

the requirements for the election, and may also make an election to change the classification of the target corporation. If a taxpayer makes an election under section 338 regarding its acquisition of another entity taxable as a corporation and makes an election under paragraph (c) of this section for the acquired corporation (effective at the earliest possible date as provided by paragraph (c)(1)(iii) of this section), the transactions under paragraph (g) of this section are deemed to occur immediately after the deemed asset purchase by the new target corporation under section 338.

(iii) *Application to successive elections in tiered situations.* When elections under paragraph (c)(1)(i) of this section for a series of tiered entities are effective on the same date, the eligible entities may specify the order of the elections on Form 8832. If no order is specified for the elections, any transactions that are deemed to occur in this paragraph (g) as a result of the classification change will be treated as occurring first for the highest tier entity's classification change, then for the next highest tier entity's classification change, and so forth down the chain of entities until all the transactions under this paragraph (g) have occurred. For example, Parent, a corporation, wholly owns all of the interest of an eligible entity classified as an association (S1), which wholly owns another eligible entity classified as an association (S2), which wholly owns another eligible entity classified as an association (S3). Elections under paragraph (c)(1)(i) of this section are filed to classify S1, S2, and S3 each as disregarded as an entity separate from its owner effective on the same day. If no order is specified for the elections, the following transactions are deemed to occur under this paragraph (g) as a result of the elections, with each successive transaction occurring on the same day immediately after the preceding transaction S1 is treated as liquidating into Parent, then S2 is treated as liquidating into Parent, and finally S3 is treated as liquidating into Parent.

(4) *Effective date.* This paragraph (g) applies to elections that are filed on or after November 29, 1999. Taxpayers may apply this paragraph (g) retroactively to elections filed before November 29, 1999 if all taxpayers affected by the deemed transactions file consistently with this paragraph (g).

(h) *Effective date—(1) In general.* Except as otherwise provided in this

section, the rules of this section are applicable as of January 1, 1997.

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Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: November 2, 1999.

Jonathan Talisman,

Acting Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 99-30504 Filed 11-26-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05-99-094]

RIN 2115-AA97

Safety Zone; Chesapeake Bay, Whitehall Bay, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone covering all waters within a 2,000 foot radius of each of three Very Low Frequency (VLF) towers located between Greenbury Point and Possum Point, near Annapolis, Maryland. Potts and Callahan, Inc. will be demolishing the three towers with explosives. This safety zone is intended to restrict maritime traffic in order to protect mariners from the hazards associated with the demolition.

DATES: This rule is effective from 10 a.m. to 12 p.m. Eastern Standard Time on December 3, 1999, and on December 5, 1999.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD 05-99-094 and are available for inspection or copying at Commander, U.S. Coast Guard Activities, 2401 Hawkins Point Road, Baltimore, Maryland 21226-1791, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer Ron Houck, Port Safety and Security Section, at (410) 576-2674.

SUPPLEMENTARY INFORMATION:

Regulatory Information

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with the requirements of 5 U.S.C. 553(B), the Coast Guard finds that good cause exists

for not publishing a NPRM. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. We were not notified of the date of the planned demolition until October 20, 1999. There was not sufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the effective date of this regulation would be contrary to the public interest because action is needed to safeguard mariners during the demolition.

Background and Purpose

Potts and Callahan, Inc. notified us of the planned removal of the Very Low Frequency (VLF) radio towers and array for the U.S. Naval Academy. On December 3, 1999, Potts and Callahan, Inc. will demolish, with explosives, three Very Low Frequency (VLF) towers and array located between Greenbury Point and Possum Point, near Annapolis, Maryland. December 5, 1999 has been designated as an alternate date, if inclement weather precludes demolition on December 3, 1999. The demolition will use 200 pounds of explosives in the form of linear shape charges. Due to the need for vessel control during the demolition, maritime traffic will be temporarily restricted to provide for the safety of transiting vessels.

Regulatory Evaluation

This temporary final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). This regulation affects a limited area for a limited time and advance notice will allow mariners to plan their transit around the scheduled event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the affected area from 10 a.m. to 12 p.m. on December 3, 1999. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The demolition of the radio towers will only take two hours, the area affected is small, and vessel traffic can pass safely around the safety zone. Therefore, Coast Guard certifies under section 605 (b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates

Under section 201 of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531), the Coast Guard assessed the effects of this rule on State, local, and tribal governments, in the aggregate, and the private sector. The Coast Guard determined that this regulatory action requires no written statement under section 202 of the UMRA (2 U.S.C. 1532) because it will not result in the expenditure of \$100,000,000 in any one year by State, local, or tribal governments, in the aggregate, or the private sector.

Collection of Information

This temporary final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary final rule under the principles and criteria contained in Executive Order 13132 and has determined that this temporary final rule does not have implications for federalism under that Order.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.IC, this temporary final rule is categorically excluded from further environmental documentation. This regulation will have no impact on the environment.

List of Subjects

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add § 165.T05-094 to read as follows:

§ 165.T05-094 Safety Zone; Chesapeake Bay, Whitehall Bay, Annapolis, MD.

(a) *Location.* The following area is a safety zone: All waters of the Chesapeake Bay and its tributaries within a 2,000 feet radius of the following three coordinates: Latitude 38°58'56"N, Longitude 076°26'58"W; Latitude 38°59'08"N, Longitude 076°26'49"W; and Latitude 38°59'18"N, Longitude 076°27'00"W; [NAD 1983]

(b) *Effective date.* This section is effective from 10 a.m. to 12 p.m., on December 3, 1999. If the demolition is postponed due to inclement weather, then this section is effective from 10 a.m. to 12 p.m. Eastern Standard Time on December 5, 1999.

(c) *Captain of the Port* means the Commanding Officer of Coast Guard Activities Baltimore, Baltimore, Maryland, or any Coast Guard Commissioned, Warrant or Petty Officer who has been authorized by the Captain of the Port to act on his behalf

(d) *Regulations.*

(1) All persons are required to comply with the general regulations governing safety zones in 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port. The Coast Guard vessels enforcing the safety zone can be contacted on VHF-FM channels 13 and 16. The Captain of the Port can also be contacted by telephone at (410) 576-2520.

(3) The operator of any vessel within or in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by the Captain of the Port.

(ii) Proceed only as directed by the Captain of the Port.

Dated: November 8, 1999.

C.L. Miller,

Captain, U.S. Coast Guard, Captain of the Port of Baltimore.

[FR Doc. 99-30882 Filed 11-26-99; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 011499B]

RIN 0648-AL56

Fisheries of the Northeastern United States; Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP); Amendment 8 to the Atlantic Mackerel, Squid, and Butterfish FMP; and Amendment 12 to the Atlantic Surf Clam and Ocean Quahog FMP; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction to a final rule.

SUMMARY: NMFS corrects a final rule for Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP); Amendment 8 to the Atlantic Mackerel, Squid, and Butterfish FMP; and Amendment 12 to the Atlantic Surf Clam and Ocean Quahog FMP that was published on October 26, 1999, that omitted several sentences from the regulations.

DATES: Effective November 26, 1999.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, Fishery Policy Analyst, 978-281-9221.

Need for Correction

In the final rule document, FR Doc. 99-27921, beginning on page 57587 in the issue of Tuesday, October 26, 1999, in § 648.5 several sentences were inadvertently removed from paragraphs of the section due to oversights in preparing the amendatory language. These deletions would remove requirements from the regulations that were not intended to be removed. Section 648.107 was incorrectly numbered and would unintentionally replace a previously published section. Therefore, that section is renumbered as § 648.108. Because of the renumbering, the references in §§ 648.127 and 648.147 are corrected by a nomenclature change.

Correction

Accordingly, the publication on October 26, 1999, of the final rule document (I.D. 011499B), which was the subject of FR Doc. 99-27921, is corrected as follows:

§ 648.5 [Corrected]

1. On page 57593, in the 1st column, in § 648.5, in paragraph (a), add to the