Department of the Treasury

Internal Revenue Service Office of Chief Counsel



February 15, 2001

Change in Coordination Procedures for Abatement

Procedures for Abatement Until Incorporation

Subject: of Interest Cases Cancellation Date: into the CCDM

PURPOSE:

This Notice revises and updates the procedures for the coordination and development of abatement of interest cases in the United States Tax Court. These procedures are set forth in CCDM 35.25.10.1 and in Notice (35)000-347, Revised Direct Filing and Service of Tax Court Documents, issued July 7, 2000.

BACKGROUND:

Under I.R.C. § 6404, the Commissioner has the authority, in certain cases, to abate interest. The exercise of that authority is subject to review by the Tax Court, under section 6404(i), for abuse of discretion. The procedures for coordinating and developing abatement of interest cases were first set forth in Notice N(35)(25)00-2, which was published on July 7, 1998, and incorporated into the Chief Counsel Directives Manual at CCDM 35.25.10.1. Since Notice N(35)(25)00-2 was published, the Tax Court has issued a number of opinions on the abatement of interest. In general, abatement cases now are no longer cases of first impression. The accumulating body of case law, as well as the growing experience of National Office and field attorneys in representing the Commissioner, warrant modifications to the coordination procedures originally issued on July 7, 1998.

NEW PROCEDURES EFFECTIVE AS OF THE DATE OF PUBLICATION OF THIS NOTICE:

The following documents are not required to be submitted to the Office of Associate Chief Counsel (Procedure and Administration), Administrative Provisions & Judicial Practice Division, Branch 3:

- Petitions and Attachments
- Notices of Final Determination

Filing Instructions: Binder Part 35.25.10.1	Master Sets: NO X RO X
NO: Circulate Distribute _X_to: All Personnel Attorneys _X_I	n: all divisions
RO: CirculateDistribute X_to: All PersonnelAttorneys X_I	n: all divisions
Other: National and Regional FOIA Reading Rooms	
Electronic Filename: ABATE.pdf Original sign	ned copy in:

- Forms 843, "Claim for Refund and Request for Abatement"
- Answers and Amendments
- Decision Documents
- Motions to Amend Answer with Accompanying Answer
- Motions to Dismiss for Lack of Jurisdiction on Grounds of Untimely Petition

Except for the change stated in the preceding paragraph, the abatement of interest coordinating procedures are otherwise unchanged. Field attorneys are encouraged to seek informal or formal Field Service Advice from Branch 3, Administrative Provisions & Judicial Practice, whenever abatement of interest issues arise that are not answered by the statute, regulations, or existing case law.

Questions concerning this Notice should be directed to Branch 3, Administrative Provisions & Judicial Practice, at (202) 622-7940.

/s/

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