

Thus, elections are necessary only when an eligible entity chooses to be classified initially as other than the default classification or when an eligible entity chooses to change its classification. An entity whose classification is determined under the default classification retains that classification (regardless of any changes in the members' liability that occurs at any time during the time that the entity's classification is relevant as defined in paragraph (d) of this section) until the entity makes an election to change that classification under paragraph (c)(1) of this section. Paragraph (c) of this section provides rules for making express elections. Paragraph (d) provides special rules for foreign eligible entities. Paragraph (e) of this section provides special rules for classifying entities resulting from partnership terminations and divisions under section 708(b). Paragraph (f) of this section sets forth the effective date of this section and a special rule relating to prior periods. An entity that has elected to be disregarded as an entity separate from its owner may nevertheless be treated as a corporation for the limited purposes of § 1.954-9T(a)(4)(i) of this chapter.

(b) through (c)(1)(iii) [Reserved]. For further guidance, see § 301.7701-3(b) through (c)(1)(iii).

(c)(1)(iv) **Limitation.** If an eligible entity makes an election under paragraph (c)(1)(i) of this section to change its classification (other than an election made by an existing entity to change its classification as of the effective date of this section), the entity cannot change its classification by election again during the sixty months succeeding the effective date of the election. However, the Commissioner may permit the entity to change its classification by election within the sixty months if more than fifty percent of the ownership interests in the entity as of the effective date of the subsequent election are owned by person that did not own any interests in the entity on the filing date or on the effective date of the entity's prior election. See § 1.954-9T(b) of this chapter, for circumstances under which certain eligible entities may make an election to change their classification within the sixty-month period.

(c)(1)(v) through (e) [Reserved]. For further guidance, see § 301.7701-3(c)(1)(v) through (e).

(f) **Effective date.** Section 301.7701-3T(a) and (c)(1)(iv) applies on or after March 23, 1998. For rules prior to

March 23, 1998, see § 301.7701-3(a) and (c)(1)(iv).

**Michael P. Dolan,**

*Deputy Commissioner of Internal Revenue.*

Approved:

**Donald C. Lubick,**

*Assistant Secretary of the Treasury.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-98-018]

#### Drawbridge Operation Regulations; Stony Creek, Maryland

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the S173 Bridge across Stony Creek at mile 0.9, in Riviera, Maryland. Beginning March 2 through May 1, 1998, this deviation allows the bridge to remain closed to navigation between the hours of 8 p.m. to 6:30 a.m., Monday through Friday excluding Federal and State holidays. This closure is necessary to facilitate extensive cleaning and painting operations while still providing for the reasonable needs of navigation.

**DATES:** This deviation is effective from 8 p.m. on March 2, 1998 until 6:30 a.m. on May 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** The S173 Bridge is owned and operated by the Maryland Department of Transportation (MDOT). Alpha Painting & Construction Company, Inc., MDOT's contractor, requested a temporary deviation from the normal operation of the bridge to implement extensive cleaning and painting operations. The current regulation at Title 33, Code of Federal Regulations, Section 117.573 requires the draw to open on signal with the following exceptions: (a) from 6:30 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday except Federal and State holidays, the draw need only open at 7:30 a.m. and 5 p.m., if any vessels are waiting to pass; (b) From 11 a.m. to 7 p.m. on Saturday and 12 p.m. to 5 p.m. on Sunday, the draw need only open on the hour and half

hour; and (c) all public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

The work entails the sandblasting and cleaning of the bridge. Sandblasting will immobilize operation of the drawbridge due to the installation of an encapsulation shield with scaffolding during the closed period. On weekends, holidays, and during all other hours, the bridge will operate in accordance with the current regulations.

Discussions with MDOT concerning the S173 Bridge logs revealed that recreational vessel nighttime transits through this bridge for 1996 and 1997 from March through May caused an average of 12 openings per week, excluding weekends. MDOT's advance publication of the closure in local newspapers, along with the Coast Guard's Local Notice to Mariners, will reduce this temporary deviation's negative impact on transiting vessels.

Beginning March 2 through May 1, 1998, this deviation allows the S173 Bridge to remain closed to navigation between the hours of 8 p.m. to 6:30 a.m.; Monday through Friday excluding Federal and State holidays.

Dated: March 18, 1998.

**J. Carmichael,**

*Acting Captain,*

*U.S. Coast Guard Commander,*

*Fifth Coast Guard District.*

[FR Doc. 98-7913 Filed 3-25-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Western Alaska 98-002]

RIN 2115-AA97

#### Safety Zone; Summer Bay, Unalaska Island, AK

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary Safety zone in Summer Bay, Unalaska Island, AK. The zone is needed to protect the ongoing salvage operation of the M/V KUROSHIMA and the salvage barge. Entry of vessels or persons into this zone not involved in the salvage operation is prohibited unless specifically authorized by the Captain of the Port or his on scene representative, the supervisor of Marine Safety Detachment Unalaska.

**DATES:** This regulation becomes effective on February 25, 1998 at 1:00 p.m. ADT and terminates on March 31, 1998 at 11:59 p.m. ADT.

**FOR FURTHER INFORMATION CONTACT:** LCDR Rick Rodriguez, Chief of Port Operations, Coast Guard Captain of the Port Western Alaska, Anchorage, 510 L Street, Suite 100; Anchorage, Alaska 99501; (907) 271-6700.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

The purpose of this safety zone is to allow the salvage barge to conduct salvage operations unencumbered by vessels at or proceeding to anchor within the zone defined later in this rule.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent disruption of the safe salvage operation of the M/V KUROSHIMA.

**Regulatory Evaluation**

This 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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

**Collection of Information**

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2

of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

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

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

2. A new temporary § 165.T17-002 is added to read as follows:

**§ 165.T17-002 Summer Bay Safety Zone.**

(a) *Location.* The following area is a Safety Zone: the body of water enclosed by the following coordinates: from Second Priest Rock (N53-54.18, W166-28.0) north to N53-55.0, W166-28.0 east to N53-55.0, W166-26.6 south to the southwest bluff bordering Morris Cove (N53-54.70, W166-26.6).

(b) *Effective dates.* This section becomes effective on February 25, 1998 at 1:00 p.m. ADT and terminates on March 31, 1998 at 11:59 p.m. ADT unless otherwise cancelled by the Captain of the Port Western Alaska.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port or his on scene representative, the supervisor of Marine Safety Detachment Unalaska.

Dated: February 24, 1998.

**E. P. Thompson,**

*Captain, U.S. Coast Guard, Captain of the Port Western Alaska.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[COTP San Diego; 98-007]

RIN 2115-AA97

**Safety Zone; San Diego Bay and Adjacent Waters, San Diego, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** In conjunction with the release of 'JJ' the gray whale by Sea World of California, the Coast Guard is establishing a temporary, moving safety

zone around the USCGC CONIFER from 1:00 p.m. (PST) on March 23, 1998 until 6:00 p.m. (PST) on March 30, 1998. The safety zone will encompass all navigable waters within 250 yards of the USCGC CONIFER while it transits from Naval Station 32nd Street to lighted buoys 5 and 6. The safety zone will expand to 500 yards at lighted buoys 5 and 6, and the safety zone will remain at 500 yards while the USCGC CONIFER transits any/all navigable waters located within the territorial sea of the United States.

This temporary regulation is established to serve three purposes: to protect and facilitate the continued development of the gray whale being released by Sea World of California on behalf of the National Marine Fisheries Service (NMFS) (pursuant to a grant of authority signed by NMFS on November 17, 1995, authorizing Sea World of California to rescue and rehabilitate marine mammals as a member of the California Mammal Stranding Network) to ensure the safety of the vessels and personnel involved in the release, including the USCGC CONIFER and its crew; and, to ensure the safety of any spectator vessels and persons. Entry into, transit through, or anchoring within this moving safety zone is prohibited unless authorized by the Captain of the Port.

In order to ensure maximum safety and environmental protection, to the extent that the USCGC CONIFER navigates to any point located beyond 3 nautical miles from the baseline from which the territorial sea is measured to release 'JJ' the gray whale during the dates and times that this temporary safety zone is in effect, the Coast Guard is also establishing a temporary, nonobligatory moving exclusionary area encompassing all waters within 500 yards of the USCGC CONIFER. Entry into this nonobligatory exclusionary area by any mariner constitutes a risk to navigational safety and a risk to the marine mammal being released, and it may prevent the release of 'JJ' the gray whale. It may also constitute a factor to be considered in determining whether a person has operated a vessel in a negligent manner in violation of 46 USC § 2302, or has engaged in activities in violation of the MMPA and its implementing regulations.

**EFFECTIVE DATES:** This regulation becomes effective at 1:00 p.m. (PST) on March 23, 1998, and continues until 6:00 p.m. (PST) on March 30, 1998.

**ADDRESSES:** Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101-1064.

**FOR FURTHER INFORMATION CONTACT:** LT Mike Arguelles, U.S. Coast Guard