

# Notice of Proposed Rulemaking by Cross-Reference to Temporary Regulations

## Qualified Amended Returns

### REG-122847-04

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In this issue of the Bulletin, the IRS is issuing temporary regulations (T.D. 9186) relating to the definition of qualified amended returns. The text of those regulations also serves as the text of these proposed regulations.

DATES: Written or electronically generated comments and requests for a public hearing must be received by May 31, 2005.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG-122847-04), room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG-122847-04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC. Alternatively, taxpayers may submit comments electronically via the IRS Internet site at [www.irs.gov/reg](http://www.irs.gov/reg) or via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (indicate IRS and REG-122847-04).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed

regulations, Nancy M. Galib, (202) 622-4940; concerning submissions of comments and requests for a public hearing, Sonya Cruse of the Regulations Unit at (202) 622-4693 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

#### Background

Temporary regulations in this issue of the Bulletin amend the Income Tax Regulations (26 CFR part 1) regarding rules relating to qualified amended returns. The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the regulations.

#### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and, because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact.

#### Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and 8 copies) and electronic comments that are submitted timely to the IRS. The IRS and Treasury specifically request comments on the clarity of the proposed regulations and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing will be scheduled if requested in writing by any person that timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

#### Drafting Information

The principal author of these regulations is Nancy M. Galib of the Office of Associate Chief Counsel, Procedure and Administration (Administrative Provisions and Judicial Practice Division).

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#### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

#### 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. In §1.6664-1, paragraph (b)(3) is added to read as follows:

*§1.6664-1 Accuracy-related and fraud penalties; definitions and special rules.*

\* \* \* \* \*

[The text of proposed §1.6664-1(b)(3) is the same as the text of §1.6664-1T(b)(3) published elsewhere in this issue of the Bulletin].

Par. 3. In §1.6664-2, paragraph (c) is revised to read as follows:

*§1.6664-2 Underpayment.*

\* \* \* \* \*

[The text of proposed §1.6664-2(c) is the same as the text of §1.6664-2T(c) published elsewhere in this issue of the Bulletin].

\* \* \* \* \*

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

(Filed by the Office of the Federal Register on March 1, 2005, 8:45 a.m., and published in the issue of the Federal Register for March 2, 2005, 70 F.R. 10062)