

(B) *Utilization test.* In 2007, the plan sponsor of Plan G, after reviewing participants' benefit elections, determines that no participant in the 2 prior plan years (2005 and 2006) elected a 5-year term certain and life annuity with a social security leveling option. During the 2 prior plan years, Plan G has made the 5-year term certain and life annuity with a social security leveling option available to 142 participants who were at least age 55 and who elected an optional form of benefit with an annuity commencement date during that 2-year period. In addition, during 2005-06 plan years, 20 of the 142 participants elected a single-sum distribution and there was no retirement-type subsidy available for a limited period of time. Plan G, in accordance with paragraph (f)(1) of this section, is amended on September 1, 2007, effective as of January 1, 2008, to eliminate all 5-year term certain and life annuities with a social security leveling option for all annuity commencement dates on or after January 1, 2008.

(ii) *Conclusion.* The amendment satisfies the requirements of paragraph (f) of this section. First, the 5-year term certain and life annuity with a social security leveling option is not a core option as defined in paragraph (g)(5) of this section. Second, the plan amendment is not applicable with respect to an optional form of benefit with an annuity commencement date that is earlier than the number of days in the maximum QJSA explanation period after the date the amendment is adopted. Third, the 5-year term certain and life annuity with a social security leveling option has been available to at least 100 participants who are taken into account for purposes of paragraph (f)(4) of this section during the look-back period of 2005 and 2006. Fourth, during that period, no participant elected any optional form that is part of the generalized optional form being eliminated (*i.e.*, the 5-year term and life annuity with a social security leveling option).

\* \* \* \* \*

(j) \* \* \*

(3) *Effective date for rules relating to section 411(a) nonforfeitability provisions.* The rules provided in paragraph (a)(3) of this section are effective June 7, 2004.

(4) *Effective date for rules relating to utilization test.* The rules provided in paragraph (f) of this section are effective for amendments adopted after December 31, 2006.

\* \* \* \* \*

**Mark E. Matthews,**  
*Deputy Commissioner for Services and Enforcement.*  
[FR Doc. 05-15960 Filed 8-11-05; 8:45 am]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 41, 48 and 145**

[REG-103829-99]

RIN 1545-AX10

**Excise Taxes; Definition of Highway Vehicle**

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

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This document withdraws a proposed regulation relating to the definition of a highway vehicle for purposes of various excise taxes. The withdrawal affects vehicle manufacturers, dealers, and lessors; tire manufacturers; sellers and buyers of certain motor fuels; and operators of heavy highway vehicles.

**FOR FURTHER INFORMATION CONTACT:** Barbara Franklin, (202) 662-3130 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 6, 2002, a notice of proposed rulemaking was published in the **Federal Register** (67 FR 38913). A public hearing was held on February 27, 2003. This notice of proposed rulemaking proposed amending the definition of "highway vehicle" for purposes of the Highway Use Tax Regulations (26 CFR part 41), the Manufacturers and Retailers Excise Tax Regulations (26 CFR part 48), and the Temporary Excise Tax Regulations Under the Highway Revenue Act of 1982 (Pub. L. 97-424) (26 CFR part 145).

Sections 851 and 852 of the American Jobs Creation Act of 2004 (Pub. L. 108-357) addressed the issues raised in the proposed regulation. Thus, the proposed regulation is unnecessary.

**List of Subjects**

*26 CFR Part 41*

Excise taxes, Motor Vehicles, Reporting and recordkeeping requirements.

*26 CFR Parts 48 and 145*

Excise taxes, Reporting and recordkeeping requirements.

**Withdrawal of Notice of Proposed Rulemaking**

Accordingly, under the authority of 26 U.S.C. 7805, the notice of proposed rulemaking (REG-103829-99) that was published in the **Federal Register** on

June 6, 2002 (67 FR 38913), is withdrawn.

**Mark E. Matthews,**  
*Deputy Commissioner for Services and Enforcement.*  
[FR Doc. 05-15959 Filed 8-11-05; 8:45 am]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[CGD05-05-020]

RIN 1625-AA08

**Special Local Regulations for Marine Events; Piankatank River, Gloucester County, VA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its notice of proposed rulemaking concerning the "2005 Piankatank River Race". Pursuant to 33 CFR 100.25, the marine event permit application for a powerboat race to be held on the Piankatank River in Virginia on July 23, 2005 was disapproved.

**DATES:** The notice of proposed rulemaking is withdrawn on August 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 29, 2005, we published a notice of proposed rulemaking entitled "Special Local Regulations for Marine Events; Piankatank River, Gloucester County, VA" in the **Federal Register** (70 FR 15788). The rulemaking concerned a proposal to establish special local regulations during the "2005 Piankatank River Race", a marine event to be held over the waters of the Piankatank River in Gloucester County, Virginia. Special local regulations are necessary to provide for the safety of life on navigable waters during the event.

**Withdrawal**

We have decided to withdraw this project after safety and environmental review. All comments and documents received in this docket will be available for use in future rulemakings.

This action is taken under the authority of 33 U.S.C. 1233; Department

of Homeland Security Delegation No. 0170.1.

Dated: August 2, 2005.

**S. Ratti,**

*Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.*

[FR Doc. 05-16018 Filed 8-11-05; 8:45 am]

**BILLING CODE 4910-15-U**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1260

RIN 3095-AB38

#### Declassification of National Security Information

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would update NARA regulations related to declassification of classified national security information in records transferred to NARA's legal custody. The proposal incorporates changes resulting from amendments to Executive Order 12958, Classified National Security Information. These changes include establishing procedures for the automatic declassification of records in NARA's legal custody and revising requirements for reclassification of information to meet the provisions of E.O. 12958 as amended. The proposed rule will affect members of the public and Federal agencies.

**DATES:** Comments are due by October 11, 2005.

**ADDRESSES:** You may submit comments, identified by RIN 3095-AB38, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

E-mail: [comments@nara.gov](mailto:comments@nara.gov). Include RIN 3095-AB38 in the subject line of the message.

Fax: (301) 837-0319.

Mail: Regulation Comments Desk (NPOL), Room 4100, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

Hand Delivery/Courier: Regulation Comments Desk (NPOL), Room 4100, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Davis Heaps at 301-837-1801.

**SUPPLEMENTARY INFORMATION:** Following is a discussion of substantive changes contained in this proposed rule.

Additional nonsubstantive changes have been made and the proposed regulation has been written in plain language where possible in accordance with the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing.

#### What Changes Have Been Made in This Proposed Rule?

We propose to amend the existing regulation to reflect changes resulting from amendments to the 1995 Executive Order 12958, Executive Order 13142 of November 19, 1999, and Executive Order 13292 of March 28, 2003, provided for additional amendments to E.O. 12958. In particular, we are adding a section that discusses how NARA will implement automatic declassification (see § 1260.46). We also propose to revise Subpart E on reclassification.

NARA's proposed section on automatic declassification includes:

- The use of an integral file block to determine the automatic declassification date for a group of records;
- Allowing a five year delay in automatic declassification for special media records; and
- Allowing a three year delay in automatic declassification for records that have been referred to another agency for review.

In addition, this proposed section clarifies the kind of information that is subject to automatic declassification, including information from the creating agency or information from another agency that has been properly referred.

NARA proposes revising the section on reclassification to include a procedure by which an agency head may request the reclassification of records that have previously been properly declassified and released. We also clarify steps an agency may take to restrict information that was released to the public but was not properly declassified ("inadvertent release.")

This proposed rule is a significant regulatory action for the purposes of Executive Order 12866 and has been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this proposed rule will not have a significant impact on a substantial number of small entities because it affects Federal agencies and individual researchers. This proposed rule does not have any federalism implications.

#### List of Subjects in 36 CFR Part 1260

Archives and records, Classified information.

For the reasons set forth in the preamble, NARA proposes to amend chapter XII of title 36, Code of Federal

Regulations, by revising part 1260 to read as follows:

## PART 1260—DECLASSIFICATION OF NATIONAL SECURITY INFORMATION

### Subpart A—General Information

Sec.

- 1260.1 What is the purpose of this part?  
 1260.2 Definitions.  
 1260.4 What NARA holdings are covered by this part?  
 1260.6 What is the authority for this part?

### Subpart B—Responsibilities

- 1260.20 Who is responsible for the declassification of classified national security Executive Branch information that has been accessioned by NARA?  
 1260.22 Who is responsible for the declassification of classified national security White House originated information in NARA's holdings?  
 1260.24 Who is responsible for declassification of foreign government information in NARA's holdings?  
 1260.26 Who is responsible for issuing special procedures for declassification of information pertaining to intelligence activities and intelligence sources or methods, or of classified cryptologic information in NARA's holdings?  
 1260.28 Who is responsible for declassifying records that contain information classified under the Atomic Energy Act of 1954, as amended, commonly referred to as Restricted Data and Formerly Restricted Data?

### Subpart C—Systematic Review

- 1260.40 How are records at NARA reviewed for declassification?  
 1260.42 What are the procedures for agency personnel to review records at a NARA facility?  
 1260.44 Will NARA loan accessioned records back to the agencies to conduct declassification review?  
 1260.46 How will NARA implement automatic declassification?

### Subpart D—Mandatory Review

#### Executive Branch Records

- 1260.50 What procedures does NARA follow when it receives a request for Executive Branch records under mandatory review?  
 1260.52 What are agency responsibilities after receiving a mandatory review request forwarded by NARA?  
 1260.54 What is the appeal process when a mandatory review request for Executive Branch information is denied?  
 1260.55 What is the appeal process when a mandatory review request for Executive Branch information is denied within Nixon Presidential Historical materials or Presidential records?

#### White House Originated Information

- 1260.56 Is White House originated information subject to mandatory review?  
 1260.58 What are the procedures for requesting a mandatory review of White House originated information?