

section during the five-year period; and whether A is related to, or acquired its D stock pursuant to a plan or arrangement with, one or more of D's other shareholders during the five-year period under section 355(d)(7) (A) or (B) and paragraph (c)(4) of this section, and if so, whether those shareholders acquired their D stock by purchase under section 355(d) (5) or (8) and paragraphs (d) and (e) of this section during the five-year period.

(g) *Effective date.* The regulations in this section apply to distributions occurring after the regulations in this section are published as final regulations in the **Federal Register**, except that they do not apply to any distributions occurring pursuant to a written agreement which is (subject to customary conditions) binding on the date the regulations in this section are published as final regulations in the **Federal Register**, and at all times thereafter.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*  
[FR Doc. 99-10818 Filed 4-29-99; 8:45 am]  
BILLING CODE 4830-01-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD 09-99-007]

#### Safety Zone, Detroit River

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is considering the establishment of a temporary safety zone on the American side of the Detroit River for the Windsor Can-Am Offshore Power Boat Race. The zone would be between the Ambassador Bridge mile 19.5 and William Livingstone Memorial Lt located on Belle Isle mile 25.5, Fleming Channel. The zone would temporarily suspend vessel operations on the Detroit River and close the Belle Isle Anchorage on 22 August from 10:00 a.m. to 1:00 p.m. The Captain of the Port would require all vessels to notify the Coast Guard before transiting the waters affected by the safety zone, and may allow transits case by case.

**DATES:** Comments must be received on or before 31 May 1999.

**ADDRESSES:** Comments may be mailed to Commanding Officer, USCG MSO Detroit, 110 Mt. Elliott Avenue, Detroit, MI 48207, or delivered to the same address between 7 a.m. and 4 p.m. Monday through Friday, except federal holidays. Comments will become part of

this docket and will be available for inspection and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** LTJG French, Coast Guard Marine Safety Office Detroit, 110 Mt Elliott Ave., Detroit, MI 48207, at 313-568-9580.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 09-99-007) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

##### Background and Purpose

The Windsor Can-Am Offshore Race would involve off-shore race boats competing in a circular 2½-mile track operating at speeds in excess of 100 miles per hour. The race would run exclusively in Canadian waters. The approving authority for the Canadian Government is the Windsor Harbor Commission. The Captain of the Port has determined that a safety zone would be necessary to ensure the safety of the American boating public and of commercial vessel traffic. The proposed event would enjoy support from the Canadian Government and volunteer patrol under the direction of the Windsor Harbour Master and the event sponsor. The U.S. Coast Guard would be on scene to enforce the river closure along the American side and would help to monitor and advise the Canadian Government on overall safety considerations related to the event.

#### Drafting Information

The drafter of this regulation is the U.S. Coast Guard Marine Safety Office Detroit, 110 Mt Elliott Ave., Detroit MI 48207, project officer: LTJG French, 313-568-9580. The originator of the race application is the Canadian Boating Federation, Canadian Offshore Race Association, 2740 Jefferson Blvd., Windsor, Ontario N8T 3C7, project officer: Ed Lauzon 519-251-9733. The approving Canadian authority is the Windsor Harbour Commission, 502 Westcourt Place, 251 Goyeau St., Windsor, Ontario N9A 6V4, Harbour Master: Bill Marshall, (519) 258-5741.

#### Regulatory Evaluation

The proposed rule would institute a 3-hour river closure that would be publicized well in advance of the event to allow vessel traffic to adjust accordingly. The event sponsor has also agreed to compensate commercial vessels that are delayed. The Captain of the Port Detroit considers this regulation to be nonsignificant under Executive Order 12866 on Regulatory Planning and Review and nonsignificant under Department of Transportation regulatory policies and procedures [(44 FR 11034 February 26, 1979)]. If comments received indicate otherwise, the Captain of the Port may reconsider this determination.

#### Federalism

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the Coast Guard has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

#### Collection of Information

This proposed rule contains no collection-of-information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

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

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Subpart

C of Part 165 of title 33, Code of Federal Regulations, 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; 33 CFR 1.05–1(g), 6.04–6, and 160.5; and 49 CFR 1.46.

2. Add a new temporary rule to read as follows:

**165.T09007 Safety Zone: Detroit River.**

(a) *Location.* The following area is a safety zone: Detroit River—enclosed area between the Ambassador Bridge mile 19.5 and William Livingston Memorial Lt mile 25.5 located on Belle Isle, Fleming Channel, including the Belle Island Anchorage.

(b) *Effective times and dates.* This regulation is effective from 10:00 a.m. to 1:00 p.m. on Sunday 22 August 1999, unless terminated earlier by the Coast Guard Captain of the Port.

(c) *Restrictions.* In accordance with § 165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port.

Dated: April 16, 1999.

**Stephen P. Garrity,**

*Commander, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. 99–10951 Filed 4–30–99; 8:45 am]

BILLING CODE 4910–15–M

## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Parts 1, 22, 24, 26, 27, 73, 74, 80, 87, 90, 95, 97, and 101**

**[WT Docket No. 99–87, RM–9332; FCC 99–52]**

### Revised Competitive Bidding Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** By this *Notice of Proposed Rule Making* (“*NPRM*”), the Commission commences a proceeding to implement changes to its statutory auction authority made by the Balanced Budget Act of 1997 (“*Balanced Budget Act*”). The *NPRM* seeks comment on the scope of the *Balanced Budget Act*’s exemption from competitive bidding for public safety radio services. The *NPRM* also seeks comment on how the *Balanced Budget Act*’s revision of the Commission’s auction authority affects its determinations of which wireless telecommunications services licenses are potentially auctionable and its determinations of the appropriate licensing scheme for new and existing services. The Commission also seeks

comment on how to implement competitive bidding for services that it may determine are auctionable as a result of its revised authority. The Commission also solicits comment on some additional issues relating to the implementation of the *Balanced Budget Act*’s amendments to its auction authority.

**DATES:** Comments must be filed on or before July 2, 1999. Reply comments must be filed on or before August 2, 1999.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, S.W., Room TW–A325, Washington, D.C. 20554. Alternatively, comments may be filed by using the Commission’s Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>.

**FOR FURTHER INFORMATION CONTACT:** Gary D. Michaels, Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660, or Scot Stone Public Safety & Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418–0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Notice of Proposed Rule Making*, WT Docket No. 99–87, RM–9332, FCC 99–52, adopted March 19, 1999, and released March 25, 1999. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 Twelfth Street, S.W., Washington, D.C. 20554. The complete text may be purchased from the Commission’s copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857–3800. The complete *NPRM* is also available on the Internet at the Commission’s web site: <http://www.fcc.gov/wtb/>.

### Synopsis of Notice of Proposed Rule Making

#### I. Introduction

1. This *Notice of Proposed Rule Making* (“*NPRM*”) commences a proceeding to implement Sections 309(j) and 337 of the Communications Act of 1934 (“*Communications Act*”), as amended by the *Balanced Budget Act* of 1997, Public Law No. 105–33, Title III, 111 Stat. 251 (1997) (“*Balanced Budget Act*”). The *Balanced Budget Act* revised the Commission’s auction authority for wireless telecommunications services. The purpose of this *NPRM* is to seek comment on changes to the

Commission’s rules and policies to implement the revised auction authority. This *NPRM* first reviews the Commission’s auction authority as provided by the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, Title VI, § 6002(a), 107 Stat. 312 (1993) (“*1993 Budget Act*”), and how the Commission implemented that authority. The *NPRM* next discusses the statutory changes to the Commission’s auction authority made by the *Balanced Budget Act*. The *NPRM* then seeks comment on the following matters:

- The scope of the *Balanced Budget Act*’s exemption from competitive bidding for public safety radio services and the regulatory provisions that could be established to ensure that frequencies assigned without auctions meet the statutory requirements for exemption.

- How the *Balanced Budget Act*’s amendments to Section 309(j)(1) affect the categories of services that previously were determined to be nonauctionable by the Commission.

- The extent to which Section 337(c) of the Communications Act, gives eligible providers of public safety services a means to obtain unassigned spectrum not otherwise allocated for public safety purposes.

- A Petition for Rule Making filed by parties proposing that the Commission establish a third radio service pool in the private land mobile bands below 800 MHz for use by electric, gas, and water utilities, petroleum and natural gas pipeline companies, and railroads, and whether the Commission should adopt separate public safety radio services eligibility standards for (1) public safety and (2) public service entities.

- Whether changes in the rules governing multiple-licensed systems would be appropriate to avoid artificial distinctions between such systems and commercial providers, which must obtain spectrum through competitive bidding.

- Whether the *Balanced Budget Act* requires the Commission to revise its licensing schemes and license assignment methods to provide for competitive bidding in services previously determined not to be auctionable, and how such schemes and methods for new services might be revised.

- How the Commission might implement competitive bidding to award licenses and permits for those services and frequency bands, if any, that will be auctionable for the first time, including what auction procedures would best promote the four public interest objectives listed in 47 U.S.C. 309(j)(3)(A)–(D).