

income tax return for the year in which the adjustment is made.

(h) *Failure to comply with reporting requirements*—(1) *Consequences of failure.* If a United States person is required to file a return under paragraph (a) of this section and fails to comply with the reporting requirements of section 6038B and this section, then such person is subject to the following penalties:

(i) The United States person is subject to a penalty equal to 10 percent of the fair market value of the property at the time of the contribution. Such penalty with respect to a particular transfer is limited to \$100,000, unless the failure to comply with respect to such transfer was due to intentional disregard.

(ii) The United States person must recognize gain (reduced by the amount of any gain recognized, with respect to that property, by the transferor after the transfer) as if the contributed property had been sold for fair market value at the time of the contribution.

Adjustments to the basis of the partnership's assets and any relevant partner's interest as a result of gain being recognized under this provision will be made as though the gain was recognized in the year in which the failure to report was finally determined.

(2) *Failure to comply.* A failure to comply with the requirements of section 6038B includes—

(i) The failure to report at the proper time and in the proper manner any information required to be reported under the rules of this section; and

(ii) The provision of false or inaccurate information in purported compliance with the requirements of this section.

(3) *Reasonable cause exception.* Under section 6038B(c)(2) and this section, the provisions of paragraph (h)(1) of this section will not apply if the transferor shows that a failure to comply was due to reasonable cause and not willful neglect. The transferor may attempt to do so by providing a written statement to the district director having jurisdiction of the taxpayer's return for the year of the transfer, setting forth the reasons for the failure to comply. Whether a failure to comply was due to reasonable cause will be determined by the district director under all the facts and circumstances.

(4) *Statute of limitations.* For exceptions to the limitations on assessment in the event of a failure to provide information under section 6038B, see section 6501(c)(8).

(i) *Definitions*—(1) *Appreciated property.* Appreciated property is property that has a fair market value in excess of basis.

(2) *Domestic partnership.* A domestic partnership is a partnership described in section 7701(a)(4).

(3) *Foreign partnership.* A foreign partnership is a partnership described in section 7701(a)(5).

(4) *Related person.* Persons are related persons if they bear a relationship described in section 267(b)(1) through (3) or (10) through (12), after application of section 267(c) (except for (c)(3)), or in section 707(b)(1)(B).

(5) *Substituted basis property.* Substituted basis property is property described in section 7701(a)(42).

(6) *Taxpayer-initiated adjustment.* A taxpayer-initiated adjustment is a section 482 adjustment that is made by the taxpayer pursuant to § 1.482-1(a)(3).

(7) *United States person.* A United States person is a person described in section 7701(a)(30).

(j) *Effective dates*—(1) *In general.* This section applies to transfers made on or after January 1, 1998. However, for a transfer made on or after January 1, 1998, but before January 1, 1999, the filing requirements of this section may be satisfied by—

(i) Filing a Form 8865 with the taxpayer's income tax return (including a partnership return of income) for the first taxable year beginning on or after January 1, 1999; or

(ii) Filing a Form 926 with the taxpayer's income tax return (including a partnership return of income) for the taxable year in which the transfer occurred.

(2) *Transfers made between August 5, 1997 and January 1, 1998.* A United States person that made a transfer of property between August 5, 1997, and January 1, 1998, that is required to be reported under section 6038B may satisfy its reporting requirement by reporting in accordance with the provisions of this section or in accordance with the provisions of Notice 98-17 (1998-11 IRB 6) (see § 601.601(d)(2) of this chapter).

\* \* \* \* \*

**PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT**

**Par. 4.** The authority citation for part 602 continues to read as follows:

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

**Par. 5.** In § 602.101, paragraph (c) is amended by adding an entry in numerical order to the table to read as follows:

**§ 602.101 OMB Control numbers.**

\* \* \* \* \*

(c) \* \* \*

CFR part or section where identified and described	Current OMB Control No.
* * * * *	* * * * *
1.6038B-1 .....	1545-1615
* * * * *	* * * * *
1.6038B-2 .....	1545-1615

**Robert E. Wenzel,**  
*Deputy Commissioner of Internal Revenue.*

Approved: January 29, 1999.

**Donald C. Lubick,**  
*Assistant Secretary of the Treasury.*  
[FR Doc. 99-2798 Filed 2-4-99; 8:45 am]

BILLING CODE 4830-01-U

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD08-99-002]

**Drawbridge Operation Regulation; Missouri River**

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the A-S-B Railroad and Hannibal Railroad Drawbridges at Miles 365.6 and 366.1, across the Missouri River, respectively. This deviation allows the bridges to open upon receipt of 48-hour advance notice from 12:01 a.m. on January 17, 1999, to 11:59 p.m. on February 15, 1999. This action will facilitate maintenance work on the bridge.

**DATES:** The deviation is effective from 12:01 a.m. on January 17, 1999 to 11:59 p.m. on February 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, at Director, Western Rivers Operations (ob), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, telephone number (314) 539-3900, ext. 378.

**SUPPLEMENTARY INFORMATION:** The A-S-B Railroad Drawbridge is a lift bridge that provides a vertical clearance of 49.7 feet above zero on the Kansas City gauge in the closed-to-navigation position. The Hannibal Railroad Drawbridge is a wing bridge that provides a vertical clearance of 56.0 feet above zero on the Kansas City gauge in the closed-to-navigation position. Navigation on the waterway is a mixture of commercial tows and recreational boats. A temporary deviation has been requested from the

normal operation of the bridge in order to accommodate maintenance work. The work is essential for the continued safe operation of the drawbridges. This change in drawbridge operation has been coordinated with waterway users and no objections to the deviation have been made.

This deviation allows the A-S-B railroad Drawbridge and the Hannibal Drawbridge across the Missouri River at miles 365.6 and 366.1 respectively, at Kansas City, Missouri to remain closed to navigation from 12:01 a.m. on January 17, 1999 until 11:59 p.m. on February 15, 1999, with openings provided upon receipt of 48 hours advance notice.

This deviation will be effective from 12:01 a.m. on January 17, 1999 until 11:59 p.m. on February 15, 1999. During this period, the draw is required to open upon receipt of 24 hours advance notice when drawbridge operation regulations are not amended by a deviation.

Dated: January 17, 1999.

**Paul J. Pluta,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 99-2829 Filed 2-4-99; 8:45 am]

BILLING CODE 4910-15-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-245; RM-9202]

#### Radio Broadcasting Services; St. Marys, WV

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Seven Ranges Radio Company, Inc., allots Channel 287A at St. Marys, West Virginia, as the community's second local FM transmission service. See 63 FR 193, January 5, 1998. Channel 287A can be allotted to St. Marys in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.8 kilometers (6.7 miles) southeast to avoid a short-spacing to the licensed site of Station WZNW(FM), Channel 288B1, Bethlehem, West Virginia. The coordinates for Channel 287A at St. Marys are 39-18-03 North Latitude and 81-15-19 West Longitude. Since St. Marys is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been obtained. With this action, this proceeding is terminated.

**DATES:** *Effective:* March 15, 1999. The window period for filing applications for Channel 287A at St. Marys, West Virginia, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97-245, adopted January 20, 1999, and released January 29, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Channel 287A at St. Marys.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-2731 Filed 2-4-99; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 98-19; RM-9219]

#### Radio Broadcasting Services; Smith Mills, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Henry G. Lackey, allots Channel 233A at Smith Mills, Kentucky, as the community's first local aural

transmission service. See 63 FR 10355, March 3, 1998. Channel 233A can be allotted to Smith Mills in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.2 kilometers (8.9 miles) west to avoid a short-spacing to the licensed site of Station WTRI-FM, Channel 235B, Mount Carmel, Illinois. The coordinates for Channel 233A at Smith Mills are 37-47-26 North Latitude and 87-55-23 West Longitude. With this action, this proceeding is terminated.

**DATES:** *Effective:* March 15, 1999. The window period for filing applications for Channel 233A at Smith Mills, Kentucky, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 98-19, adopted January 20, 1999, and released January 29, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Smith Mills, Channel 233A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-2730 Filed 2-4-99; 8:45 am]

BILLING CODE 6712-01-P