

## PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2012–24–09, Amendment 39–17279 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)) and adding the following new AD:

**2013–21–02 Lycoming Engines and Continental Motors, Inc.:** Amendment 39–17626; Docket No. FAA–2012–1245; Directorate Identifier 2012–NE–41–AD.

#### (a) Effective Date

This AD is effective November 13, 2013.

#### (b) Affected ADs

This AD supersedes AD 2012–24–09, Amendment 39–17279 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)).

#### (c) Applicability

This AD applies to certain Lycoming Engines TIO–540–AK1A, and Continental Motors, Inc. (CMI) LTSIO–360–RB, TSIO–360–MB, TSIO–360–SB, and TSIO–360–RB reciprocating engines with a Hartzell Engine Technologies (HET) turbocharger installed that has a model number, part number, and serial number identified in Tables 1 and 2 of HET Alert Service Bulletin (ASB) No. 048, dated November 16, 2012.

#### (d) Unsafe Condition

This AD was prompted by a report that an additional engine, the CMI LTSIO–360–RB, has the affected HET turbochargers installed. We are issuing this AD to prevent turbocharger turbine wheel failure, reduction or complete loss of engine power, loss of engine oil, oil fire, and damage to the airplane.

#### (e) Compliance

(1) Comply with this AD within the compliance times specified, unless already done.

(2) After the effective date of this AD and before further flight, remove from service any turbocharger identified in Tables 1 and 2 of HET ASB No. 048, dated November 16, 2012.

#### (f) Prohibitions

After the effective date of this AD, do not return to service, and do not operate without a special flight permit, any engine with an HET turbocharger installed that is identified in Tables 1 and 2 of HET ASB No. 048, dated November 16, 2012.

#### (g) Special Flight Permits

Special flight permits are limited to when:

- (1) Ferry flights do not exceed three hours duration;
- (2) The turbocharger boost is set to “Off” in the cockpit (if equipped); and
- (3) The wastegate for the turbocharger is safety wired in the locked open position.

#### (h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Chicago Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(2) AMOCs approved for AD 2012–24–09 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)) remain in effect for this AD.

#### (i) Related Information

For more information about this AD, contact Christopher Richards, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–7156; fax: 847–294–7834; email: [christopher.j.richards@faa.gov](mailto:christopher.j.richards@faa.gov).

#### (j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on December 20, 2012 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)).

(i) Hartzell Engine Technologies Alert Service Bulletin No. 048, dated November 16, 2012.

(ii) Reserved.

(4) For service information identified in this AD, contact Hartzell Engine Technologies, LLC, 2900 Selma Highway, Montgomery, AL 36108, phone: 334–386–5400; fax: 334–386–5450; Internet: <http://www.hartzellenginetech.com>.

(5) You may view this service information at the FAA, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(6) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202 741 6030, or go to: [http://www.archives.gov/federal-register/cfr/ibr\\_locations.html](http://www.archives.gov/federal-register/cfr/ibr_locations.html).

Issued in Burlington, Massachusetts, on October 8, 2013.

**Colleen M. D'Alessandro,**

*Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2013–25342 Filed 10–28–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

[TD 9627]

RIN 1545–BL04

### Mixed Straddles; Straddle-by-Straddle Identification Under Section 1092(b)(2)(A)(i)(I); Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Temporary regulations; correcting amendments.

**SUMMARY:** This document contains amendments to temporary regulations relating to guidance for taxpayers electing to establish a mixed straddle using straddle-by-straddle identification. These amendments include a change to the applicability date of the temporary regulations pursuant to which the temporary regulations apply to transactions established after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. The amendments to the temporary regulations will affect taxpayers who elect to establish a mixed straddle using straddle-by-straddle identification.

**DATES:** *Effective Date:* These amendments are effective on October 29, 2013.

*Applicability Date:* As corrected, § 1.1092(b)-6T applies to identified mixed straddles established after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Pamela Lew or Robert B. Williams at (202) 622–3950 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### Background

The temporary regulations that are the subject of these amendments are under section 1092 of the Internal Revenue Code (Code). The temporary regulations (TD 9627) were published in the **Federal Register** on Friday, August 2, 2013 (78 FR 46807). The temporary regulations applied to all identified mixed straddles established after the date of filing, August 1, 2013.

#### Need for Amendments

The Treasury Department and the IRS received comments raising concerns about the immediate applicability date of the temporary regulations. In response to those comments, this document amends the temporary

regulations to limit the application of the identified mixed straddle transaction rules in § 1.1092(b)–6T to section 1092(b)(2) identified mixed straddles established after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. This document also amends the examples in the temporary regulations to reflect the change in the applicability date and to clarify the determination of a holding period. The Treasury Department and the IRS anticipate finalizing the regulations no later than the end of the current Priority Guidance Plan year on June 30, 2014, and will as part of that process consider all comments received.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Amendments to the Regulations

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

#### PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

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

Section 1.1092(b)–6T also issued under 26 U.S.C. 1092(b)(1).

Section 1.1092(b)–6T also issued under 26 U.S.C. 1092(b)(2). \* \* \*

■ **Par. 2.** Section 1.1092(b)–3T is amended by:

■ 1. Revising the heading of paragraph (b)(6).

■ 2. Revising the first sentence of paragraph (b)(6).

The amendments read as follows:

#### § 1.1092(b)–3T Mixed straddles; straddle-by-straddle identification under section 1092(b)(2)(A)(i)(I) (Temporary).

\* \* \*

(b)(6) *Accrued gain and loss with respect to positions of a section 1092(b)(2) identified mixed straddle established on or before the applicability date of § 1.1092(b)–6T.* The rules of this paragraph (b)(6) apply to all section 1092(b)(2) identified mixed straddles established on or before the applicability date of § 1.1092(b)–6T; see § 1.1092(b)–6T for section 1092(b)(2) identified mixed straddles established after the applicability date of § 1.1092(b)–6T. \* \* \*

\* \* \*

■ **Par. 3.** Section 1.1092(b)–6T is amended as follows:

■ 1. Revising the heading of § 1.1092(b)–6T.

■ 2. Adding a sentence at the end of the introductory text of paragraph (b) and revising *Example 1* and *Example 2* of paragraph (b).

■ 3. Revising paragraph (c).

The amendments read as follows:

#### § 1.1092(b)–6T Mixed straddles; accrued gain and loss associated with a position that becomes part of a section 1092(b)(2) identified mixed straddle.

\* \* \*

(b) \* \* \* The following examples assume that this section applies to identified mixed straddles established after August 1, Year 2.

*Example 1.* On August 13, Year 2, A enters into a section 1256 contract. As of the close of the day on August 15, Year 2, there is \$500 of unrealized loss on the section 1256 contract. On August 16, Year 2, A enters into an offsetting non-section 1256 position and makes a valid election to treat the straddle as a section 1092(b)(2) identified mixed straddle. A continues to hold both positions of the section 1092(b)(2) identified mixed straddle on January 1, Year 3. Under these circumstances, A will recognize the \$500 loss on the section 1256 contract that existed prior to establishing the section 1092(b)(2) identified mixed straddle on the last business day of Year 2 because the section 1256 contract would be treated as sold on December 31, Year 2, (the last business day of the taxable year) under section 1256(a). The loss recognized in Year 2 will be treated as 60% long-term capital loss and 40% short-term capital loss. All gains and losses occurring after the section 1092(b)(2) identified mixed straddle is established are accounted for under the applicable provisions in § 1.1092(b)–3T.

*Example 2.* On September 3, Year 1, A enters into a non-section 1256 position. As of the close of the day on August 22, Year 2, there is \$400 of unrealized short-term capital gain on the non-section 1256 position. On August 23, Year 2, A enters into an offsetting section 1256 contract and makes a valid election to treat the straddle as a section 1092(b)(2) identified mixed straddle. On September 10, Year 2, A closes out the section 1256 contract at a \$500 loss and disposes of the non-section 1256 position, realizing an \$875 gain. Under these circumstances, A has \$400 of short-term capital gain attributable to the non-section 1256 position prior to the day the section 1092(b)(2) identified mixed straddle was established. The \$400 unrealized gain earned on the non-section 1256 position will be recognized on September 10, Year 2, when the non-section 1256 position is disposed of. The gain will be short-term capital gain. See § 1.1092(b)–2T for rules concerning holding period. On September 10, Year 2, the gain of \$875 on the non-section 1256 position will be reduced to \$475 to take into account the \$400 of unrealized gain when the section 1092(b)(2) identified mixed straddle was established. The \$475 gain on the non-section 1256 position will be offset by the \$500 loss on the section 1256 contract. The net loss of \$25 from the straddle will be treated as 60% long-term capital loss and

40% short-term capital loss because it is attributable to the section 1256 contract.

(c) *Effective/applicability date.* The rules of this section apply to all section 1092(b)(2) identified mixed straddles established after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

\* \* \*

**Martin Franks,**

*Branch Chief, Publications & Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure & Administration).*

[FR Doc. 2013–25361 Filed 10–25–13; 8:45 am]

BILLING CODE 4830–01–P

#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 924

[SATS No. MS–023–FOR; Docket No. OSM–2012–0018; S1D1SSS08011000SX066A000 67F134S180110; S2D2SSS08011000SX 066A00033F13XS01520]

#### Mississippi Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Mississippi regulatory program (Mississippi Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Mississippi proposed revisions to its regulations regarding: definitions; identification of interests; lands eligible for remining; permit eligibility determination; review of permit applications; eligibility for provisionally issued permits; criteria for permit approval or denial; initial review and finding requirements for improvidently issued permits; notice requirements for improvidently issued permits; suspension or rescission requirements for improvidently issued permits; unanticipated events or conditions at remining sites; verification of ownership or control application information; who may challenge ownership or control listings and findings; how to challenge an ownership or control listing or finding; burden of proof for ownership or control challenges; written agency decision on challenges to ownership or control listings or findings; post-permit issuance requirements for regulatory authorities and other actions based on