

airlines will not be forced to incur any significant additional burden or cost. They believe the reasons for excluding mechanicals from the completion percentages are the same for excluding mechanicals from the on-time reports. Northwest believes that the completion percentage should be based on the number of scheduled departures completed rather than the number of scheduled miles completed.

The National Consumer League believes that one of the deficiencies in DOT's *Air Travel Consumer Report* is the failure to include information on which carriers most often complete their scheduled flights.

TWA believes that the publication of a completion percentage will provide useful information to consumers but, because the information is already available in reports filed with DOT, no further submissions should be required of carriers.

United believes that DOT can readily publish a completion factor from the data that is now reported. However, if mechanicals are once again excluded, United see no benefit of only reporting weather and air traffic-control related cancellations.

USAir states that a completion percentage should be based on the number of scheduled flights completed compared to its number of scheduled flights. Using T-100 data would skew the data, because extra section flights would cause a carrier's completion percentage to be overstated.

### Reporting Frequency

American and Delta believes that less frequently reporting would not reduce reporting burden and support monthly reporting.

Northwest believes that significant savings to the airlines, CRS operators and the Department could be realized by the change to quarterly submissions.

Southwest states that less frequent reporting would not significantly reduce the burden on carriers or increase the usefulness of the information to consumers, who receive more current information by monthly, rather than quarterly reports.

TWA supports the continuation of monthly reporting. TWA states that since carriers will still have to collect on-time performance data, it will not make any difference whether they submit the data monthly or quarterly. There is no significant saving from less frequent reporting.

United Air Lines prefers monthly reporting, because consumers benefit from having the most recent and reliable information on which to base their purchasing decisions.

### Cost of Reporting

Delta states that it is less costly to report under the current system where carriers report all domestic scheduled passenger flights.

### Resubmission of Prior Data To Exclude Mechanicals

Northwest supports the retroactive application of the mechanical-based exclusion in order to preserve the integrity and consumer usefulness of the Department's historical on-time data.

While United Air Lines believes that airlines should continue to include mechanicals in their on-time performance, if the Department decides to exclude them, then the airlines should refile past reports for the intervening months to ensure that all monthly data are comparable and consistent.

### Determination

Based on the reporting experience since 1995, the Department has decided to withdraw its notice of proposed rulemaking. There have been no incidents where a carrier operated a flight with an unairworthy aircraft to improve its on-time flight performance. The requirement to report mechanicals may create a market-based incentive for airlines to improve preventive maintenance procedures and to have readily available back-up flight crews and aircraft. Title 15 CFR Part 234 does not specify an on-time flight performance standard that carriers must meet. Rather, the carriers' reports provide consumers with information on carrier performance, which the consumer may use in carrier selection.

The Department compared the carrier rankings for the calendar year 1994 with calendar year 1995. The former period excludes mechanical delays and cancellations, while the latter period includes all flights. With the exception of two carriers, on-time performance percentages were lower in 1995. The lower on-time percentages can be attributed, in part, to the elimination of the mechanical exclusion. We believe the 1995 reports are a more truthful portrayal of air carrier performance.

Because we are continuing current practice, there is no need for collecting and publishing flight completion data. The carriers expressed little interest in reducing filing frequency so we are, therefore, not making any change.

Issued in Washington, DC, on January 19, 1999.

**Rodney Slater,**  
Secretary.

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[REG-106564-98]

RIN 1545-AW86

### Modifications and Additions to the Unified Partnership Audit Procedures

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking, notice of proposed rulemaking by cross-reference to temporary regulations, and notice of public hearing.

**SUMMARY:** In the Rules and Regulations of this issue of the **Federal Register**, the Internal Revenue Service (Service) is issuing temporary regulations relating to the unified partnership audit procedures added to the Internal Revenue Code by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The text of those temporary regulations also generally serves as the text of these proposed regulations. This document also provides a notice of public hearing on these proposed regulations.

**DATES:** Written and electronic comments must be received by April 26, 1999. Outlines of topics to be discussed at the public hearing scheduled for April 14, 1999, at 10 a.m. must be received by March 24, 1999.

**ADDRESSES:** Send submissions to: CC:DOM:CORP:R (REG-106564-98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-106564-98), Courier's desk, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at [http://www.irs.ustreas.gov/prod/tax\\_regs/comments.html](http://www.irs.ustreas.gov/prod/tax_regs/comments.html). The public hearing will be held in Room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed and temporary regulations, Robert G. Honigman, (202) 622-3050; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing Michael L. Slaughter,

Jr., (202) 622-7180 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Background

Temporary and final regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Procedure and Administration Regulations (26 CFR part 301) relating to the unified partnership audit procedures found in sections 6221 through 6233 of the Internal Revenue Code (Code).

The text of those temporary regulations also generally serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary and proposed regulations.

Temporary regulations previously were published on December 13, 1984 (49 FR 48536), and March 5, 1987 (52 FR 6779) (the existing regulations). The Service intends to finalize such regulations simultaneously with finalizing these regulations. Comments previously received in connection with the existing regulations will be considered as well as new or additional comments with respect to such regulations.

##### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. It also has been determined that section 533(b) of the Administrative Procedures Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

##### Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any electronic and written comments (a signed original and eight (8) copies) that are submitted timely to the Service. All comments will be available for public inspection and copying. The Service and Treasury Department specifically request comments on the clarity of the proposed regulations and how they may be made easier to understand.

A public hearing has been scheduled for April 14, 1999, at 10 a.m. in Room 2615, Internal Revenue Building, 1111

Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing must submit electronic or written comments by April 26, 1999 and an outline of the topics to be discussed and the time devoted to each topic (a signed original and eight (8) copies) by March 24, 1999.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

**Drafting Information.** The principal authors of these proposed regulations are Robert G. Honigman, Office of the Assistant Chief Counsel (Passthroughs & Special Industries), and William A. Heard, Office of the Assistant Chief Counsel (Field Service). However, other personnel from the Service and Treasury Department participated in their development.

##### List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

##### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

##### PART 301—PROCEDURE AND ADMINISTRATION

**Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

**Par. 2.** Section 301.6221-1 as proposed to be added at 51 FR 13235, April 18, 1986, is amended by:

1. Redesignating paragraph (c) as paragraph (e);
2. Adding paragraphs (c) and (d).

The additions read as follows:

##### § 301.6221-1 Tax treatment determined at partnership level.

\* \* \* \* \*

(c) and (d) [The text of proposed paragraphs (c) and (d) are the same as the text of § 301.6221-1T(c) and (d) published elsewhere in this issue of the **Federal Register**].

\* \* \* \* \*

**Par. 3.** Section 301.6223(c)-1 as proposed to be added at 51 FR 13238, April 18, 1986, is amended by adding a sentence at the end of paragraph (c) to read as follows:

##### § 301.6223(c)-1 Additional information regarding partners furnished to the Service.

\* \* \* \* \*

(c) \* \* \* [The text of the proposed last sentence in paragraph (c) is the same as the text of the last sentence in § 301.6223(c)-1T(c) published elsewhere in this issue of the **Federal Register**].

\* \* \* \* \*

**Par. 4.** Section 301.6224(c)-3 as proposed to be added at 51 FR 13241, April 18, 1986, is amended by revising the section heading and paragraphs (b), (c)(3)(ii) and (d), *Example (1)* to read as follows:

##### § 301.6224(c)-3 Consistent settlement terms.

\* \* \* \* \*

(b) [The text of proposed paragraph (b) is the same as the text of § 301.6224(c)-3T(b) published elsewhere in this issue of the **Federal Register**].

(c) \* \* \*

(3) \* \* \*

(ii) [The text of proposed paragraph (c)(3)(ii) is the same as the text of § 301.6224(c)-3T(c)(3)(ii) published elsewhere in this issue of the **Federal Register**].

(d) \* \* \*

*Example (1).* [The text of proposed paragraph (d) *Example (1)* is the same as the text of § 301.6224(c)-3T(d) *Example (1)* published elsewhere in this issue of the **Federal Register**].

\* \* \* \* \*

**Par. 5.** Section 301-6229(b)-2 is added to read as follow:

##### § 301.6229(b)-2 Special rule with respect to debtors in Title 11 cases.

[The text of this proposed section is the same as the text of § 301.6229(b)-2T published elsewhere in this issue of the **Federal Register**].

**Par. 6.** Section 301.6229(f)-1 is added to read as follows:

[The text of this proposed section is the same as the text of § 301.6229(f)-1T

published elsewhere in this issue of the **Federal Register**].

**Par. 7.** Section 301.6231(a)(1)–1 as proposed to be added at 51 FR 13243, April 18, 1986, is amended by:

1. Revising the first two sentences of paragraph (a)(1);
2. Removing paragraph (a)(3);
3. Redesignating paragraph (a)(4) as paragraph (a)(3).

The revision reads as follows:

**§ 301.6231(a)(1)–1 Exception for small partnerships.**

(a) \* \* \*

(1) [The text of the proposed first two sentences of paragraph (a)(1) is the same as the text of the first two sentences of § 301.6231(a)(1)–1T(a)(1) published elsewhere in this issue of the **Federal Register**]. \* \* \*

\* \* \* \* \*

**Par. 8.** Section 301.6231(a)(6)–1 as proposed to be added at 51 FR 13245, April 18, 1986, is amended by:

1. Revising paragraph (a);
2. Removing paragraph (c).

The revision reads as follows:

**§ 301.6231(a)(6)–1 Computational adjustments.**

(a) [The text of proposed paragraph (a) is the same as the text of § 301.6231(a)(6)–1T(a) published elsewhere in this issue of the **Federal Register**].

\* \* \* \* \*

**Par. 9.** Section 301.6231(a)(7)–1 is amended by revising paragraphs (p)(2), (r)(1) and (s) to read as follows:

**§ 301.6231(a)(7)–1 Designation or selection of tax matters partner.**

\* \* \* \* \*

(p) \* \* \*

(2) *When each general partner is deemed to have no profits interest in the partnership.* If it is impracticable under paragraph (o)(2) of this section to apply the largest-profits-interest rule of paragraph (m)(2) of this section, the Commissioner will select a partner (including a general or limited partner) as the tax matters partner in accordance with the criteria set forth in paragraph (q) of this section. The Commissioner will notify, within 30 days of the selection, the partner selected, the partnership, and all partners required to receive notice under section 6223(a), effective as of the date specified in the notice.

\* \* \* \* \*

(r) \* \* \* (1) *In general.* If the Commissioner selects a tax matters partner under the provisions of paragraph (p)(1) or (3)(i) of this section, the Commissioner will notify, within 30 days of the selection, the partner

selected, the partnership, and all partners required to receive notice under section 6223(a), effective as of the date specified in the notice.

\* \* \* \* \*

(s) *Effective date.* This section applies to all designations, selections, and terminations of a tax matters partner occurring on or after December 23, 1996, except for paragraphs (p)(2) and (r)(1), that are applicable on the date they are published as final regulations in the **Federal Register**.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue Service.*

[FR Doc. 99–886 Filed 1–25–99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD07–99–002]

RIN 2115–AA98

#### **Anchorage Grounds; Atlantic Ocean off Miami and Miami Beach, Florida**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the Anchorage Regulations for the Atlantic Ocean off Miami and Miami Beach, FL. The amendment is needed to strengthen existing anchoring requirements and guidelines in order to provide a higher degree of protection to the coastal area during periods of adverse weather which could cause anchored vessels to drag anchor and strike other vessels or become grounded.

**DATES:** Comments must be received on or before March 29, 1999.

**ADDRESSES:** Comments may be mailed to U.S. Coast Guard Marine Safety Office Miami, 100 MacArthur Causeway Miami Beach, Florida 33139, or may be delivered to the same address between 7 a.m. and 3:30 p.m., Monday through Friday, except federal holidays. The telephone number is (305) 535–8705. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

**FOR FURTHER INFORMATION CONTACT:** CWO Marcos DeJesus, Coast Guard Marine Safety Office Miami, at (305) 535–8762.

#### **SUPPLEMENTARY INFORMATION:**

#### **Request for Comments**

The Coast Guard encourages interested persons to participate in this

rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD07–99–002] and the specific section of this proposal to which each comment applies and give the reason for each comment.

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 under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a notice in the **Federal Register**.

#### **Background and Purpose**

The east coast of Florida is susceptible to many erratic weather changes, and mariners who are not vigilant to the seas often discover themselves in dangerous situations. In recent years, a number of vessel groundings have resulted from vessels dragging anchor and drifting into the beach or onto reefs during bad weather. These amendments are intended to reduce these incidents by modifying the existing anchoring requirements and guidelines to account for possible adverse weather situations. The amended regulations will require vessels to notify the Captain of the Port when entering the anchorage areas and when any casualty or work affects the main propulsion or steering equipment. All vessels will also be required to have an English speaking watchstander monitor Channel 16 VHF at all times.

#### **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 been exempted from review 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.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard