section 108(i). Section 108(i)(7) authorizes the Secretary to prescribe regulations, rules, or other guidance as may be necessary or appropriate for purposes of applying section 108(i).

In August 2009, the IRS and the Treasury Department issued Rev. Proc. 2009–37 (2009–36 IRB 309), which provides election procedures for taxpayers (including partnerships and S corporations) and other guidance under section 108(i). Partnerships and S corporations that make an election under section 108(i) (electing partnership or electing S corporation) must follow the election procedures and reporting requirements of Rev. Proc. 2009–37.

Temporary regulations (TD 9498, 75 FR 49380) and a notice of proposed rulemaking (REG–144762–09, 75 FR 49427) (proposed regulations) cross-referencing the temporary regulations were published in the **Federal Register** on August 13, 2010. No public hearing was requested or held. However, written comments responding to the notice of proposed rulemaking were received from the public. These comments were considered and are available for public inspection at *http://www.regulations.gov* or upon request. After consideration of the comments, the proposed regulations are adopted as amended by this Treasury decision, and the corresponding temporary regulations are removed. The revisions are discussed in this preamble.

Summary of Comments and Explanation of Provisions

A. Partnership-Level Election

Section 108(i)(5)(B)(iii) provides that in the case of a partnership, S corporation, or other passthrough entity that reacquires an applicable debt instrument, the election under section 108(i) shall be made by the partnership, S corporation, or other entity involved. One commenter suggested that the final regulations permit a partner in a partnership to make a section 108(i) election if the partnership does not make the election. The commenter reasoned that a partner-level election rule would align section 108(i) with section 108(d)(6), which generally applies the rules under section 108 at the partner level. Additionally, the commenter noted that a partner-level election would be beneficial when the partners who control the partnership have no interest in making a section