

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Part 30

[Docket ID OCC–2016–0016]

RIN 1557–AE06

## FEDERAL RESERVE SYSTEM

#### 12 CFR Chapter II

[Docket No. R–1550]

RIN 7100–AE 61

## FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 364

RIN 3064–AE45

### Enhanced Cyber Risk Management Standards

**AGENCY:** The Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; and the Federal Deposit Insurance Corporation.

**ACTION:** Joint advance notice of proposed rulemaking; re-opening of comment period.

**SUMMARY:** On October 26, 2016, the Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) published in the **Federal Register** an advance notice of proposed rulemaking (ANPR) regarding enhanced cyber risk management standards (enhanced standards) for large and interconnected entities under their supervision and those entities' service providers. The ANPR addresses five categories of cyber standards: Cyber risk governance; cyber risk management; internal dependency management; external dependency management; and incident response, cyber resilience, and situational awareness. Due to the range and complexity of the issues addressed

in the ANPR, the public comment period has been extended until February 17, 2017. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

**DATES:** The comment period for the advance notice of proposed rulemaking published on October 26, 2016, (81 FR 74315) regarding enhanced cyber risk management standards is extended from January 17, 2017, to February 17, 2017.

**ADDRESSES:** You may submit comments by any of the methods identified in the ANPR.<sup>1</sup> Please submit your comments using only one method.

**FOR FURTHER INFORMATION CONTACT:**

*Board:* Anna Lee Hewko, Associate Director, (202) 530–6260; or Matthew Hayduk, Manager, (202) 973–6190; or Julia Philipp, Senior Supervisory Financial Analyst, (202) 452–3940; or Christopher Olson, Senior Supervisory Financial Analyst, (202) 912–4609, Division of Banking Supervision and Regulation; or Benjamin W. McDonough, Special Counsel, (202) 452–2036; or Claudia Von Pervieux, Counsel, (202) 452–2552; or Michelle Kidd, Counsel, (202) 736–5554, Legal Division; for persons who are deaf or hard of hearing, TTY (202) 263–4869.

*OCC:* Bethany Dugan, Deputy Comptroller for Operational Risk, (202) 649–6949; or Kevin Greenfield, Director, Bank Information Technology, (202) 649–6954; or Eric Gott, Risk Team Lead for Governance and Operational Risk, Large Bank Supervision, (202) 649–7181; or Patrick Kelly, Bank Examiner, Critical Infrastructure Protection, (202) 649–5519; or Carl Kaminski, Special Counsel, Beth Knickerbocker, Counsel, or Rima Kundnani, Attorney, Legislative and Regulatory Activities Division, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

*FDIC:* Donald Saxinger, Senior Examination Specialist, IT Supervision Branch, Division of Risk Management Supervision, (703) 254–0214; or John Dorsey, Counsel, Supervision & Legislation Branch, Legal Division, (202) 898–3807.

**SUPPLEMENTARY INFORMATION:** On October 26, 2016, the agencies published in the **Federal Register** an

advance notice of proposed rulemaking regarding enhanced cyber risk management standards (enhanced standards) for large and interconnected entities under their supervision and those entities' service providers.<sup>2</sup> The ANPR stated that the public comment period would close on January 17, 2017.<sup>3</sup>

The agencies received a number of requests to extend the comment period for the ANPR. Due to the range and complexity of the issues addressed in the ANPR, the agencies believe it is appropriate to extend the public comment period until February 17, 2017. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

Dated: January 13, 2017.

**Thomas J. Curry,**

*Comptroller of the Currency.*

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, January 10, 2017.

**Robert deV. Frierson,**

*Secretary of the Board.*

Dated: January 13, 2017.

Federal Deposit Insurance Corporation by,

**Valerie Best,**

*Assistant Executive Secretary.*

[FR Doc. 2017–01539 Filed 1–23–17; 8:45 am]

**BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG–135122–16]

RIN 1545–BN76

### Dividend Equivalents From Sources Within the United States

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

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document contains proposed regulations relating to certain financial products providing for payments that are contingent upon or determined by reference to U.S. source dividend payments.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>1</sup> See 81 FR 74315 (October 26, 2016).

**DATES:** Written or electronic comments must be received by April 24, 2017.

**ADDRESSES:** Send submissions to CC:PA:LPD:PR (REG-135122-16), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG-135122-16), Courier's desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20044, or sent electronically, via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (IRS REG-135122-16). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, D. Peter Merkel or Karen Walny at (202) 317-6938; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing Regina Johnson at (202) 317-6901 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Background and Explanation of Provisions**

Final and temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** contain amendments to the Income Tax Regulations (26 CFR part 1), which provide rules relating to dividend equivalents for purposes of section 871(m). The temporary regulations provide guidance relating to when the delta of an option that is listed on a foreign regulated exchange may be calculated based on the delta of that option at the close of business on the business day prior to the date of issuance. The temporary regulations also provide guidance identifying which party to a potential section 871(m) transaction is responsible for determining whether a transaction is a section 871(m) transaction when multiple brokers or dealers are involved in the transaction. The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the final and temporary regulations explains the temporary regulations and these proposed regulations. The regulations affect nonresident alien individuals, foreign corporations, and withholding agents, as

well as certain other parties to section 871(m) transactions and their agents.

**Special Analyses**

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. Because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f), these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

**Comments and Request for Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the "Addresses" heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available at [www.regulations.gov](http://www.regulations.gov) or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

**Drafting Information**

The principal authors of these regulations are D. Peter Merkel and Karen Walny of the Office of Chief Counsel (International). However, other personnel from the Treasury Department and the IRS participated in their development.

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

Income taxes, Reporting and recordkeeping requirements

**Proposed Amendments to the Regulations**

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*  
§ 1.871-15 also issued under 26 U.S.C. 871(m). \* \* \*

■ **Par. 2.** Section 1.871-15 is amended by revising paragraph (a)(1), paragraph (g)(4)(ii)(B), paragraphs (p)(1)(ii) through (p)(1)(iv), and paragraph (p)(5) to read as follows:

**§ 1.871-15 Treatment of dividend equivalents.**

(a) \* \* \*

(1) [The text of the proposed amendments to § 1.871-15(a)(1) is the same as the text of § 1.871-15T(a)(1) published elsewhere in this issue of the **Federal Register**.]

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(ii) \* \* \*

(B) [The text of the proposed amendments to § 1.871-15(g)(4)(ii)(B) is the same as the text of § 1.871-15T(g)(4)(ii)(B) published elsewhere in this issue of the **Federal Register**.]

\* \* \* \* \*

(p) \* \* \*

(1) \* \* \*

(ii) [The text of the proposed amendments to § 1.871-15(p)(1)(ii) is the same as the text of § 1.871-15T(p)(1)(ii) published elsewhere in this issue of the **Federal Register**.]

(iii) [The text of the proposed amendments to § 1.871-15(p)(1)(iii) is the same as the text of § 1.871-15T(p)(1)(iii) published elsewhere in this issue of the **Federal Register**.]

(iv) [The text of the proposed amendments to § 1.871-15(p)(1)(iv) is the same as the text of § 1.871-15T(p)(1)(iv) published elsewhere in this issue of the **Federal Register**.]

\* \* \* \* \*

(5) [The text of the proposed amendments to § 1.871-15(p)(5) is the same as the text of § 1.871-15T(p)(5) published elsewhere in this issue of the **Federal Register**.]

\* \* \* \* \*

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2017-01161 Filed 1-19-17; 4:15 pm]

**BILLING CODE 4830-01-P**