to the computation under section 1341(a)(5):
(i) The tax for the taxable year with-
out the deduction described in section 1341(a)(2);
(ii) The tax for each prior taxable
year (determined before adjustment
under section 1341) for which a decrease
in tax is computed under section 1341(a)(5)(B);
(iii) The decrease in tax for each
prior taxable year computed under sec-
tion 1341(a)(5)(B), including any de-
crease resulting from a net operating
loss or capital loss described in section 1341(b)(4)(B); and
(iv) The amount treated as an over-
payment of tax under section 1341(b)(1).

(e) Time and place for filing. The appli-
cation must be filed no earlier than the
date of filing the return for the taxable
year of restoration and no later than
the date 12 months from the last day of
that taxable year. The application
must be filed with the Internal Rev-
enue Service Center (or other office)
where the taxpayer filed its return for
the taxable year of restoration.

(f) Not a claim for credit or refund. An
application for tentative refund under
section 1341(b)(1). The appli-
cation must be filed no earlier than the
date of filing the return for the taxable
year of restoration and no later than the
date 12 months from the last day of
that taxable year. The application
must be filed with the Internal Rev-
enue Service Center (or other office)
where the taxpayer filed its return for
the taxable year of restoration.

For purposes of section
44F(b)(2)(A)(iii), the determination of
whether any amount is paid or in-
curred to another person for the right
to use personal property in the conduct
of qualified research shall be made
without regard to the character-
ization of the transaction as a lease under
section 168(f)(8). See § 5c.168(f)(8)–1(b).

§ 5c.103–1 Leases and capital expendi-
tures.
For purposes of section
103(b)(6)(D) and § 1.103–10(b)(2)(iv)(b), the determi-
nation of whether property is leased
and whether property is of a type that
is ordinarily subject to a lease shall be
made without regard to the character-
ization of the transaction as a lease under
section 168(f)(8).

§ 5c.103–2 Leases and industrial develop-
ment bonds.
For purposes of section 103(b)(6)(D) and
§ 1.103–10(b)(2)(iv)(b), the determi-
nation of whether property is leased
and whether property is of a type that
is ordinarily subject to a lease shall be
made without regard to the character-
ization of the transaction as a lease under
section 168(f)(8).

§ 5c.103–3 Leases and arbitrage.
In the case of a sale and leaseback
transaction qualifying under section