

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

[REG-106031-98]

RIN 1545-AW13

Trading Safe Harbors; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to REG-106031-98, which was published in the **Federal Register** on Friday, June 12, 1998 (63 FR 32164), relating to the treatment of foreign taxpayers trading in derivative financial instruments for their own account.

FOR FURTHER INFORMATION CONTACT: Milton Cahn, (202) 622-3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

The notice of proposed rulemaking that is the subject of this correction is under section 864(b) of the Internal Revenue Code.

Need for Correction

As published, REG-106031-98 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG-106031-98), which is the subject of FR Doc. 98-15452, is corrected as follows:

1. On page 32164, column 3, in the preamble under the paragraph heading "Background", the second paragraph, line 3, the language "promulgated in 1972. Since the" is corrected to read "promulgated in 1968. Since the".

2. On page 32165, column 2, in the preamble under the paragraph heading "2. Eligible Nondealer", the third paragraph, line 9, the language "securities in 475(c)(1)(B), including" is corrected to read "securities in section 475(c)(1)(B), including".

§ 1.864(b)-1 [Corrected]

3. On page 32166, columns 2 and 3, § 1.864(b)-1(b)(1) introductory text, the last line in column 2 and the first line in column 3, the language "nondealer is a person that is not a resident of the United States and is not," is corrected to read "nondealer is a foreign corporation or a person that is not a

resident of the United States, and either of which is not,".

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

[FR Doc. 98-18749 Filed 7-14-98; 8:45 am]

BILLING CODE 4830-01-U

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CO-001-0024b; FRL-6124-5]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; 1993 Periodic Carbon Monoxide Emission Inventories for Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Governor of the State of Colorado on September 16, 1997. The revision contains the 1993 periodic carbon monoxide (CO) emission inventories for Colorado Springs, Denver, Fort Collins, and Longmont that were submitted to satisfy the requirements of section 187(a)(5) of the Clean Air Act (CAA), as amended in 1990. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision 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 proposed rule, no further activity is contemplated in relation to this rule. 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. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received on or before August 14, 1998.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air Program, Mailcode 8P2-A, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Program,

Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202. Copies of the State documents relevant to this action are available for public inspection at the Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

FOR FURTHER INFORMATION CONTACT:

Cindy Rosenberg, EPA, Region VIII, (303) 312-6436.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401 et seq.

Dated: July 6, 1998.

Patricia D. Hull,

Acting Regional Administrator, Region VIII.

[FR Doc. 98-18863 Filed 7-14-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 261**

[FRL-6124-2]

RIN 2050-AD88

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; and Land Disposal Restrictions for Newly Hazardous Wastes; Notice of Data Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Data Availability and Request for Comment.

SUMMARY: The Environmental Protection Agency (EPA) is making available for public comment data and information relating to its Notice published in the **Federal Register** on November 20, 1995 (60 FR 57747). That Notice proposed to amend EPA regulations under the Resource Conservation and Recovery Act (RCRA) by designating as hazardous wastes certain petroleum refining waste streams, and to apply universal treatment standards under the Land Disposal Restrictions program to the wastes proposed for listing. That Notice also proposed to broaden existing RCRA exclusions for the recycling of oil-bearing residuals in petroleum refineries. In response to that proposal (and related to a separate, recently-finalized rulemaking on fuels produced from hazardous waste), EPA has received specific information on a technology (gasification) that can

recycle oil-bearing residuals into fuels. EPA is assessing whether or not, as a result of this new information, the proposed rule should also exclude oil-bearing hazardous secondary materials recycled in gasification units. Today's Notice seeks comment on the additional information the Agency has received on gasification, specifically in the context of recycling oil-bearing hazardous secondary materials.

DATES: The Agency is reopening the comment period only for the limited purpose of obtaining information and views on the new data and information described in this document. Comments on the additional data will be accepted through August 14, 1998.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F-98-PR2A-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, D.C. 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcradocket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-98-PR2A-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. If comments are not submitted electronically, EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted to ASCII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. For information on accessing paper and/or electronic copies of the document, see the "Supplementary Information" section.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, D.C., metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For information on specific aspects of this Notice, contact Maximo Diaz, Jr. or Ross Elliott, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. [E-mail addresses and telephone numbers: Diaz.max@epamail.epa.gov, (703) 308-0439; elliot.ross@epamail.epa.gov, (703) 308-8748].

SUPPLEMENTARY INFORMATION: The index to the docket is available on the Internet. Follow these instructions to access the information electronically:

www: <http://www.epa.gov/epaoswer/osw/hazwaste.htm#id>

FTP: ftp.epa.gov

Login: anonymous

Password: your Internet address

Files are located in /pub/epaoswer

The official record for this action will be kept in paper form, and will be maintained at the address in **ADDRESSES** at the beginning of this document. EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record.

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** or in a response to comments document placed in the official record for this rulemaking. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

Background

On April 19, 1996, EPA proposed to exclude so-called "comparable fuels" from the regulatory definition of solid waste. 62 FR at 17459. A comparable fuel is a fuel produced from a hazardous waste which meets a series of specifications for hazardous constituents and other properties based on comparable levels in representative fossil fuels. EPA included among these proposed specifications one for synthesis gas fuel (more usually referred to as syngas) when produced from hazardous wastes. *Id.* at 17465.

Commenters from the gasification industry maintained that syngas fuels were not contained gases and so were not solid wastes and could not be regulated under subtitle C under any circumstance. EPA disagrees, due to the plenary authority to regulate fuels produced from hazardous wastes set out in RCRA section 3004 (q)(1). See 62 FR at 24253 (May 2, 1997). However, it appears to the Agency that gasification of petroleum industry secondary materials might be an activity warranting exclusion as a matter of Agency discretion (rather than due to a statutory mandate), since gasification of such materials can potentially be viewed as a means of recovering otherwise un-utilizable hydrocarbons from the secondary materials and thus potentially be regarded as a final stage of crude oil refining. These are issues at the heart of the instant rulemaking involving listing and exclusion determinations for petroleum refining wastes and secondary materials. Consequently, as the Agency indicated in the recently-finalized comparative fuels rule, we have decided to consider the possibility of a regulatory exclusion for petroleum refining industry secondary materials being gasified in the present proceeding.

Specifically, EPA is assessing whether oil-bearing hazardous secondary materials generated within the petroleum industry should be excluded from the definition of solid waste when inserted into gasification units, in a manner similar to insertion into petroleum cokers as proposed at 40 CFR 261.4(a)(12). 60 FR at 57796. EPA has decided that this Notice of data availability is a useful exercise and will help to strengthen the record for the Agency's decisions, and provide a useful opportunity for further public comment.

The remainder of this Notice addresses new data prompted by public comments.

Description of Gasification Process

Gasification is a chemical conversion process that converts hydrocarbon feedstocks into a synthetic natural gas product, often called "synthesis gas" or "syngas". This process occurs under oxygen-starved (or reducing) conditions, which distinguishes gasification from combustion. Under high temperature and pressure, the hydrocarbon feedstocks are converted primarily into carbon monoxide, hydrogen gas, nitrogen gas, and hydrogen sulfide. Solid residues from gasification include a glass-like slag produced in the gasification process, and sulfur from clean-up of the synthesis gas. Information the Agency has received indicates the potential advantages of gasification, including very efficient conversion of hydrocarbons to synthesis gas, the lack of air emissions (i.e., SO_x and NO_x compounds) formed during gasification, and a relatively clean product fuel. Based upon the information submitted to the Agency, the gasification process in some ways might compete with the petroleum coker for the same types of oil-bearing materials, but in a somewhat different manner such that gasification does a better job of recovery of energy values. For example, the synthesis gas produced from oil-bearing materials can be used as a fuel (i.e., a substitute for natural gas) in units such as a combustion turbine for producing electricity and/or steam. In addition, the syngas can be used as a feedstock in producing other chemicals, or processed further to produce hydrogen.

Hydrocarbon Feedstocks for Gasification

According to information supplied to EPA suitable hydrocarbon feedstocks for gasification include many of the oil-bearing secondary materials generated at petroleum refineries that are the subject of the proposed exclusions in the November 21, 1995 proposal, including primary and secondary wastewater treatment sludges, and API separator sludges. 60 FR at 57747. Petroleum coke itself (both on-spec and off-spec) can be used as a gasification feedstock. The continued extraction and recovery of hydrocarbon values from these oil-bearing hazardous secondary materials within the petroleum industry is the basis for these proposed exclusions. 60 FR at 57754. It is from this perspective that the Agency is interested in information that would help determine whether or not to extend the exclusion for oil-bearing hazardous secondary materials that are inserted into petroleum refineries, to the same

materials when they are inserted into gasification units. The Agency would consider the same conditions on the exclusion as was proposed for materials inserted into petroleum refineries, such as the limitation on the source of the oil-bearing materials, the condition barring land placement or speculative accumulation, and the regulation of residuals generated during the processing of oil-bearing hazardous secondary materials (if the residuals are to be disposed).¹

Information in the Docket

Information placed in the docket for this Notice was submitted to the Agency primarily from members of the Gasification Technologies Council, both before and after the proposed rulemaking on April 19, 1996 and November 20, 1995. This information includes descriptions of the gasification process, suitable feedstocks for gasification, a description of gasification activities worldwide, and environmental and economic benefits of gasification. Also included are (1) public comments submitted by the gasification industry to EPA during the related comparative fuels rulemaking mentioned above; (2) EPA's letter of May 28, 1995 to Mr. William Spratlin of EPA Region VII describing the present regulatory status of a particular gasification operation operated by Texaco; (3) public comments of Strategic Environmental Analysis, Inc. in this proceeding, maintaining that the gasification process is an environmentally superior means of recovering hydrocarbon values from petroleum industry secondary materials. EPA will evaluate any new comments on whether this additional information supports inclusion of gasification units, along with petroleum refining units, as places where certain oil-bearing hazardous secondary materials can be recycled and still be excluded under the proposed rule.

Dated: June 4, 1998.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 98-18731 Filed 7-14-98; 8:45 am]

BILLING CODE 6560-50-P

¹ See example of letter to interested parties requesting comment on the issue of residuals dated October 1, 1997 from David Bussard to Kyle Isakower, American Petroleum Institute; see also comment in response from Amoco Petroleum Products, Comment #PRA-L0011.

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 28

[CGD 88-079]

RIN 2115-AD12

Implementation of the Commercial Fishing-Industry Vessel Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of termination of proposed rule.

SUMMARY: This rulemaking project was initiated to address all applicable provisions of the Commercial Fishing Industry Vessel Safety Act of 1988. The Coast Guard addressed all these provisions with the exception of two, immersion suits and vessel stability. Because these issues were controversial, the Coast Guard delayed developing regulations covering them so that other provisions of the Act could proceed. Since that time, new issues pertaining to commercial fishing vessel safety have been identified. The Coast Guard believes it to be in the fishing industry's best interest to develop only one set of regulations to include immersion suits, vessel stability, and all newly identified commercial fishing industry issues. The Coast Guard intends to terminate this docket [89-079], and create a new docket to resolve the remaining issues.

DATES: This notice is effective July 15, 1998.

ADDRESSES: You may mail comments to the Docket Management facility, [USCG 89-079], U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this request for information. Comments, and documents as indicated in this preamble, are part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

For information on the public docket, call Carol Kelley, Coast Guard Dockets