

obligations, as defined in section 1275(a)(3), and contingent payment debt instruments, within the meaning of § 1.1275-4 that meets all of the following conditions:

(A) The original debt instruments are publicly traded (within the meaning of § 1.1273-2(f)).

(B) The reopening date of the additional debt instruments is not more than 6 months after the issue date of the original debt instruments.

(C) The debt instruments satisfy either the test described in paragraph (k)(3) of this section or the test described in paragraph (k)(4) of this section.

(3) *Yield test.* For purposes of paragraph (k)(2)(iv)(C) of this section—

(i) Seven days before the date on which the price of the additional debt instruments is established, the yield of the original debt instruments (based on their fair market value) is not more than 107.5 percent of the yield of the original debt instruments on their issue date (or, if the original debt instruments were issued with no more than a *de minimis* amount of OID, the coupon rate); and

(ii) The yield of the additional debt instruments (based on the sales price of the additional debt instruments) is not more than 115 percent of the yield of the original debt instruments on their issue date (or, if the original debt instruments were issued with no more than a *de minimis* amount of OID, the coupon rate).

(4) *De minimis OID test.* For purposes of paragraph (k)(2)(iv)(C) of this section, the additional debt instruments are issued with no more than a *de minimis* amount of OID (determined without the application of this paragraph (k)).

(5) *Special rule for Treasury reopenings.* See paragraph (d) of this section for special rules for reopenings of Treasury securities.

(6) *Issuer's treatment of a qualified reopening.* See § 1.163-7(e) for the issuer's treatment of the debt instruments that are part of a qualified reopening.

(7) *Effective date.* This paragraph (k) applies to debt instruments that are part of a reopening where the reopening date is on or after the date that is 60 days after the date final regulations are published in the **Federal Register**.

**David A. Mader,**

*Acting Deputy Commissioner of Internal Revenue.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD09-99-081]

RIN 2115-AA98

#### Special Anchorage Area: Henderson Harbor, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to enlarge the existing special anchorage area in Henderson Harbor, New York. This action is taken at the request of the Town of Henderson harbormaster, and is intended to make space available within the special anchorage area for additional moorings.

**DATES:** Comments must be received on or before January 4, 2000.

**ADDRESSES:** Comments may be mailed to Commander (map-1), Marine Safety Division, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199-2060. Commander (map-1) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander, Ninth Coast Guard District, 1240 E. Ninth Street, Room 2069, Cleveland, Ohio 44199-2060, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Lynn Goldhammer, Marine Safety Division, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199-2060, (216) 902-6050.

#### 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 (CGD09-99-081) and the specific section of this proposal to which each comment applies. Give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed envelope or postcard. Comments should be submitted to the address under **ADDRESSES**.

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; however, persons may request a public hearing by writing to Lieutenant Goldhammer at the address under **ADDRESSES**. If 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**.

#### Discussion of Proposed Rules

The proposed rule is in response to a request from the Town of Henderson harbormaster to accommodate an increased number of vessels mooring in this area and to offset the loss of available moorings in the special anchorage area because of lower water levels in Lake Ontario. The proposed rule would expand *Area A* of the existing special anchorage near Henderson Harbor, New York, described in 33 CFR 110.87(a), to allow its use by additional boats. Vessels not more than 65 feet in length, when at anchor in any special anchorage, are not required to carry or exhibit the white anchor lights required by Navigation Rules. The proposed rule would provide additional moorings in which vessel owners may enjoy the convenience of a special anchorage. The existing anchorage, located near Graham Creek, is split into two areas by a short fairway channel. The proposed change would extend the eastern most length of the *Area A* anchorage by approximately 900 feet, increasing the length of the fairway channel by the same distance.

The descriptions of *Area A* and *Area B* are being changed to latitude and longitude position points in order to more accurately describe the special anchorage area and for consistency with other established special anchorage area descriptions. No other changes to the anchorage area other than that described above for *Area A* are intended by this change to latitude and longitude description.

#### Regulatory Evaluation

This proposed 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 10(e) of the regulatory policies and procedures of

DOT is unnecessary. No person will be required to spend any money in order to comply with this regulation. The proposed regulation will exempt persons operating in the expanded area from complying with the more stringent vessel lighting regulations they would ordinarily be obliged to follow.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, will 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 people. For the reasons discussed in the Regulatory Evaluation section above, the Coast Guard expects that this proposed rule, if adopted, will not have any significant impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think your business or organization qualifies and in what way and to what degree this proposed rule will economically affect it.

### Collection of Information

This proposed rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

### Federalism

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

### Environment

The Coast Guard has considered the environmental impact of this proposed rule and concludes that under figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying and may be obtained by contacting the Coast Guard office listed under **ADDRESSES** in this proposed rule.

### List of Subjects in 33 CFR Part 110

Anchorage grounds.

### Proposed Regulation

For the reason set out in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

### PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 2071; 1221 through 1236, 2030, 2035, 2071, 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 110.87 is revised to read as follows:

#### § 110.87 Henderson Harbor, N.Y.

(a) *Area A.* The area in the southern portion of Henderson Harbor west of the Henderson Harbor Yacht Club bounded by a line beginning at latitude 43°51'08.8" N, longitude 76°12'08.9" W, thence to latitude 43°51'09.0" N, longitude 76°12'19.0" W, thence to latitude 43°51'23.8" N, longitude 76°12'19.0" W, thence to latitude 43°51'33.4" N, longitude 76°12'09.6" W, thence to the point of beginning.

(b) *Area B.* The area in the southern portion of Henderson Harbor north of Graham Creek Entrance Light bounded by a line beginning at latitude 43°51'21.8" N, longitude 76°11'58.2" W, thence to latitude 43°51'21.7" N, longitude 76°12'05.5" W, thence to latitude 43°51'33.4" N, longitude 76°12'06.2" W, thence to latitude 43°51'33.6" N, longitude 76°12'00.8" W, thence to the point of beginning. All nautical positions are based on North American Datum of 1983.

(c) Permission must be obtained from the Town of Henderson Harbormaster before any vessel is moored or anchored in this special anchorage area.

Dated: October 21, 1999.

**James D. Hull,**

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

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[TN-192-1-9962(b); TN-193-1-9963(b); FRL-6464-9]

#### Approval and Promulgation of Implementation Plans; Tennessee: Approval of Source Specific Revisions to the Nonregulatory Portion of the Tennessee SIP Regarding Emission Limits for Particulate Matter and Volatile Organic Compounds

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve two requests by the Tennessee Department of Air Pollution Control (TDAPC) to incorporate revised permits for eight facilities into the Tennessee State Implementation Plan (SIP). All of the permits affected by this action were previously approved into the SIP to meet various Clean Air Act (CAA) and regulatory requirements. EPA proposes to approve an April 9, 1997, submittal from TDAPC that amends permits for the Soda Recovery Furnace and the Smelt Tank at Willamette Industries Inc., Kingsport, to establish revised particulate matter (PM) emission limits for these units. The revised emission limits will have a net positive impact on ambient air quality. An April 14, 1997, submittal from the Chattanooga-Hamilton County Air Pollution Control Bureau (CHCAPCB), through TDAPC, revises the permits as amended by agreed order for seven miscellaneous metal parts coaters located in Hamilton County to qualify them as a synthetic minor sources. Based on supplemental information received from CHCAPCB, EPA has concluded that one of these seven facilities is now a new source and thus need not be included in this approval action. EPA proposes to approve the revised permits for the remaining six facilities into the SIP. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA