

notices to recipients with respect to retirement plans.

(2) \* \* \* The consent described in paragraphs (c)(2) and (3) of this section must be given on a written paper document. However, see § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to make participant elections with respect to retirement plans.

■ **Par. 8.** Section 1.417(a)(3)-1 is amended by adding a sentence to the end of the text of paragraph (a)(3) to read as follows:

**§ 1.417(a)(3)-1 Required explanation of qualified joint and survivor annuity and qualified preretirement survivor annuity.**

(a) \* \* \*

(3) \* \* \* But see § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to retirement plans.

\* \* \* \* \*

■ **Par. 9.** Section 1.7476-2 is amended by revising paragraph (c)(2) to read as follows:

**§ 1.7476-2 Notice to interested parties.**

\* \* \* \* \*

(c) \* \* \*

(2) If the notice to interested parties is delivered using an electronic medium under an electronic system that satisfies the applicable notice requirements of § 1.401(a)-21 of this chapter, the notice is deemed to be provided in a manner that satisfies the requirements of paragraph (c)(1) of this section.

\* \* \* \* \*

**PART 35—EMPLOYMENT TAX AND COLLECTION OF INCOME TAX AT SOURCE REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982**

■ **Par. 10.** The authority citation for part 35 continues to read, in part, as follows:

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

■ **Par. 11.** Section 35.3405-1 is amended by:

■ (1) Revising d-35, A.

■ (2) Removing d-36, Q&A.

The revision reads as follows:

**§ 35.3405-1 Questions and answers relating to withholding on pensions, annuities, and certain other deferred income.**

\* \* \* \* \*

d-35. \* \* \*

A. A payor may provide the notice required under section 3405 (including the abbreviated notice described in d-27 of § 35.3405-1T and the annual notice described in d-31 of § 35.3405-1T) to a

payee on a written paper document. However, see § 1.401(a)-21 of this chapter for rules permitting the use of electronic media to provide applicable notices to recipients with respect to retirement plans and individual retirement plans.

**PART 54—PENSION EXCISE TAXES**

■ **Par. 12.** The authority citation for part 54 continues to read, in part, as follows:

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

■ **Par. 13.** Section 54.4980F-1, Q&A-13, is amended as follows:

(1) Revising paragraph A-13 (c)(1)(ii) and (iii).

(2) Revising the introductory text to paragraph A-13 (c)(2).

(3) Removing paragraph A-13 (c)(3).

The revisions read as follows:

**§ 54.4980F-1 Notice requirements for certain pension plan amendments significantly reducing the rate of future benefit accrual.**

\* \* \* \* \*

A-13. \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) The section 204(h) notice is delivered using an electronic medium (other than an oral communication or a recording of an oral communication) under an electronic system that satisfies the applicable notice requirements of § 1.401(a)-21.

(iii) *Special effective date.* For plan years beginning prior to January 1, 2007, Q&A-13 of this section, as it appeared in the April 1, 2006 edition of 26 CFR part 1, applies.

(2) \* \* \* The following examples illustrate the requirement in paragraph (c)(1)(i) of this Q&A-13. In these examples, it is assumed that the notice satisfies the requirements in paragraphs (c)(1)(ii) of this section. The examples are as follows:

\* \* \* \* \*

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

Approved: October 10, 2006.

**Eric Solomon,**

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

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9287]

RIN-1545-BD00

**Attained Age of the Insured Under Section 7702; Correction**

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

**ACTION:** Correction to final regulations.

**SUMMARY:** This document corrects the final regulation (TD 9287) that was published in the **Federal Register** on Wednesday, September 13, 2006 (71 FR 53967), explaining how to determine the attained age of an insured for purposes of testing whether a contract qualifies as a life insurance contract for Federal income tax purposes.

**DATES:** *Effective Date:* This correction is effective September 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ann H. Logan, (202) 622-3970 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulation (TD 9287) that is the subject of this correction is under section 7702 of the Internal Revenue Code.

**Need for Correction**

As published, TD 9287 contains an error that may prove to be misleading and is in need of clarification.

**Correction of Publication**

■ Accordingly, the publication of the final regulation (TD 9287) that was the subject of FR. Doc. E6-15117, is corrected as follows:

■ On page 53967, column 3, in the heading, the RIN number “RIN 1545-BE53” is corrected to read “RIN 1545-BD00”.

**Guy R. Traynor,**

*Federal Register Liaison, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

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