

**§ 722.4 Minimum appraisal standards.**

For federally related transactions, all appraisals shall, at a minimum:

(a) Conform to generally accepted appraisal standards as evidenced by the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Ave., NW., Washington, DC 20005;

(b) Be written and contain sufficient information and analysis to support the institution's decision to engage in the transaction;

(c) Analyze and report appropriate deductions and discounts for proposed construction or renovation, partially leased buildings, non-market lease terms, and tract developments with unsold units;

(d) Be based upon the definition of market value as set forth in § 722.2(f); and

(e) Be performed by State licensed or certified appraisers in accordance with requirements set forth in this part.

4. Section 722.5 is amended by revising paragraph (b) to read as follows:

**§ 722.5 Appraiser Independence.**

\* \* \* \* \*

(b) *Fee appraisers.* (1) If an appraisal is prepared by a fee appraiser, the appraiser shall be engaged directly by the credit union or its agent, and have no direct or indirect interest, financial or otherwise in the property or the transaction.

(2) A credit union also may accept an appraisal that was prepared by an appraiser engaged directly by another financial services institution; if:

(i) The appraiser has no direct or indirect interest, financial or otherwise, in the property or transaction; and

(ii) The credit union determines that the appraisal conforms to the requirement of this part and is otherwise acceptable.

**Appendix A [Removed]**

5. Appendix A to part 722 is removed.

[FR Doc. 95-5592 Filed 3-10-95; 8:45 am]

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**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[FI-59-91]

RIN 1545-AQ86

**Debt Instruments With Original Issue Discount; Contingent Payments; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains a correction to the notice of proposed rulemaking (FI-59-91), which was published in the **Federal Register** for Friday, December 16, 1994 (59 FR 64884). The proposed regulations relate to the tax treatment of debt instruments that provide for one or more contingent payments.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations (other than § 1.1275-6), Andrew C. Kittler, (202)622-3940, or William E. Blanchard, (202) 622-3950; concerning § 1.1275-6, Michael S. Novey, (202) 622-3900; concerning submissions and the hearing, Michael Slaughter, (202) 622-7190 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:****Background**

The proposed regulations that are the subject of this correction are under section 1275 of the Internal Revenue Code.

**Need for Correction**

As published, the proposed rulemaking contains a typographical error that is in need of correction.

**Correction of Publication**

Accordingly, the publication of proposed regulations (FI-59-91), which was the subject of FR Doc. 94-30728, is corrected as follows:

On page 64885, column 1, in the preamble under the heading "*Background*", paragraph 2, line 6, the language "February 4, 1994, the IRS published in" is corrected to read "February 2, 1994, the IRS published in".

**Cynthia E. Grigsby,**  
*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95-6028 Filed 3-10-95; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD05-94-118]

**Drawbridge Operation Regulations; Atlantic Intracoastal Waterway—Alternate Route, Elizabeth City, NC**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** At the request of the Albemarle and Chesapeake Railroad Company, the Coast Guard is proposing to change the regulations that govern the operation of the drawbridge across the Pasquotank River, Atlantic Intracoastal Waterway—Alternate Route, mile 47.7, at Elizabeth City, North Carolina, by leaving the draw in the open position except for the passage of trains. The proposed change to these regulations are, to the extent practical and feasible, intended to relieve the bridgeowners of the burden of having a person constantly available to open the draw bridge while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before May 12, 1995.

**ADDRESSES:** Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be delivered to Room 109 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (804) 398-6222. Comments will become part of this docket and will be available for inspection at Room 109, Fifth Coast Guard District.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

**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 (CGD05-94-118) and the specific section of this proposal of which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting

acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

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 Commander (ob) at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentation will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice.

#### Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and LCDR C. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

#### Background and Purpose

The Albemarle and Chesapeake Railroad Company has requested that the regulations governing the operation of the drawbridge across the Pasquotank River, Atlantic Intracoastal Waterway—Alternate Route, mile 47.7, at Elizabeth City, North Carolina, be changed to leave the bridge in the open position, except when a train is passing over the bridge. A bridgetender would be available only during the times of train crossings to close the bridge and, after the train had cleared, to reopen the bridge to navigation. There would not be a full-time bridgetender employed at the bridge.

The current regulations require the bridge to remain in the open position from 3:30 p.m. to 11:30 p.m. At all other times, the draw opens on signal. The Albemarle and Chesapeake Railroad Company leases these tracks from Norfolk and Southern Railroad Company. The current schedule for the railroad bridge was used by Norfolk and Southern during the time they were operating their trains across the bridge. The Albemarle and Chesapeake Railroad Company has requested a change to these regulations.

The Albemarle and Chesapeake Railroad Company originally requested that the Coast Guard change the current regulations by allowing the draw to remain closed to navigation Monday through Friday, from 9 a.m. to 3 p.m., with openings only for emergencies. At all other times, the bridge would remain in the open position except for the passage of trains. This request was denied because the proposed hours of

bridge closures were considered too restrictive to recreational and commercial navigation, since the bridge is located across the busy Atlantic Intracoastal Waterway—Alternate Route. The Coast Guard also received strong opposition from the boating community and the City of Elizabeth City. Coast Guard Auxiliaries provided data reflecting the number of boats that transit this waterway. In 1992, the number of boaters was 1,971 and in 1993, the number was 1,530, with the heaviest months occurring from April to October of each year.

As a result of the Coast Guard's denial of their request, the Albemarle and Chesapeake Railroad Company requested a meeting with the Coast Guard, Union Camp, the Mayor of Elizabeth City, and local Coast Guard Auxiliaries to discuss a new operating schedule for the railroad bridge.

Since the railroad company was not receptive to employing a full-time bridgetender, all in attendance agreed that the most acceptable schedule would be to leave the bridge in the open position, except for the passage of trains. This would eliminate the need for a full-time bridgetender; however, this proposed schedule would require the railroad company to employ a part-time bridgetender to operate the drawspan.

In developing this proposed schedule, the Coast Guard considered all views, and believes this proposed rule will not unduly restrict commercial and recreational traffic, since the bridge will be left in the open position, except for passage of trains.

#### Regulatory Evaluation

This proposed action 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 must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small

entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

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

#### Federalism

The Coast Guard has analyzed this proposal under the principals and criteria contained in Executive Order 12612, and it has determined that this proposal will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations to read as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.833 is revised to read as follows:

#### § 117.833 Pasquotank River

The draw of the Albemarle & Chesapeake railroad bridge, mile 47.7, at Elizabeth City, North Carolina, shall be maintained in the open position; the draw may close only for the crossing of trains and maintenance of the bridge. When the draw is closed, a bridgetender shall be present to reopen the draw after the train has cleared the bridge.

Dated: January 20, 1995.

**M.K. Cain,**

*Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.*

[FR Doc. 95-6031 Filed 3-10-95; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CGD05-94-117]

#### **Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Chesapeake, VA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Albemarle and Chesapeake Railroad Company, the Coast Guard is proposing to change the regulations that govern the operation of the drawbridge across the Albemarle and Chesapeake Canal, Atlantic Intracoastal Waterway, mile 13.9, at Chesapeake, Virginia, by leaving the draw in the open position except for the passage of trains. The proposed changes to these regulations are, to the extent practical and feasible, intended to relieve the bridgeowners of the burden of having a person constantly available to open the draw while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before May 12, 1995.

**ADDRESSES:** Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be delivered to room 109 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (804) 398-6222. Comments will become part of this docket and will be available for inspection at room 109, Fifth Coast Guard District.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

#### **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 (CGD05-94-117) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying

and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

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 Commander (ob) at the address 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.

**Drafting Information:** The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and LCDR C. A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

##### **Background and Purpose**

The Albemarle and Chesapeake Railroad Company has requested that the regulations for the drawbridge across the Albemarle and Chesapeake Canal, Atlantic Intracoastal Waterway, mile 13.9, in Chesapeake, Virginia, be changed to allow them to leave the bridge in the open position, except when a train is passing over the bridge. Since the bridge would be left in the open position, a bridge tender would only be available to close the bridge for a train crossing, and, after the train cleared, to reopen the bridge to navigation.

The current regulations require the bridge to open on demand. These regulations require a full-time bridge tender. Leaving the bridge open, except for the passage of trains, alleviates the need for a full-time bridge tender.

The Albemarle and Chesapeake Railroad Company originally requested that the Coast Guard change the current regulations by leaving the draw closed to navigation, Monday through Friday, from 12 noon to 2:30 p.m., with openings only for emergencies. At all other times, the bridge would remain in the open position except for the passage of trains. This request was denied because of the proposed hours of bridge closures were considered too restrictive to recreational and commercial navigation, since the bridge is located across the busy Atlantic Intracoastal Waterway.

As a result of the Coast Guard's denial, the Albemarle and Chesapeake Railroad Company requested a meeting

with the Coast Guard, Union Camp, the Mayor of Elizabeth City, and local Coast Guard Auxiliaries to discuss a new operating schedule for the railroad bridge. Since the railroad company was not receptive to employing a full-time bridge tender, all in attendance agreed that the most acceptable schedule would be to leave the bridge in the open position, except for the passage of trains. This would eliminate the need for a full-time bridge tender; however, this proposed schedule would require the railroad company to employ a part-time bridge tender to operate the drawspan.

In developing this proposed schedule, the Coast Guard considered all views, and believes this proposed rule will not unduly restrict commercial and recreational traffic, since the bridge will be left in the open position, except for the passage of trains.

##### **Regulatory Evaluation**

This proposed action 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 must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

##### **Collection of Information**

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