

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

## **Designated IRS Officer or Employee Under Section 7602(a)(2) of the Internal Revenue Code**

### **REG-134026-02**

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. 9015) that modify the existing regulations promulgated under section 7602(a) of the Internal Revenue Code relating to administrative summonses. The temporary regulations confirm that officers and employees of the Office of Chief Counsel may be included as persons designated to receive summoned books, papers, records, or other data and to take summoned testimony under oath. The text of the temporary regulations also serves as the text of these proposed regulations.

**DATES:** Written comments and requests for a public hearing must be received by December 9, 2002.

**ADDRESSES:** Send submissions to: CC:ITA:RU (REG-134026-02), Room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Alternatively, submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:ITA:RU (REG-134026-02), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC. Comments may also be submitted electronically to the IRS Internet site at: [www.irs.gov/regs](http://www.irs.gov/regs).

FOR FURTHER INFORMATION CONTACT: Elizabeth Rawlins at 202-622-3630 (not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **Explanation of Provisions**

The temporary regulations in the Rules and Regulations section of the **Federal Register** dated September 10, 2002, amend the Procedure and Administration Regulations (26 CFR part 301) under section 7602 of the Internal Revenue Code of 1986 (Code). The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains these proposed 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. In addition, because this notice of proposed rulemaking does not impose a collection of information obligation on small entities, it is not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). Pursuant to section 7805(f) of the Code, the temporary regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

#### **Comments and Requests for a Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably a signed original and eight (8) copies) that are submitted timely to the IRS or electronically generated comments that are submitted timely to the IRS. The IRS generally requests any comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person who timely submits written comments.

If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

#### **Drafting Information**

The principal author of these regulations is Elizabeth Rawlins of the Office of the Associate Chief Counsel (Procedure and Administration), Collection, Bankruptcy and Summons Division.

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#### **Proposed Amendments to the Regulations**

Accordingly, 26 CFR part 301 is amended as follows:

#### **PART 301—PROCEDURE AND ADMINISTRATION**

Par. 1. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 \* \* \*

Par. 2. Section 301.7602-1 is revised to read as follows:

*§ 301.7602-1 Examination of books and witnesses.*

[The text of this proposed section is the same as the text of § 301.7602-1T published elsewhere in this issue of the **Federal Register**.]

David A. Mader,  
*Acting Deputy Commissioner  
of Internal Revenue.*

(Filed by the Office of the Federal Register on September 9, 2002, 8:45 a.m., and published in the issue of the Federal Register for September 10, 2002, 67 F.R. 57354)