

## Internal Revenue Service, Treasury

## § 301.9100-1

outside of the area of lands beneath navigable waters as defined in section 1301 of title 43 and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

(Sec. 302(d) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 672) and sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[T.D. 7697, 45 FR 33976, May 21, 1980]

### § 301.9001-3 Cross reference.

See the Coast Guard regulations under 33 CFR parts 135 and 136 for rules relating to the implementation of the Act.

(Sec. 302(d) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 672) and sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[T.D. 7697, 45 FR 33976, May 21, 1980]

### § 301.9100-0 Outline of regulations.

This section lists the paragraphs in §§ 301.9100-1 through 301.9100-3.

#### § 301.9100-1 Extensions of time to make elections.

- (a) Introduction.
- (b) Terms.
- (c) General standards for relief.
- (d) Exceptions.
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#### § 301.9100-2 Automatic extensions.

- (a) Automatic 12-month extension.
  - (1) In general.
  - (2) Elections eligible for automatic 12-month extension.
- (b) Automatic 6-month extension.
- (c) Corrective action.
- (d) Procedural requirements.
- (e) Examples.

#### § 301.9100-3 Other extensions.

- (a) In general.
- (b) Reasonable action and good faith.
  - (1) In general.
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- (c) Prejudice to the interests of the Government.
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  - (i) Lower tax liability.
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  - (2) Special rules for accounting method regulatory elections.
  - (3) Special rules for accounting period regulatory elections.
- (d) Effect of amended returns.

- (1) Second examination under section 7605(b).
- (2) Suspension of the period of limitations under section 6501(a).
- (e) Procedural requirements.
  - (1) In general.
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  - (4) Other information.
  - (5) Filing instructions.
  - (f) Examples.

[T.D. 8742, 62 FR 68169, Dec. 31, 1997]

### § 301.9100-1 Extensions of time to make elections.

(a) *Introduction.* The regulations under this section and §§ 301.9100-2 and 301.9100-3 provide the standards the Commissioner will use to determine whether to grant an extension of time to make a regulatory election. The regulations under this section and § 301.9100-2 also provide an automatic extension of time to make certain statutory elections. An extension of time is available for elections that a taxpayer is otherwise eligible to make. However, the granting of an extension of time is not a determination that the taxpayer is otherwise eligible to make the election. Section 301.9100-2 provides automatic extensions of time for making regulatory and statutory elections when the deadline for making the election is the due date of the return or the due date of the return including extensions. Section 301.9100-3 provides extensions of time for making regulatory elections that do not meet the requirements of § 301.9100-2.

(b) *Terms.* The following terms have the meanings provided below—

*Election* includes an application for relief in respect of tax; a request to adopt, change, or retain an accounting method or accounting period; but does not include an application for an extension of time for filing a return under section 6081.

*Regulatory election* means an election whose due date is prescribed by a regulation published in the FEDERAL REGISTER, or a revenue ruling, revenue procedure, notice, or announcement published in the Internal Revenue Bulletin (see § 601.601(d)(2) of this chapter).

*Statutory election* means an election whose due date is prescribed by statute.