

file a disclosure statement under this section must file a completed Form 8918, "Material Advisor Disclosure Statement" (or successor form) in accordance with this paragraph (d) and the instructions to the form. To be considered complete, the information provided on the form must describe the expected tax treatment and all potential tax benefits expected to result from the transaction, describe any tax result protection with respect to the transaction, and identify and describe the transaction in sufficient detail for the IRS to be able to understand the tax structure of the reportable transaction and the identity of any material advisor(s) whom the material advisor knows or has reason to know acted as a material advisor as defined in paragraph (b) of this section with respect to the transaction. An incomplete form containing a statement that information will be provided upon request is not considered a complete disclosure statement. A material advisor may file a single form for substantially similar transactions. An amended form must be filed if information previously provided is no longer accurate, if additional information that was not disclosed becomes available, or if there are material changes to the transaction. A material advisor is not required to file an additional form for each additional taxpayer that enters into the same or substantially similar transaction. If the form is not completed in accordance with the provisions in this paragraph (d) and the instructions to the form, the material advisor will not be considered to have complied with the disclosure requirements of this section.

(2) *Reportable transaction number.* The IRS will issue to a material advisor a reportable transaction number with respect to the disclosed reportable transaction. Receipt of a reportable transaction number does not indicate that the disclosure statement is complete, nor does it indicate that the transaction has been reviewed, examined, or approved by the IRS. Material advisors must provide the reportable transaction number to all taxpayers and material advisors for whom the material advisor acts as a material advisor as defined in paragraph (b) of this section. The reportable transaction number must be provided at the time the transaction is entered into, or, if the transaction is entered into prior to the material advisor receiving the reportable transaction number, within 60 calendar days from the date the reportable transaction number is mailed to the material advisor.

(e) *Time of providing disclosure.* The material advisor's disclosure statement

for a reportable transaction must be filed with the Office of Tax Shelter Analysis (OTSA) by the last day of the month that follows the end of the calendar quarter in which the advisor became a material advisor with respect to the reportable transaction or in which the circumstances necessitating an amended disclosure statement occur. The disclosure statement must be sent to OTSA at the address provided in the instructions for Form 8918 (or a successor form).

(f) *Designation agreements.* If more than one material advisor is required to disclose a reportable transaction under this section, the material advisors may designate by written agreement a single material advisor to disclose the transaction. The transaction must be disclosed by the last day of the month following the end of the calendar quarter that includes the earliest date on which a material advisor who is a party to the agreement became a material advisor with respect to the transaction as described in paragraph (b)(4) of this section. The designation of one material advisor to disclose the transaction does not relieve the other material advisors of their obligation to disclose the transaction to the IRS in accordance with this section, if the designated material advisor fails to disclose the transaction to the IRS in a timely manner.

(g) *Protective disclosures.* If a potential material advisor is uncertain whether a transaction must be disclosed under this section, the advisor may disclose the transaction in accordance with the requirements of this section and comply with all the provisions of this section, and indicate on the disclosure statement that the disclosure statement is being filed on a protective basis. The IRS will not treat disclosure statements filed on a protective basis any differently than other disclosure statements filed under this section. For a protective disclosure to be effective, the advisor must comply with the regulations under this section and § 301.6112-1 by providing to the IRS all information requested by the IRS under these sections.

(h) *Rulings.* If a potential material advisor requests a ruling as to whether a specific transaction is a reportable transaction on or before the date that disclosure would otherwise be required under this section, the Commissioner in his discretion may determine that the submission satisfies the disclosure rules under this section for that transaction if the request fully discloses all relevant facts relating to the transaction which would otherwise be required to be disclosed under this section. The

potential obligation of the person to disclose the transaction under this section (or to maintain or furnish the list under § 301.6112-1) will not be suspended during the period that the ruling request is pending.

(i) *Effective/applicability date—(1) In general.* This section applies to transactions with respect to which a material advisor makes a tax statement on or after August 3, 2007. However, this section applies to transactions of interest entered into on or after November 2, 2006 with respect to which a material advisor makes a tax statement under § 301.6111-3 on or after November 2, 2006. Paragraph (h) of this section applies to ruling requests received on or after November 1, 2006. Otherwise, the rules that apply with respect to transactions entered into before August 3, 2007 are contained in Notice 2004-80 (2004-50 IRB 963); Notice 2005-17 (2005-8 IRB 606); and Notice 2005-22 (2005-12 IRB 756) (see § 601.601(d)(2)(ii)(b) in effect prior to August 3, 2007).

(2) [Reserved].

#### § 301.6111-3T [Removed]

■ **Par. 3.** Section 301.6111-3T is removed.

**Kevin M. Brown,**

*Deputy Commissioner for Services and Enforcement.*

Approved: July 25, 2007.

**Eric Solomon,**

*Assistant Secretary of the Treasury (Tax Policy).*

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 571

[Docket No. USA-2007-0017]

RIN 0702-AA57

#### Recruiting and Enlistments

**AGENCY:** Department of the Army, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Army has revised its regulation that prescribes policies and procedures concerning recruiting and enlistment into the Regular Army and its Reserve Components.

**DATES:** *Effective Date:* September 4, 2007.

**ADDRESSES:** Deputy Chief of Staff, G-1, ATTN: DAPE-MPA, 300 Army Pentagon, Washington, DC 20310.

**FOR FURTHER INFORMATION CONTACT:**

Denise Mills, (703) 695-9262.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Administrative Procedure Act, as amended by the Freedom of Information Act, requires publication of certain policies and procedures and other information concerning the Department of the Army in the **Federal Register**. The policies and procedures covered by this part fall into that category. The Army has changed the publications and policies, thus requiring the rules in the **Federal Register** to be updated. The Department of the Army published a proposed rule in the **Federal Register** on May 10, 2007 (72 FR 26576) with the comment period ending on July 9, 2007. The Department of the Army received no comments on the proposed rule.

**B. Regulatory Flexibility Act**

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

**C. Unfunded Mandates Reform Act**

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the rule does not include a mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or the private sector, of \$100 million or more.

**D. National Environmental Policy Act**

The Department of the Army has determined that the National Environmental Policy Act does not apply because the rule does not have an adverse impact on the environment.

**E. Paperwork Reduction Act**

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the rule does not involve collection of information from the public.

**F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)**

The Department of the Army has determined that Executive Order 12630 does not apply because the rule does not impair private property rights.

**G. Executive Order 12866 (Regulatory Planning and Review)**

The Department of the Army has determined that, according to the criteria defined in Executive Order 12866, this rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the Executive Order.

**H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)**

The Department of the Army has determined that, according to the criteria defined in Executive Order 13045, this rule does not apply.

**I. Executive Order 13132 (Federalism)**

The Department of the Army has determined that, according to the criteria defined in Executive Order 13132, this rule does not apply because it will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**Alphonsa D. Green,**  
*Chief, Recruiting Policy Branch.*

**List of Subjects in 32 CFR Part 571**

Military personnel.

■ For reasons stated in the preamble, the Department of the Army revises 32 CFR part 571 to read as follows:

**PART 571—RECRUITING AND ENLISTMENTS****Subpart A—Recruiting and Enlistment Eligibility**

Sec.

- 571.1 General.
- 571.2 Basic qualifications for enlistment.
- 571.3 Waiver enlistment criteria.
- 571.4 Periods of enlistment.
- 571.5 Enlistment options.

**Authority:** 10 U.S.C. 504, 505, 509, 513, 520, 3262.

**Subpart A—Recruiting and Enlistment Eligibility****§ 571.1 General.**

(a) *Purpose.* This part gives the qualifications for men and women enlisting in the Regular Army (RA) or Reserve Components (RC). The procedures simplify and standardize the processing of recruited applicants. The applicant's ability to meet all requirements or exceptions will determine eligibility. This includes obtaining prescribed waivers.

(b) *References—*

(1) *Required Publications.*

(i) AR 601-210, Active and Reserve Components Enlistment Program. (Cited in §§ 571.2, 571.3, and 571.5).

(ii) AR 40-501, Standards of Medical Fitness. (Cited in §§ 571.2 and 571.3).

(iii) AR 600-9, The Army Weight Control Program. (Cited in §§ 571.2 and 571.3).

(2) *Related Publications.*

(i) DOD Directive 1304.26, Qualifications for Enlistment, Appointment, and Induction.

(ii) Army Retention Program.

(c) *Definitions.* The following definitions apply to this part:

(1) *Enlistment.* Voluntary contract (DD Form 4) for military service that creates military status as an enlisted member of the Regular Army or a Reserve Component. This includes enlistment of both non-prior service and prior service personnel.

(2) *Reenlistment.* The second or subsequent voluntary enrollment in the Regular Army or a Reserve Component as an enlisted member.

(3) *United States Army.* The Regular Army, Army of the United States (AUS), Army National Guard of the United States (ARNGUS), and the United States Army Reserve (USAR).

(4) *Regular Army (RA).* The Regular Army is the component of the Army that consists of persons whose continuous service on active duty in both peace and war is contemplated by law and of retired members of the Regular Army.

(5) *Prior Service (PS).* For persons enlisting in the RA, those who have 180 days or more of active duty in any component; or, for persons enlisting in a Reserve Component, those who have 180 days of active duty in any component of the armed forces and who have been awarded an MOS; or former members of an armed forces academy who did not graduate and who served 180 days or more.

(6) *Non-Prior Service (NPS).* Those persons who have never served in any component of the armed forces or who have served less than 180 days of active duty as a member of any component of the armed forces. Reserve Component applicants must not have been awarded an MOS; or have enlisted illegally while underage and been separated for a void enlistment; or be a former member of a service academy who did not graduate and who served fewer than 180 days; or have completed ROTC and served only Active Duty for Training as an officer.

(7) *Delayed Entry Program (DEP).* A program in which Soldiers may enlist and are assigned to a United States Army Reserve (USAR) Control Group until they enlist in the Regular Army. The Commanding General, United States Army Recruiting Command

(USAREC) is authorized by 10 U.S.C. 513 to organize and administer DEP.

#### **§ 571.2 Basic qualifications for enlistment.**

(a) Age requirements for non-prior service and prior service personnel are defined in AR 601–210.

(b) Applicants must meet citizenship requirements as defined in AR 601–210.

(c) Non-prior and prior service applicants must meet medical fitness standards prescribed in AR 40–501. Height and weight standards for non-prior service personnel AR 40–501 and in AR 600–9 for prior service personnel.

(d) Education standards, dependency criteria, and trainability requirements are prescribed in AR 601–210.

#### **§ 571.3 Waiver enlistment criteria.**

(a) *Waiver criteria—*

(1) All persons who process applicants for enlistment in the Army use the utmost care to procure qualified personnel. Eligibility of personnel for enlistment will be based upon their ability to meet all requirements, including procurement of prescribed waivers.

(2) Applicants applying for moral or medical waivers will document their waiver requests, as prescribed by AR 601–210 or AR 40–501.

(3) The approval authorities for various types of waiver requests are set forth in AR 601–210. Commanders at levels below the approval authority may disapprove waivers for applicants who do not meet prescribed standards and who do not substantiate a meritorious case.

(4) Unless otherwise stated in AR 601–210, waivers are valid for 6 months.

(b) Nonwaiver medical, moral, and administrative disqualifications are defined in AR 601–210.

#### **§ 571.4 Periods of enlistment.**

Enlistments are authorized for periods of 2, 3, 4, 5, 6, 7, or 8 years.

#### **§ 571.5 Enlistment options.**

Personnel who enlist in the Regular Army for 2 or more years may select certain initial assignments or classifications, provided they meet the criteria set forth in AR 601–210 and valid Army requirements exist for the assignments and skills.

[FR Doc. E7–15122 Filed 8–2–07; 8:45 am]

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 100**

[Docket No. CGD13–07–025]

RIN 1625–AA08

#### **Special Local Regulations, Seattle Seafair, Lake Washington, WA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations (SLR) for the Seattle Seafair, Lake Washington, Washington. These special local regulations limit the movement of non-participating vessels in the regulated race area and provide for a viewing area for spectator craft. This rule is needed to provide for the safety of life on navigable waters during Seafair. The rule adds four hours to the effective time period each day of enforcement of the existing SLR to accommodate the addition of a fireworks display in this year's Seafair and to promote safety for spectators and participants through consistency in enforcement periods.

**DATES:** This rule is effective from 8 p.m. until 11:59 p.m. on August 2–5, 2007 unless sooner cancelled by the Captain of the Port.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD13–07–025 and are available for inspection or copying at the Waterways Management Division, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA 98134, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Steve Kee, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217–6002.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to ensure the safety of commercial and recreational vessels in the vicinity of the events on the date

and times this rule will be in effect. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event.

On July 2, 2001, the Coast Guard published a final rule (66 FR 34822) modifying the regulations in 33 CFR 100.1301 for the safe execution of the Seattle Seafair Unlimited Hydroplane races on the waters of Lake Washington. This special local regulation (SLR) provides for a regulated area to protect spectators while providing unobstructed vessel traffic lanes to ensure timely arrival of emergency response craft. Movements are regulated for all vessels in the area as described under 33 CFR 100.1301 or unless otherwise regulated by the COTP or his designee. This temporary final rule is required to increase the length of time affected by the regulation.

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

For more than 50 years Seafair on Lake Washington has been a Pacific Northwest tradition, entertaining millions of people over that period. However, this entertaining event involves risks to both spectators and participants. During Seafair, the marine congestion associated with the number of boats, swimmers, and spectators on shore challenges even the most experienced seaman. These conditions necessitate the maintenance of a regulated area to protect spectators while providing unobstructed vessel traffic lanes to ensure timely arrival of emergency response craft.

The Coast Guard is establishing this regulation to protect vessels and persons from the hazards associated with the fallout of burning embers that will be generated by the fireworks display in this year's Seafair and to promote safety for spectators and participants through consistency in enforcement periods. The regulated area is also intended to protect boaters from the hazards associated with excessive vessel congestion associated with Seafair's activities.

##### **Discussion of Rule**

This rule will control the movement of all vessels in a regulated area on Lake Washington as indicated in section 2 of this Temporary Final Rule. This rule adds four hours to the effective time period each day of enforcement of the existing SLR to accommodate the addition of a fireworks display for this year's Seafair and to promote safety for spectators and participants through consistency in enforcement periods.

The Coast Guard, through this action, intends to promote the safety of personnel and vessels in the area. The