

INTERNAL REVENUE BULLETIN



HIGHLIGHTS OF THIS ISSUE

These synopses are intended only as aids to the reader in identifying the subject matter covered. They may not be relied upon as authoritative interpretations.

ADMINISTRATIVE

Rev. Rul. 2024-5, page 666.

This revenue ruling holds that if one or more of a State's allocations, under section 305 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020, to qualified disaster zones in 2021 or 2022 are returned after 2022, then the returned housing credit dollar amounts are part of the overall Returned Credit Component of a State's housing credit ceiling in the year of return. As such, reallocations of these returned amounts are not restricted to projects located in qualified disaster zones.

EXEMPT ORGANIZATIONS

Announcement 2024-7, page 673.

Announcement 2024-7 contains corrections to Revenue Procedure 2024-5, 2024-5 IRB 1, which contains errors in the user fee schedule found in Appendix A, which user fees apply to certain requests for advance approvals.

Announcement 2024-8, page 674.

The Internal Revenue Service has revoked its determination that Altruistic United Humanity Association qualifies as an organization described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986. The revocation is effective January 1, 2018. If a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that are otherwise allowable will continue to be deductible. Protection under section 7428(c) would begin on January 1, 2018 and would end on the date the court first determines the organization is not described in section 170(c)(2) as more particularly set for in section 7428(c)(1). For individual contributions, the maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. This benefit is not extended to any individual, in whole

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or in part, for the acts or omissions of the organization that were the basis for revocation.

Announcement 2024-9, page 675.

Revocation of IRC 501(c)(3) Organizations for failure to meet the code section requirements. Contributions made to the organizations by individual donors are no longer deductible under IRC 170(c).

INCOME TAX

Notice 2024-20, page 668.

The Treasury Department and the IRS intend to propose regulations addressing the requirements for determining in which population census tracts qualified alternative fuel vehicle refueling property must be placed in service in order to be eligible for the alternative fuel vehicle refueling property credit under § 30C of the Internal Revenue Code. This notice specifies the requirements that the forthcoming proposed regulations would set forth for qualifying as an eligible census tract for purposes of the § 30C credit and provides guidance that the forthcoming proposed regulations would set forth on how taxpayers can verify that property satisfies the geographic requirements of § 30C.

Notice 2024-23, page 672.

This notice provides guidance on certain distributions from or distributions transferred to the Maryland Prepaid College Trust, a qualified tuition program within the meaning of section 529 of the Internal Revenue Code, for taxpayers impacted by recent system issues described in the Maryland State Treasurer's Decision Memorandum dated July 10, 2023. Specifically, this notice provides that the 12-month limitation described in section 529(c)(3)(C)(iii) will not be treated as applying to certain distributions described in section III of this notice.

The IRS Mission

Provide America's taxpayers top-quality service by helping them understand and meet their tax responsibilities and enforce the law with integrity and fairness to all.

Introduction

The Internal Revenue Bulletin is the authoritative instrument of the Commissioner of Internal Revenue for announcing official rulings and procedures of the Internal Revenue Service and for publishing Treasury Decisions, Executive Orders, Tax Conventions, legislation, court decisions, and other items of general interest. It is published weekly.

It is the policy of the Service to publish in the Bulletin all substantive rulings necessary to promote a uniform application of the tax laws, including all rulings that supersede, revoke, modify, or amend any of those previously published in the Bulletin. All published rulings apply retroactively unless otherwise indicated. Procedures relating solely to matters of internal management are not published; however, statements of internal practices and procedures that affect the rights and duties of taxpayers are published.

Revenue rulings represent the conclusions of the Service on the application of the law to the pivotal facts stated in the revenue ruling. In those based on positions taken in rulings to taxpayers or technical advice to Service field offices, identifying details and information of a confidential nature are deleted to prevent unwarranted invasions of privacy and to comply with statutory requirements.

Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. Unpublished rulings will not be relied on, used, or cited as precedents by Service personnel in the disposition of other cases. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered, and Service personnel and others concerned are cautioned

against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same.

The Bulletin is divided into four parts as follows:

Part I.—1986 Code.

This part includes rulings and decisions based on provisions of the Internal Revenue Code of 1986.

Part II.—Treaties and Tax Legislation.

This part is divided into two subparts as follows: Subpart A, Tax Conventions and Other Related Items, and Subpart B, Legislation and Related Committee Reports.

Part III.—Administrative, Procedural, and Miscellaneous.

To the extent practicable, pertinent cross references to these subjects are contained in the other Parts and Subparts. Also included in this part are Bank Secrecy Act Administrative Rulings. Bank Secrecy Act Administrative Rulings are issued by the Department of the Treasury's Office of the Assistant Secretary (Enforcement).

Part IV.—Items of General Interest.

This part includes notices of proposed rulemakings, disbarment and suspension lists, and announcements.

The last Bulletin for each month includes a cumulative index for the matters published during the preceding months. These monthly indexes are cumulated on a semiannual basis, and are published in the last Bulletin of each semiannual period.

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Part I

Section 42.—Low-income housing credit

26 CFR 1.42-14: Allocation rules for post-2000 State housing credit ceiling amount.

Rev. Rul. 2024-5

ISSUE

Section 305 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020, Public Law 116-260, div. EE, 134 Stat. 3038, 3080 (Dec. 27, 2020) (Act) authorized housing credit agencies (Agencies) to allocate additional housing credit dollar amounts (HCDAs) in 2021 or 2022 to buildings in one or more qualified disaster zones (as defined in section 301(2) of the Act). If an Agency allocated HCDAs to buildings located in qualified disaster zones in 2021 or 2022 and some of those amounts are returned to the Agency after 2022, may the Agency reallocate those returned amounts, and, if so, are the reallocations restricted to buildings in a qualified disaster zone?

LAW

Under section 305(a)(1) and (2) of the Act, for purposes of section 42 of the Internal Revenue Code (Code)¹, the State housing credit ceiling for any State for each of calendar years 2021 and 2022 is increased by the aggregate HCDA allocated by the State's Agencies for the calendar year to buildings located in any qualified disaster zone (as defined in section 301(2) of the Act) in the State up to an aggregate limitation as set in section 305(a)(2) of the Act (Applicable Dollar Limitation).

Section 305(a)(4) of the Act provides that, for purposes of determining the unused State housing credit ceiling for any calendar year under section 42(h)(3)(C), any increase in the State housing credit ceiling under section 305(a)(1) of the Act is treated as an amount described in section 42(h)(3)(C)(ii).

Section 42(h)(3)(C) defines the State housing credit ceiling applicable to any State for any calendar year to be an amount equal to the sum of the following four amounts—

- (i) the “Unused Carryforward Component,” which is the amount of the unused State housing credit ceiling (if any) of such State for the preceding calendar year,
- (ii) the “Population Component,” which is the amount equal to the greater of—
 - (I) \$1.75 multiplied by the State population, or
 - (II) \$2,000,000,²
- (iii) the “Returned Credit Component,” which is the amount of State housing credit ceiling returned in the calendar year, plus
- (iv) the “National Pool Component,” which is the amount (if any) allocated under section 42(h)(3)(D) from a national pool of unused credit to such State by the Secretary of the Treasury or her delegate.

Section 1.42-14(d)(1) further provides that the Returned Credit Component of the State housing credit ceiling of a State for any calendar year equals the HCDA returned during the calendar year that was validly allocated within the State in a prior calendar year to any project that does not become a qualified low-income housing project within the period required by section 42, or as required by the terms of the allocation. The Returned Credit Component also includes credit allocated in a prior calendar year that is returned as a result of the cancellation of an allocation by mutual consent or by a State's determination that the amount allocated is not necessary for the financial feasibility of the project.

Section 1.42-14(g) sets forth the stacking order regarding how credit is treated as allocated from the various components of the State housing credit ceiling. Specifically, the first credit allocated for any calendar year is treated as credit from the Unused Carryforward Component of the

State housing credit ceiling for the calendar year. After all of the credit in the Unused Carryforward Component has been allocated, any credit allocated is treated as allocated from the sum of the Population, Returned Credit, and National Pool Components of the State housing credit ceiling.

Notice 2021-45, 2021-31 I.R.B. 170, identified the 11 States and Puerto Rico that had qualified disaster zones, along with the State populations residing in each. It also contained a list of counties and parishes located within the qualified disaster zones.

IRS Announcement 2022-27, 2022-51 I.R.B. 559, reminded Agencies that unless an allocation was in 2021 and 2022, it would fail to increase a State's housing credit ceiling.

ANALYSIS

Under section 305(a)(1) of the Act, a State's housing credit ceiling is increased in calendar years 2021 and 2022 to reflect the aggregate HCDAs that are allocated by the State to buildings located in any qualified disaster zone in the State. The aggregate increases for both years, however, may not exceed the Applicable Dollar Limitation. Section 305(a)(4) of the Act provides that the increase is taken into account in the Population Component of a State's housing credit ceiling for the purpose of determining the unused State housing credit ceiling for any calendar year. Thus, the housing credit ceiling increase resulting from a valid allocation under the Act joins with the otherwise-determined Population Component of a State's housing credit ceiling in the year of allocation.

The need for an increase in the State's housing credit ceiling for the year of allocation implies that a qualified disaster zone allocation comes out of the State's housing credit ceiling for the allocation year. Without the increase, a qualified disaster zone allocation would reduce the credit ceiling amounts available to the State for other projects in that year. Consistent with sec-

¹ Unless otherwise specified, all “section” or “§” references are to sections of the Code or the Income Tax Regulations (26 CFR part 1).

² An annual cost of living adjustment applies to both elements of the Population Component under section 42(h)(3)(H).

tion 42(h)(3)(C)(iii) and § 1.42-14(d)(1) in all years, the Returned Credit Component for any year is the amount of State housing credit ceiling allocated in a prior year that is returned in the calendar year at issue. Because the Act treats the disaster allocations as coming out of the allocation-year ceiling, any such allocation that is returned in 2023 or after meets the requirements in section 42(h)(3)(C)(iii) and § 1.42-14(d)(1). As such, the returned allocation is part of the Returned Credit Component of a State's housing credit ceiling in the year of return and may be reallocated.

Other than increasing the State's 2021 and 2022 housing credit ceiling, section 305 of the Act ascribes no special attributes to HCDA allocations to qualified disaster zones. After their allocation, these HCDAs have no statutory attributes that distinguish them from any other allocations that had been made from the allocation-year ceiling. Put differently, the Act provides for the increase in the credit ceiling and indicates where the increase is taken account for purposes of the stacking order, but does not provide rules for how

a State should reallocate these amounts if they are returned after 2022.

The Act's silence about returned allocations suggests that the normal returned credit rules under section 42 apply to these returned allocations as well. Further, there is an indication that the Act affirmatively intended for normal section 42 rules to apply after a valid allocation to a qualified disaster zone. Because section 305(a)(4) of the Act provides that the increase in the credit ceiling is part of the Population Component for determining the Unused Carryforward Component for the next year, it indicates an intent to apply the general stacking order of the rules under § 1.42-14(g). For example, this would mean that a State's allocations would first reduce the State's current year Unused Carryforward Component (regardless of whether to a qualified disaster zone) before reducing the other components of a State's housing credit ceiling. Therefore, under the Act, the regular section 42 returned credit rules would apply to a returned allocation that was validly allocated in a prior calendar year.

HOLDING

If one or more of a State's allocations to qualified disaster zones in 2021 or 2022 are returned after 2022, then the returned HCDAs are part of the overall Returned Credit Component of a State's housing credit ceiling in the year of return. As such, reallocations of these returned amounts are not restricted to projects located in qualified disaster zones.

The analysis in this revenue ruling applies only for purposes of determining the validity of reallocations of HCDAs whose previous allocations had increased a State's housing credit ceiling under section 305 of the Act.

DRAFTING INFORMATION

The principal author of this revenue ruling is Dillon Taylor of the Office of Associate Chief Counsel (Passthroughs & Special Industries). For further information regarding this revenue ruling, contact Dillon Taylor at (202) 317-4137 (not a toll-free number).

Part III

Guidance on Satisfying the Geographical Requirements of the Section 30C Alternative Fuel Vehicle Refueling Property Credit

Notice 2024-20

SECTION 1. PURPOSE

The Department of the Treasury (Treasury Department) and the Internal Revenue Service (IRS) intend to propose regulations (forthcoming proposed regulations) addressing the requirements for determining in which population census tracts qualified alternative fuel vehicle refueling property must be placed in service, in order to be eligible for the alternative fuel vehicle refueling property credit under § 30C (§ 30C credit) of the Internal Revenue Code (Code), as amended by § 13404 of Public Law 117-169, 136 Stat. 1818 (August 16, 2022), commonly known as the Inflation Reduction Act of 2022 (IRA).¹ Sections 2 and 3 of this notice provide relevant background and definitions, respectively, with respect to the § 30C credit. Section 4 of this notice specifies the requirements that the forthcoming proposed regulations would set forth for qualifying as an eligible census tract for purposes of the § 30C credit. Section 5 of this notice provides guidance that the forthcoming proposed regulations would set forth on how taxpayers can verify that property satisfies the geographic requirements of § 30C(c) (3)). Until the issuance of the forthcoming proposed regulations, taxpayers may rely on sections 4 and 5 of this notice. In addition, this notice includes Appendices A and B,² which list population census tracts that, under the rules intended to be proposed, the Treasury Department and the IRS have determined are eligible census tracts.

SECTION 2. BACKGROUND

.01 Section 30C was originally enacted by § 1342(a) of the Energy Policy Act of 2005, Public Law 109-58, 119 Stat. 1049 (Aug. 8, 2005), to provide a credit for the cost of qualified alternative fuel vehicle refueling property. Section 30C has been amended several times since its enactment, most recently by § 13404 of the IRA, which extended the § 30C credit (as in effect prior to the IRA) for qualified alternative fuel vehicle refueling property placed in service after December 31, 2021, and modified the § 30C credit, as described below, effective with respect to qualified alternative fuel vehicle refueling property placed in service after December 31, 2022, and on or before December 31, 2032.

.02 The amount of the § 30C credit is treated as a personal credit or a general business credit depending on the character of the property. In general, the § 30C credit is a nonrefundable personal credit allowable under subpart B of part IV of subchapter A of chapter 1 of the Code. However, the amount of the § 30C credit that is attributable to property that is of a character subject to an allowance for depreciation (depreciable property) is treated under § 30C(d)(1) as a current year business credit under § 38(b) instead of being allowed under § 30C(a).

.03 The IRA modified § 30C in several ways. First, the IRA modified the limitation on the § 30C credit so that it no longer applies per location and instead applies per single item of qualified alternative fuel vehicle refueling property and increased the limitation for depreciable property. The § 30C credit with respect to any single item of qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year is limited to \$100,000 in the case of depreciable property, and \$1,000 in any other case.

.04 Second, the IRA added a requirement that qualified alternative fuel vehicle refueling property must be placed in

service in an eligible census tract. An eligible census tract is any population census tract that is a low-income community as described in § 45D(e) or that is not an urban area.

.05 Third, the IRA clarified that property will not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property can charge the battery of a motor vehicle propelled by electricity and can discharge electricity from such battery to an electric load external to such motor vehicle.

.06 Fourth, the IRA modified the definition of qualified alternative fuel vehicle refueling property to include depreciable property designed to charge two- and three-wheeled motor vehicles manufactured primarily for use on public streets, roads, or highways and that are propelled by electricity.

.07 Fifth, the IRA modified the credit amount for depreciable qualified alternative fuel vehicle refueling property from 30 percent to 6 percent and provided an enhanced credit amount for such property that is part of a qualified alternative fuel vehicle refueling project. A qualified alternative fuel vehicle refueling project is a project (1) that meets certain prevailing wage and apprenticeship requirements or (2) for which the construction began prior to January 29, 2023.

.08 Separately, the IRA allows an applicable entity (as defined in § 6417(d)(1) (A)) to make an election under § 6417 to be treated as making a payment against the tax imposed by subtitle A of the Code (for the taxable year with respect to which an applicable credit (as defined in § 6417(b)) was determined) equal to the amount of the applicable credit. The amount of a § 30C credit, to the extent treated under § 30C(d)(1) as a general business credit under § 38, is an applicable credit. The IRA also permits an eligible taxpayer to make an election under § 6418 to transfer all or a portion of the § 30C credit determined with respect to such taxpayer for any taxable year to an unrelated taxpayer.

¹ Unless otherwise specified, all “Section” or “§” references are to sections of the Code.

² Appendix A can be found at <https://www.irs.gov/pub/irs-drop/appendix-a-list-of-2015-census-tract-boundary-30c-eligible-tracts-v2-1-4-2024.pdf>. Appendix B can be found at <https://www.irs.gov/pub/irs-drop/appendix-b-list-of-2020-census-tract-boundary-30c-eligible-tracts-v2-1-4-2024.pdf>.

SECTION 3. GENERAL DEFINITIONS

.01 *Qualified Alternative Fuel Vehicle Refueling Property.* “Qualified alternative fuel refueling property” means property that meets the requirements of § 30C(c) (1).

.02 *Placed in Service.*

(1) Depreciable property. Qualified alternative fuel vehicle refueling property that is depreciable property is considered placed in service in the earlier of the following taxable years:

(a) The taxable year in which, under the taxpayer’s depreciation practice, the period for depreciation with respect to such property begins; or

(b) The taxable year in which such property is placed in a condition or state of readiness and availability for a specifically assigned function, whether in a trade or business or in the production of income.

(2) Non-depreciable property. Qualified alternative fuel vehicle refueling property that is non-depreciable property is considered placed in service when it is installed at the principal residence of the taxpayer and is operational.

.03 *Low-Income Community Census Tract.* A “low-income community census tract” is a population census tract described in section 4.03 of this notice.

.04 *Non-Urban Census Tract.* A “non-urban census tract” is a population census tract as described in section 4.04 of this notice.

.05 *2020 Non-Urban Census Tracts.* The term “2020 non-urban census tracts” is defined in section 4.04 of this notice.

.06 *2011-2015 NMTC Tracts.* The term “2011-2015 NMTC tracts” is defined in section 4.03 of this notice.

.07 *2016-2020 NMTC tracts.* The term “2016-2020 NMTC tracts” is defined in section 4.03 of this notice.

.08 *2015 Census Tract Boundaries.* The term “2015 census tract boundaries” is defined in section 4.03 of this notice.

.09 *2020 Census Tract Boundaries.* The term “2020 census tract boundaries” is defined in section 4.03 of this notice.

.10 *GEOID.* A “GEOID” is a numeric identifier associated with a geographic area.

.11 *11-digit census tract GEOID.* An “11-digit census tract GEOID” is a GEOID defined by the U.S. Bureau of the Census (Census Bureau) and comprised of a 2-digit state GEOID, 3-digit county GEOID, and 6-digit census tract GEOID. The 11-digit census tract GEOID provides a unique identifier for each population census tract in the United States, including tracts in the U.S. territories. The 11-digit census tract GEOIDs may vary for any individual latitude/longitude point based on different census tract boundary delineation dates over time.

SECTION 4. ELIGIBLE CENSUS TRACTS

.01 *Eligible Census Tracts Generally.*

(1) Section 30C(c)(3) requires qualified alternative fuel vehicle refueling property to be placed in service in an eligible census tract in order to be eligible for the § 30C credit. An eligible census tract is any population census tract that qualifies as a low-income community as described in § 45D(e), or that is not an urban area. Consistent with § 30C(c)(3), the forthcoming proposed regulations would define eligible census tract to include low-income community census tracts and non-urban census tracts.

(2) Section 30C(e)(3) provides generally that property used outside the United States does not qualify for the § 30C credit by excluding property described in § 50(b)(1), which provides generally that property used predominantly outside the United States does not qualify for a credit to which § 50 applies. Section 50(b) (1)(B) provides an exception for property described in § 168(g)(4) that would allow property used predominantly in a territory of the United States to qualify for the § 30C credit. Section 168(g)(4) describes, among other things, property that is owned by a domestic corporation or by a United States citizen (other than a citizen entitled to the benefits of § 931 or § 933) and that is used predominantly in a

territory (also referred to as a possession) of the United States by such a corporation or such a citizen, or by a corporation created or organized in, or under the law of, a territory of the United States. Because § 30C(e)(3) allows for certain qualified alternative fuel vehicle refueling property to be used predominantly in a territory of the United States, eligible census tracts include low-income community census tracts and non-urban census tracts located in a territory of the United States.

.02 *Census Bureau Terminology: Census Blocks, Population Census Tracts, Census Tract Boundaries, and Urban Areas.*

(1) *Census block.* A “census block” is the smallest geographic area for which the Census Bureau collects and tabulates decennial census data.

(2) *Population Census Tract.* A “population census tract” is defined by the Census Bureau as small-area geographic divisions of a county or statistically equivalent entity defined for the tabulation and presentation of data from the decennial census and selected other statistical programs.³ Population census tracts are comprised of census blocks. The Census Bureau assigns to each population census tract a unique 11-digit census tract GEOID.

(3) *Census Tract Boundaries.* The Census Bureau delineates census tract boundaries largely based on population and housing density. For each decennial census, census tract boundaries are drawn to satisfy specific statistical measures. Boundaries generally follow visible and identifiable features but may also follow nonvisible legal boundaries. The most recent decennial census was conducted in 2020 (2020 Census). Census tract boundaries generally do not change between decennial censuses but may do so based on legal changes in geographic areas. Consequently, the Census Bureau releases updated delineations of census tract boundaries every year. The Census Bureau provides mapping files for each year to reflect the census tract boundaries in that year.⁴

³See U.S. Department of Commerce, Bureau of the Census, “Census Tracts for the 2020 Census—Final Criteria,” 83 F.R. 56277 (Nov. 14, 2018), available at <https://www.federalregister.gov/documents/2018/11/13/2018-24567/census-tracts-for-the-2020-census-final-criteria>.

⁴See U.S. Department of Commerce, Bureau of the Census, “TIGER/Line Shapefiles,” available at <https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.html>.

(4) *Urban Area.* The Census Bureau determines urban areas based on densely developed territory encompassing residential, commercial, and other non-residential urban land uses. The Census Bureau delineates urban areas after each decennial census by applying specified criteria to decennial census and other data.

.03 Low-Income Community Census Tracts.

(1) Under § 30C(c)(3)(B)(i), an eligible census tract includes any population census tract that is described in § 45D(e), which defines the term “low-income community” for purposes of the new markets tax credit under § 45D (NMTC). In general, § 45D(e)(1) defines a low-income community as any population census tract for which the poverty rate is at least 20 percent based on the relevant American Community Survey (ACS) 5-year estimate. Section 45D(e)(1) further provides that a tract not located within a metropolitan area constitutes a low-income community if the median family income for such tract does not exceed 80 percent of statewide median family income. It additionally provides that a tract located within a metropolitan area is a low-income community if the median family income for such tract does not exceed 80 percent of the greater of the statewide median family income or the metropolitan area median family income. Section 45D(e)(2) provides that certain targeted populations (within the meaning of § 103(20) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702(20)) may be treated as low-income communities. Section 45D(e)(3) describes the appropriate areas not within population census tracts that are used to determine poverty rates and median family income. Section 45D(e)(4) describes certain population census tracts with a population of less than 2,000 that are treated as a low-income community for purposes of the NMTC. Finally, § 45D(e)(5) describes population census tracts located within a high migration rural county.

(2) After consultation with the Community Development Financial Institu-

tions Fund (CDFI Fund), which jointly administers § 45D with the IRS, the Treasury Department and the IRS cannot identify with verifiable accuracy the population census tracts that currently meet the requirements of § 45D(e)(2) and (4). Accordingly, the Treasury Department and the IRS intend to request comments on whether and how such population census tracts could be accurately identified to qualify as eligible census tracts in future guidance. Furthermore, the Treasury Department and the IRS have concluded that areas described in § 45D(e)(3) do not qualify as eligible census tracts because they are not population census tracts as required by § 30C(c)(3)(B)(i).

(3) Low-income community population census tracts are determined by the CDFI Fund. The CDFI Fund determines these population census tracts based in part on ACS 5-year estimates, which are published by the Census Bureau. The CDFI Fund updates the NMTC determination of “low-income community” census tracts approximately every five years based on the updated ACS 5-year estimates. Prior to September 1, 2023, the NMTC low-income community census tracts were based on 2011-2015 ACS 5-year estimates (2011-2015 NMTC tracts), which use the 2015 delineation of census tract boundaries (2015 census tract boundaries). On September 1, 2023, the NMTC low-income community census tracts were updated to be based on the 2016-2020 ACS 5-year estimates (2016-2020 NMTC tracts), which use the 2020 delineation of census tract boundaries (2020 census tract boundaries).⁵

(4) For purposes of the NMTC, prior to September 1, 2023, taxpayers had to look to the 2011-2015 NMTC tracts to determine which population census tracts were low-income communities. After a data update, CDFI Fund provides a one-year transition period. Therefore, between September 1, 2023, and August 31, 2024, taxpayers can look to either the 2011-2015 NMTC or the 2016-2020 NMTC tracts to determine which population census tracts are low-income communities for the

NMTC. On or after September 1, 2024, taxpayers must look to the 2016-2020 NMTC tracts to determine which population census tracts are low-income communities for the NMTC.

(5) For purposes of § 30C(c)(3)(B)(i)(I), the Treasury Department and the IRS intend to propose regulations that will designate population census tracts as low-income community census tracts. For qualified alternative fuel vehicle refueling property that is placed in service after December 31, 2022, and before January 1, 2025, the Treasury Department and the IRS intend to provide guidance stating that a taxpayer may utilize either the 2011-2015 NMTC tracts or the 2016-2020 NMTC tracts to determine if property is placed in service in a low-income community. This transition period is largely consistent with the transition period for purposes of the NMTC. However, the period in which a taxpayer may make a determination based on either NMTC determination and related census tract boundary delineation for purposes of the § 30C credit would be extended to include the periods from January 1, 2023, to August 31, 2023, and from September 1, 2024, to December 31, 2024, so that taxpayers could rely on the same NMTC determination and relevant census tract boundary delineation for all property placed in service in the same calendar year. This transition period will be applicable only for purposes of the § 30C credit.

.04 Non-Urban Census Tracts. Under § 30C(c)(3)(B)(ii), the term “urban area” means a population census tract that has been designated as an urban area by the Secretary of Commerce in the most recent decennial census. However, as of the 2020 Census (the most recent decennial census), the Census Bureau defines urban areas on the basis of census blocks and not on the basis of population census tracts.⁶ For purposes of § 30C(c)(3)(B)(i)(II), the Treasury Department and the IRS intend to propose regulations providing that any population census tract in which at least 10 percent of the census blocks are not designated as urban areas would

⁵ U.S. Department of Treasury, CDFI Fund, “2016-2020 American Community Survey (ACS) Data Frequently Asked Questions,” available at https://www.cdfifund.gov/sites/cdfi/files/2023-09/NMTC_LIC_FAQs_2020_ACS_Sept1_2023.pdf.

⁶ U.S. Department of Commerce, Bureau of the Census, “2020 Census Qualifying Urban Areas and Final Criteria Clarifications, 87 F.R. 80114 (December 29, 2022),” available at <https://www.federalregister.gov/documents/2022/12/29/2022-28286/2020-census-qualifying-urban-areas-and-final-criteria-clarifications>.

be a “non-urban census tract.” The Treasury Department and the IRS also intend to use the 2020 census tract boundaries, and the Census Bureau’s determination of urban areas using the 2020 Census. Thus, these “2020 non-urban census tracts” would be eligible census tracts for purposes of § 30C. The Treasury Department and the IRS believe that this definition is consistent with the purpose of § 30C of providing a credit to alternative vehicle fuel refueling property placed in service in non-urban areas. The Treasury Department and the IRS received a number of comments on the appropriate threshold of urban blocks, and the 10-percent threshold is within the range suggested by commenters.

.05 *Anticipated Update for Low-income Community Census Tracts.* Low-income community census tracts will be updated for purposes of the § 30C credit upon future releases of NMTC census tract determinations by the CDFI Fund. The Treasury Department and the IRS anticipate that an updated set of NMTC tracts will be released by the CDFI Fund in approximately late 2028 (NMTC updated census tracts). The 2016-2020 NMTC tracts are anticipated to remain eligible locations for the § 30C credit through 2029, after which the NMTC updated census tracts would provide the determination of low-income community census tracts. After the NMTC updated census tracts are released, the Treasury Department and the IRS anticipate providing guidance reflecting the updated set of low-income community census tracts.

.06 *Potential Update for Non-urban Census Tracts.* The Census Bureau released the 2020 determinations of urban areas in 2023; therefore, the Treasury Department and the IRS anticipate that the 2030 determinations of urban areas may not be released until 2033. In the event that the Census Bureau releases the determinations of the 2030 urban areas earlier than January 1, 2033, the Treasury Department and the IRS anticipate provid-

ing guidance reflecting the updated set of non-urban census tracts. Until that time, taxpayers should use the 2020 non-urban census tracts to determine eligibility for the § 30C credit.

SECTION 5. DETERMINING WHETHER A PROPERTY IS LOCATED IN AN ELIGIBLE CENSUS TRACT

.01 Eligible Census Tracts.

(1) Appendix A lists the eligible low-income community census tracts using the 2011-2015 NMTC tracts with the 2015 census tract boundaries. Appendix A can be found at <https://www.irs.gov/pub/irs-drop/appendix-a-list-of-2015-census-tract-boundary-30c-eligible-tracts-v2-1-4-2024.pdf>. Appendix B lists the eligible low-income community census tracts using the 2016-2020 NMTC tracts and 2020 non-urban census tracts, both with the 2020 census tract boundaries. Appendix B can be found at <https://www.irs.gov/pub/irs-drop/appendix-b-list-of-2020-census-tract-boundary-30c-eligible-tracts-v2-1-4-2024.pdf>.

(2) Qualified alternative fuel refueling property placed in service after December 31, 2022, and before January 1, 2025, will be considered placed in service in an eligible census tract, and thus eligible for the § 30C credit, if the 11-digit census tract GEOID for the population census tract in which it is placed in service is listed in the applicable appendix, either Appendix A or Appendix B.

(3) Qualified alternative fuel refueling property placed in service after December 31, 2024, and before January 1, 2030, will be considered placed in service in an eligible census tract, and thus eligible for the § 30C credit, if the 11-digit census tract GEOID for the population census tract in which it is placed in service is listed in Appendix B.

(4) The latitude and longitude of an eligible property may provide a different 11-digit census tract GEOID under the

2015 and 2020 census tract boundaries. In such cases, a location is only in an eligible census tract if the relevant 11-digit census tract GEOID is listed in the appendix specific to the relevant census tract boundary year. Thus, in such cases, a location is only in an eligible census tract if its 11-digit census tract GEOID under the 2015 tract boundaries is listed in Appendix A. Similarly, in such cases, a location is only in an eligible census tract if its 11-digit census tract GEOID under the 2020 boundaries is listed in Appendix B.

.02 *Determining 11-digit census tract GEOID for properties placed in service before January 1, 2030.*

(1) The population census tract boundaries are pertinent for taxpayers in identifying the relevant 11-digit census tract GEOID. For property placed in service after December 31, 2022, and before January 1, 2025, both the 2015 census tract boundaries and the 2020 census tract boundaries are relevant. For property placed in service on or after January 1, 2025, and before January 1, 2030, only the 2020 census tract boundaries are relevant. As noted above, the latitude and longitude of an eligible property may provide a different 11-digit census tract GEOID under the 2015 and 2020 census tract boundaries.

(2) Taxpayers can determine the 11-digit census tract GEOID of a location under the 2015 census tract boundaries by using the CDFI mapping tool available via <https://www.cdfifund.gov/cims>.⁷

(3) Taxpayers can determine the 11-digit census tract GEOID of a location under the 2020 census tract boundaries using the Census Geocoder, available via <https://geocoding.geo.census.gov/geocoder/geographies/address?form> or of a latitude and longitude point at <https://geocoding.geo.census.gov/geocoder/geographies/coordinates?form>.⁸

.03 *Reliance.* Until the issuance of the forthcoming proposed regulations, taxpayers may rely on this notice and its appendices for purposes of determining

⁷On that page, choose “CDFI,” which should take the user to a page titled “CDFI Public Viewer.” In the left-hand side column, choose “Layers.” Under “CIMS Layers,” put a checkmark in the box next to “2015 CDFI Tract” and remove all checkboxes from other CIMS Layers. Specifically, uncheck the “2020 CDFI Tract” box. Type in your address or latitude and longitude in the “Search Addresses” bar at the top. This will take you to the tract of the location you entered. If you left click your mouse, the 11-digit population census tract identifier (that is, the GEOID) will appear.

⁸In the “Benchmark” drop-down menu, choose “Public_AR_Census2020.” In the “Vintage” drop-down menu, choose “Census2020_Current.” The 11-digit population census tract identifier is in the GEOID under “Census Tracts.” Further instructions to use the Census Geocoder are available via <https://www2.census.gov/data/api-documentation/Address%20Search%20-%20Geocoder%20and%20TIGERweb/How%20to%20Find%20Geo%20Info%20from%20Address.pdf>.

whether qualified alternative fuel vehicle property has been placed in service in an eligible census tract. In addition, until the issuance of the forthcoming proposed regulations, the IRS will administer § 30C in a manner consistent with the appendices and related rules described in this notice.

SECTION 6. CONTACT INFORMATION

The principal author of this notice is the Office of Associate Chief Counsel (Passthroughs & Special Industries). For further information regarding this notice contact the Office of Associate Chief Counsel (Passthroughs & Special Industries) at (202) 317-6853 (not a toll-free number).

Certain Maryland Prepaid College Trust Distributions Excluded from Gross Income

Notice 2024-23

SECTION I. PURPOSE

This notice provides guidance on certain distributions from or distributions transferred to the Maryland Prepaid College Trust (MPCT), a qualified tuition program within the meaning of section 529 of the Internal Revenue Code (section 529 program),¹ for taxpayers impacted by recent system issues described in the Maryland State Treasurer’s Decision Memorandum dated July 10, 2023 (Memorandum).² Specifically, this notice provides that the 12-month limitation described in section 529(c)(3)(C)(iii) will not be treated as applying to certain distributions described in section III of this notice.

SECTION II. BACKGROUND

Generally, any distribution from a section 529 program is includable in the gross income of the distributee under section 529(c)(3)(A) to the extent not otherwise excluded from gross income under another provision of chapter 1 of the Code. Section 529(c)(6) imposes an additional tax on distributions includable in gross income equal to 10 percent of the amount that is so includable. Section 529(c)(3)(C)(i)(I), however, excludes from gross income any portion of a distribution from a section 529 program that, within 60 days of such distribution, is transferred to another section 529 program for the benefit of the designated beneficiary (qualified rollover). Section 529(c)(3)(C)(iii) allows only one tax-free qualified rollover in a 12-month period.

In recent years, MPCT has experienced accounting discrepancies, administrative issues, and inconsistencies concerning the interest rate to apply to certain distributions out of MPCT accounts, as described more fully in the Memorandum.³ To protect trust assets while system issues were resolved, the state agency administering MPCT froze access to MPCT interest earnings beginning in April 2022. System access has since been restored, and on July 10, 2023, the Maryland State Treasurer announced a final decision that provided retroactive interest earnings for affected MPCT account holders. However, due to the unique and unanticipated circumstances described in the Memorandum, many taxpayers had already executed a qualified rollover out of MPCT. After the Maryland State Treasurer announced the decision to credit retroactive interest to affected MPCT account holders, some taxpayers who had previously executed a qualified rollover from an MPCT account to another qualified state tuition program may wish to execute a second rollover back to the MPCT, to the extent permitted by Maryland law. In addition, Chapter 113

of the 2023 Laws of Maryland established a claims resolution process for account holders affected by the system issues. Settlement of a claim must “be conditioned on an agreement of the account holder to transfer all funds in the account to any other qualified state tuition program.”⁴ If any of these taxpayers execute a second rollover within 12 months of a qualified rollover out of or back into MPCT, however, the amount so transferred may be includable in the gross income of the designated beneficiary under section 529(c)(3)(A) and may be subject to additional tax under section 529(c)(6) due to the application of section 529(c)(3)(C)(iii).

SECTION III. GRANT OF RELIEF

Due to the nature of the above-described system issues, the Department of the Treasury and the Internal Revenue Service will grant the following relief as a matter of sound tax administration: If section 529(c)(3)(C)(iii) would apply to deny treatment as a qualified rollover to any portion of a distribution from or a distribution transferred to an MPCT account for a designated beneficiary before January 1, 2025, and if that distribution was preceded by a qualified rollover from an MPCT account for the benefit of the same designated beneficiary occurring after December 31, 2021, then that distribution will be treated as a qualified rollover to which section 529(c)(3)(C)(i)(I) applies notwithstanding section 529(c)(3)(C)(iii).

SECTION IV. DRAFTING INFORMATION

The principal author of this notice is Elliot DiGioia of the Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). For further information regarding this notice contact Elliot DiGioia at (202) 317-6836 (not a toll-free number).

¹ Unless otherwise specified, all “section” references are to sections of the Internal Revenue Code (Code).

² *Decision Memorandum with Respect to Maryland Prepaid College Trust*, MD. STATE TREASURER, <https://www.treasurer.state.md.us/media/178937/final%20decision%20document%2007072023.pdf>.

³ Details described in this paragraph are taken from the Memorandum.

⁴ MD. CODE ANN., EDUC. § 18-1917(f)(l) (2023).

CORRECTIONS TO REVENUE PROCEDURE 2024-5, SCHEDULE OF USER FEES IN APPENDIX A

Announcement 2024-7

This announcement contains corrections to Revenue Procedure 2024-5, 2024-5 IRB 1, which omitted the effective dates for certain changes to the user fees in the user fee schedule.

Revenue Procedure 2024-5, as published on January 2, 2024, (2024-5 IRB 1), omitted the effective dates for changes to the user fees that apply to certain requests for advance approvals. Rev. Proc. 2024-5 sets forth procedures for issuing determination letters on issues under the jurisdiction of the Director, Exempt Organizations Rulings and Agreements, including determination letters relating to certain advance approvals. This announcement corrects Appendix A, paragraphs (9), (10), and (11) of Rev. Proc. 2024-5.

Paragraphs (9) Section 4942(g)(2) set asides – advance approval (Form 8940), (10) Section 4945 advance approval of organization’s grant making procedures (Form 8940), and (11) Section 4945(f) advance approval of voter registration activities (Form 8940) did not specify the effective dates for increases in the applicable user fees from \$2,500 to \$3,500.

Paragraphs (9), (10), and (11) of Appendix A of Rev. Proc 2024-5 now read as follows:

(9) Section 4942(g)(2) set asides – advance approval (Form 8940)	
(a) Submissions prior to July 1, 2024	\$2,500
(b) Submissions on or after July 1, 2024	\$3,500
(10) Section 4945 advance approval of organization's grant making procedures (Form 8940)	
(a) Submissions prior to July 1, 2024	\$2,500
(b) Submissions on or after July 1, 2024	\$3,500
(11) Section 4945(f) advance approval of voter registration activities (Form 8940)	
(a) Submissions prior to July 1, 2024	\$2,500
(b) Submissions on or after July 1, 2024	\$3,500

Effect on Other Documents

Revenue Procedure 2024-5, 2024-5 IRB 1, is corrected.

Drafting Information

The principal author of this Revenue Procedure is Peter A. Holiat of the Office of Associate Chief Counsel (Employee

Benefits, Exempt Organizations, and Employment Taxes). For additional information, please contact Mr. Holiat at 202–317–4541 (not a toll-free number).

Deletions From Cumulative List of Organizations, Contributions to Which are Deductible Under Section 170 of the Code

Announcement 2024-8

The Internal Revenue Service has revoked its determination that the organization listed below qualifies as an organization described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986.

Generally, the IRS will not disallow deductions for contributions made to a listed organization on or before the date of announcement in the Internal Revenue

Bulletin that an organization no longer qualifies. However, the IRS is not precluded from disallowing a deduction for any contributions made after an organization ceases to qualify under section 170(c)(2) if the organization has not timely filed a suit for declaratory judgment under section 7428 and if the contributor (1) had knowledge of the revocation of the ruling or determination letter, (2) was aware that such revocation was imminent, or (3) was in part responsible for or was aware of the activities or omissions of the organization that brought about this revocation.

If on the other hand a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that are otherwise allowable will con-

tinue to be deductible. Protection under section 7428(c) would begin on January 1, 2018 and would end on the date the court first determines the organization is not described in section 170(c)(2) as more particularly set for in section 7428(c)(1). For individual contributors, the maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. This benefit is not extended to any individual, in whole or in part, for the acts or omissions of the organization that were the basis for revocation.

The Following organization is no longer qualified as an organization exempt from income tax under Internal Revenue Code (the "Code") Section 501(a) as an organization described in Section 501(c)(3) of the Code:

NAME OF ORGANIZATION	EFFECTIVE DATE OF REVOCATION	LOCATION
ALTRUISTIC UNITED HUMANITY ASSOCIATION	1/1/2018	PORTERVILLE CA

Deletions From Cumulative List of Organizations, Contributions to Which are Deductible Under Section 170 of the Code

Announcement 2024-9

The Internal Revenue Service has revoked its determination that the organization listed below qualifies as an organization described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986.

Generally, the IRS will not disallow deductions for contributions made to a listed organization on or before the date of announcement in the Internal Revenue

Bulletin that an organization no longer qualifies. However, the IRS is not precluded from disallowing a deduction for any contributions made after an organization ceases to qualify under section 170(c)(2) if the organization has not timely filed a suit for declaratory judgment under section 7428 and if the contributor (1) had knowledge of the revocation of the ruling or determination letter, (2) was aware that such revocation was imminent, or (3) was in part responsible for or was aware of the activities or omissions of the organization that brought about this revocation.

If on the other hand a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that are otherwise allowable will

continue to be deductible. Protection under section 7428(c) would begin on _____ and would end on the date the court first determines the organization is not described in section 170(c)(2) as more particularly set for in section 7428(c)(1). For individual contributors, the maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. This benefit is not extended to any individual, in whole or in part, for the acts or omissions of the organization that were the basis for revocation.

The Following organization is no longer qualified as an organization exempt from income tax under Internal Revenue Code (the "Code") Section 501(a) as an organization described in Section 501(c)(3) of the Code:

NAME OF ORGANIZATION	EFFECTIVE DATE OF REVOCATION	LOCATION
West Los Angeles Obedience Training Club Inc	1/1/2020	Los Angeles, CA

Definition of Terms

Revenue rulings and revenue procedures (hereinafter referred to as “rulings”) that have an effect on previous rulings use the following defined terms to describe the effect:

Amplified describes a situation where no change is being made in a prior published position, but the prior position is being extended to apply to a variation of the fact situation set forth therein. Thus, if an earlier ruling held that a principle applied to A, and the new ruling holds that the same principle also applies to B, the earlier ruling is amplified. (Compare with *modified*, below).

Clarified is used in those instances where the language in a prior ruling is being made clear because the language has caused, or may cause, some confusion. It is not used where a position in a prior ruling is being changed.

Distinguished describes a situation where a ruling mentions a previously published ruling and points out an essential difference between them.

Modified is used where the substance of a previously published position is being changed. Thus, if a prior ruling held that a principle applied to A but not to B, and the

new ruling holds that it applies to both A and B, the prior ruling is modified because it corrects a published position. (Compare with *amplified* and *clarified*, above).

Obsoleted describes a previously published ruling that is not considered determinative with respect to future transactions. This term is most commonly used in a ruling that lists previously published rulings that are obsoleted because of changes in laws or regulations. A ruling may also be obsoleted because the substance has been included in regulations subsequently adopted.

Revoked describes situations where the position in the previously published ruling is not correct and the correct position is being stated in a new ruling.

Superseded describes a situation where the new ruling does nothing more than restate the substance and situation of a previously published ruling (or rulings). Thus, the term is used to republish under the 1986 Code and regulations the same position published under the 1939 Code and regulations. The term is also used when it is desired to republish in a single ruling a series of situations, names, etc., that were previously published over a period of time in separate rulings. If the

new ruling does more than restate the substance of a prior ruling, a combination of terms is used. For example, *modified* and *superseded* describes a situation where the substance of a previously published ruling is being changed in part and is continued without change in part and it is desired to restate the valid portion of the previously published ruling in a new ruling that is self contained. In this case, the previously published ruling is first modified and then, as modified, is superseded.

Supplemented is used in situations in which a list, such as a list of the names of countries, is published in a ruling and that list is expanded by adding further names in subsequent rulings. After the original ruling has been supplemented several times, a new ruling may be published that includes the list in the original ruling and the additions, and supersedes all prior rulings in the series.

Suspended is used in rare situations to show that the previous published rulings will not be applied pending some future action such as the issuance of new or amended regulations, the outcome of cases in litigation, or the outcome of a Service study.

Abbreviations

The following abbreviations in current use and formerly used will appear in material published in the Bulletin.

A—Individual.
Acq.—Acquiescence.
B—Individual.
BE—Beneficiary.
BK—Bank.
B.T.A.—Board of Tax Appeals.
C—Individual.
C.B.—Cumulative Bulletin.
CFR—Code of Federal Regulations.
CI—City.
COOP—Cooperative.
Ct.D.—Court Decision.
CY—County.
D—Decedent.
DC—Dummy Corporation.
DE—Donee.
Del. Order—Delegation Order.
DISC—Domestic International Sales Corporation.
DR—Donor.
E—Estate.
EE—Employee.
E.O.—Executive Order.
ER—Employer.

ERISA—Employee Retirement Income Security Act.
EX—Executor.
F—Fiduciary.
FC—Foreign Country.
FICA—Federal Insurance Contributions Act.
FISC—Foreign International Sales Company.
FPH—Foreign Personal Holding Company.
FR.—Federal Register.
FUTA—Federal Unemployment Tax Act.
FX—Foreign corporation.
G.C.M.—Chief Counsel’s Memorandum.
GE—Grantee.
GP—General Partner.
GR—Grantor.
IC—Insurance Company.
I.R.B.—Internal Revenue Bulletin.
LE—Lessee.
LP—Limited Partner.
LR—Lessor.
M—Minor.
Nonacq.—Nonacquiescence.
O—Organization.
P—Parent Corporation.
PHC—Personal Holding Company.
PO—Possession of the U.S.
PR—Partner.
PRS—Partnership.

PTE—Prohibited Transaction Exemption.
Pub. L.—Public Law.
REIT—Real Estate Investment Trust.
Rev. Proc.—Revenue Procedure.
Rev. Rul.—Revenue Ruling.
S—Subsidiary.
S.P.R.—Statement of Procedural Rules.
Stat.—Statutes at Large.
T—Target Corporation.
T.C.—Tax Court.
T.D.—Treasury Decision.
TFE—Transferee.
TFR—Transferor.
T.I.R.—Technical Information Release.
TP—Taxpayer.
TR—Trust.
TT—Trustee.
U.S.C.—United States Code.
X—Corporation.
Y—Corporation.
Z—Corporation.

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¹ A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2023–27 through 2023–52 is in Internal Revenue Bulletin 2023–52, dated December 26, 2023.

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¹ A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2023-27 through 2023-52 is in Internal Revenue Bulletin 2023-52, dated December 26, 2023.

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The Introduction at the beginning of this issue describes the purpose and content of this publication. The weekly Internal Revenue Bulletins are available at www.irs.gov/irb/.

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