

instrumentality of an Indian tribal government or subdivision thereof;

(v) An Indian Tribal Corporation organized under section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. 477, or section 3 of the Oklahoma Welfare Act, 25 U.S.C. 503;

(vi) An international organization as defined in section 7701(a)(18);

(vii) An entity any portion of whose income is excluded under section 115; or

(viii) An entity that would not be taxable under the Internal Revenue Code for reasons substantially similar to those applicable to any entity listed in this paragraph (c)(2) unless otherwise explicitly made exempt from the application of this section by statute or by action of the Commissioner.

(3) *Substantially all.* The term *substantially all* has the same meaning as under section 368(a)(1)(C).

(d) *Loss limitation rule.* For purposes of determining the amount of loss recognized by a taxable corporation on the transfer of its assets to a tax-exempt entity under paragraph (a) of this section, if assets are acquired by the taxable corporation in a transaction to which section 351 applied or as a contribution to capital, or assets are distributed from the taxable corporation to a shareholder or another member of the taxable corporation's affiliated group, and in either case as part of a plan a principal purpose of which is to recognize loss by the taxable corporation on the transfer of its assets to the tax-exempt entity, the losses recognized by the taxable corporation on the assets transferred to the tax-exempt entity will be disallowed. For purposes of the preceding sentence, the principles of section 336(d)(2) apply.

(e) *Effective date.* This section is applicable for transfers of assets as described in paragraph (a) of this section occurring after [date that is 30 days after publication in the Federal Register of these regulations as final regulations], unless the transfer is pursuant to a written agreement which is (subject to customary conditions) binding on or before [date that is 30 days after publication in the Federal Register of these regulations as final regulations].

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 97-771 Filed 1-10-97; 8:45 am]

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## 26 CFR Parts 1 and 301

[REG-209803-95]

RIN 1545-AU18

### Magnetic Media Filing Requirements for Information Returns; Hearing

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

**ACTION:** Change of location of public hearing.

**SUMMARY:** This document changes the location of the public hearing on proposed regulations relating to the requirements for filing information returns on magnetic media or in other machine-readable form under section 6011(e) of the Internal Revenue Code.

**DATES:** The public hearing is being held on Wednesday, February 5, 1997, beginning at 10:00 a.m.

**ADDRESSES:** The public hearing originally scheduled in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC, is changed to room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7190 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing appearing in the Federal Register on Thursday, October 10, 1996 (61 FR 53161), announced that a public hearing relating to proposed regulations under sections 6011(e) and 6045 of the Internal Revenue Code will be held Wednesday, February 5, 1997, beginning at 10:00 a.m. in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC and that requests to speak and outlines of oral comments should be received by Wednesday, January 15, 1997.

The location of the public hearing has changed. The hearing is being held in room 2615 on Wednesday, February 5, 1997, beginning at 10:00 a.m. The requests to speak and outlines of oral comments should be received by Wednesday, January 15, 1997. Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

Copies of the agenda are available free of charge at the hearing.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97-894 Filed 1-14-97; 8:45 am]

BILLING CODE 4830-01-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 53 and 58

[AD-FRL-5675-9]

RIN 2060-AH09

### Proposed Requirements for Designation of Reference and Equivalent Methods for PM<sub>2.5</sub> and Ambient Air Quality Surveillance for Particulate Matter

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

**ACTION:** Proposed rule: correction.

**SUMMARY:** The EPA is correcting production errors in the printing of the proposed revisions to 40 CFR parts 53 and 58 (61 FR 65780) for particulate matter monitoring published on December 13, 1996.

**FOR FURTHER INFORMATION CONTACT:** Neil H. Frank at (919) 541-5560.

**SUPPLEMENTARY INFORMATION:** The EPA proposed revisions to 40 CFR parts 53 and 58 (61 FR 65780) on December 13, 1996 to establish requirements for designation of reference and equivalent methods of PM<sub>2.5</sub> and to establish ambient air quality monitoring requirements for particulate matter. A review of the notice resulted in the identification of a missing figure from § 58.13 of part 58, text that was omitted, and two difficult to read figures from Appendix D to part 58. In addition, some minor errors were identified elsewhere. This notice presents the missing figure and text, reprints several hard to read figures, and makes the other corrections.

Dated: January 7, 1997.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

The following corrections are made to FRL-5659-2, "Proposed Requirements for Designation of Reference and Equivalent Methods for PM<sub>2.5</sub> and Ambient Air Quality Surveillance for Particulate Matter" published on December 13, 1996 (61 FR 65780).

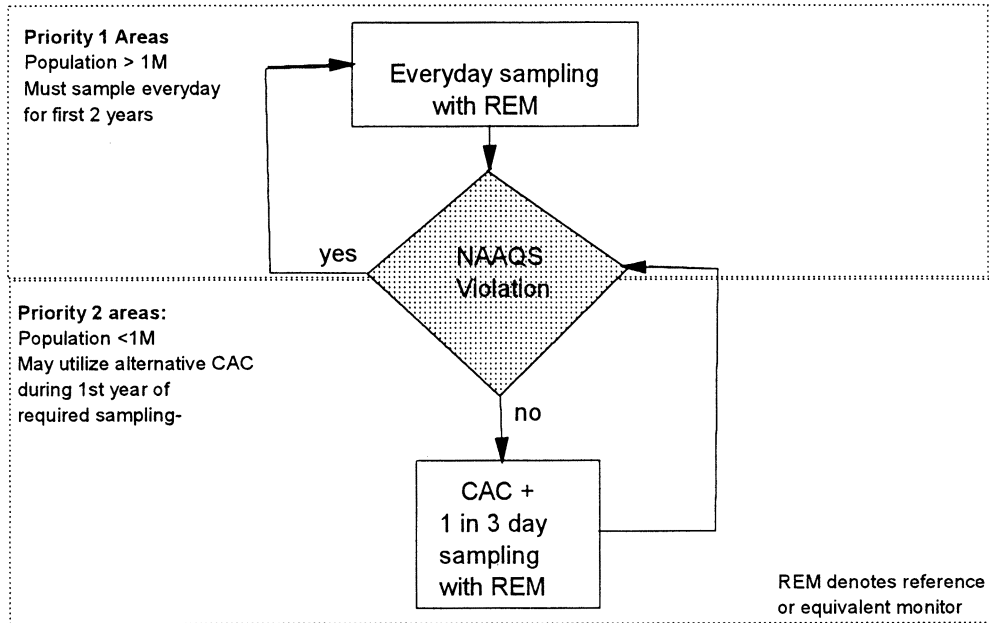
1. On page 65800, column 1, §53.9, revise "Designation of a candidate method as a reference method or equivalent method shall be conditioned

on the applicant's \* \* \*'' to read  
''Designation of a candidate method as  
a reference method or equivalent  
method shall be conditional to the  
applicant's \* \* \*''

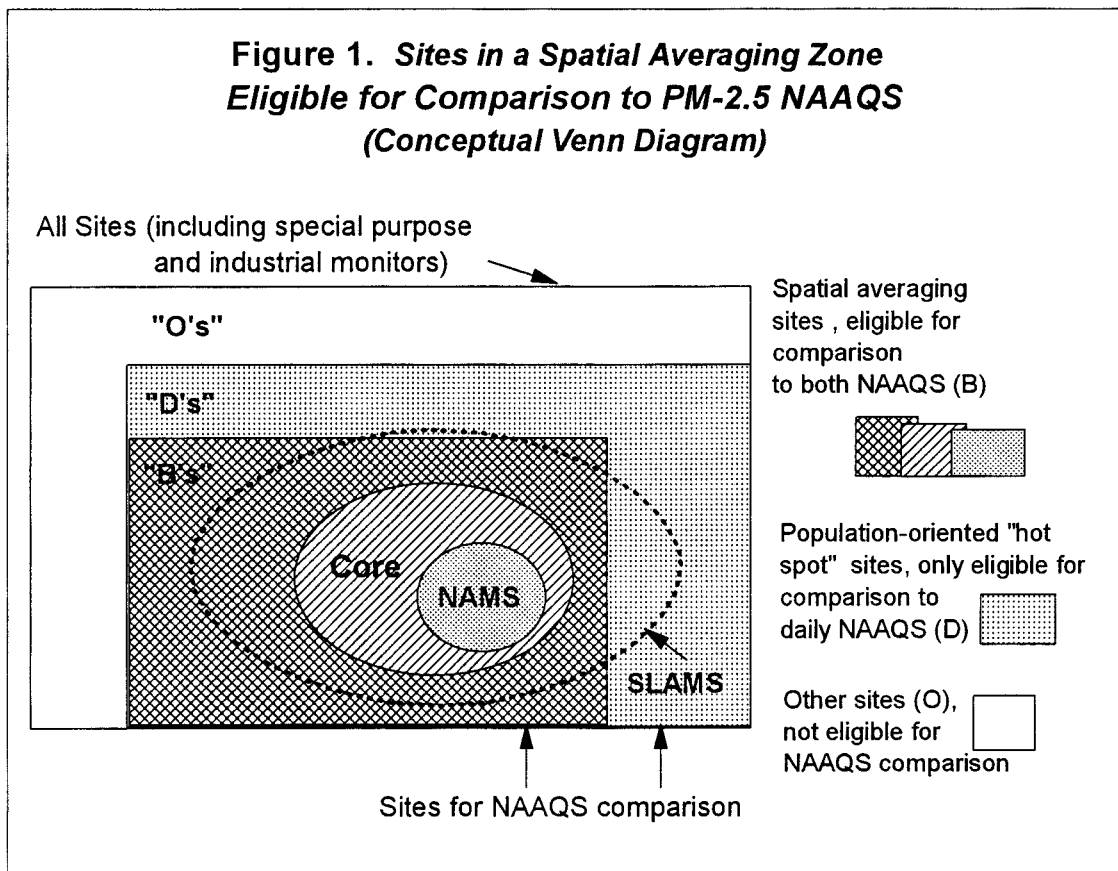
2. On page 65847, column 1, after  
paragraph (3), insert the following  
figure:

BILLING CODE 6560-50-P

### Use of Correlated Acceptable Continuous Monitors



3. On page 65862, replace Figure 1 with new Figure 1 which has easier to read shading as follows:



4. On page 65862, column 1, the paragraph immediately following "2.8.2.1 Core Monitoring Stations for PM2.5" should be identified as "2.8.2.1.1."

5. On page 65862, column 1, paragraph 2.8.2.1.2 change "including at least one station in a population oriented area of expected maximum concentration; (b) At least one station in an area of poor air quality" to "including at least one station in a population oriented area of expected maximum concentration, and at least one station in an area of poor air quality" and change "(c) at least one additional core monitor" to "(b) at least one additional core monitor."

6. On page 65862, column 2, change paragraph "2.8.1.1.4" to "2.8.2.1.4.)

7. On page 65869, replace Figure 5 with new Figure 5 which has easier to read shading as follows:

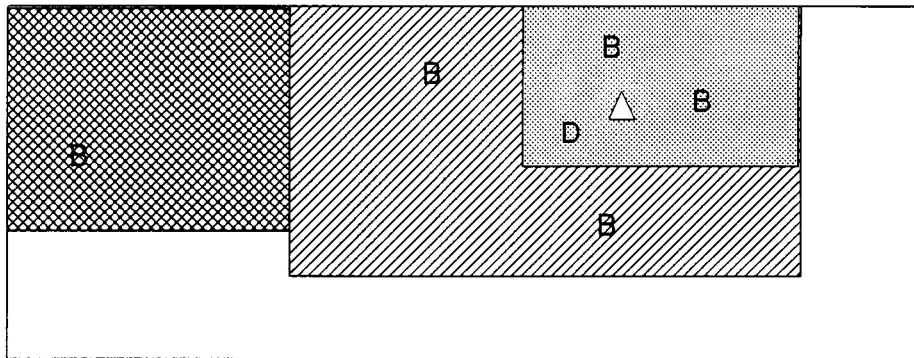
**BILLING CODE 6560-50-P**

**Figure 5. Hypothetical Monitoring Planning Area  
Potential Spatial Averaging Zones in Western MPA**

B = Population oriented sites eligible for comparison to both annual and 24-hr NAAQS

D = Population-oriented sites only eligible for comparison to 24-hr (daily) NAAQS

△ = Other special study sites



Wood Smoke  
Impact Residential  
Area



Area Source Impact  
Residential Area



Industrial Zone



Area not covered by monitoring and not included in a Spatial Averaging Zone

8. Following page 65869, insert "2.8.3.6 In Figure 6, areas of the State included within MPA's are shown within heavy solid lines. Two MPA's are illustrated. Areas in the State outside the MPA's will also include monitors, but this monitoring coverage may be limited. This portion of the State will also be represented by SAZ's (shown by areas enclosed within dotted lines). Monitors eligible for comparison to the NAAQS are indicated by "X." The appropriate monitors within an SAZ would be averaged for comparison to the annual NAAQS and examined individually for comparison to the daily NAAQS. Other monitors are only eligible for comparison to the daily NAAQS. Both within the MPA's and in the remainder of the State, some special study monitors might not satisfy applicable Part 58 requirements or will not be included in the State Monitoring Plan and will not be eligible for comparison to the NAAQS. The latter may include SLAMS monitors designated to study regional transport or to support secondary NAAQS in unpopulated areas."

[FR Doc. 97-893 Filed 1-14-97; 8:45 am]

BILLING CODE 6560-50-C

#### 40 CFR Part 63

[FRL-5676-9]

### Request for Approval of Section 112(l) Delegated Authority; Oregon

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

**ACTION:** Notice of proposed approval and delegation.

**SUMMARY:** EPA invites public comment on today's proposal to approve the Oregon Department of Environmental Quality (ODEQ) and the Lane Regional Air Pollution Authority (LRAPA) (collectively referred to as "Oregon") request for delegation of authority to implement and enforce state-adopted hazardous air pollutant regulations which adopt by reference the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) contained in 40 CFR Parts 61 and 63 as these regulations apply to sources required to obtain a federal operating permit under Title V of the Clean Air Act (CAA). EPA as well invites public comment on its proposal to approve specific state rules in order to recognize conditions and limitations established pursuant to these rules, or the rules themselves, as federally enforceable.

**DATES:** All comments on the Oregon submittal must be received by the close of business on February 14, 1997.

**ADDRESSES:** Copies of the Oregon submittal are available during normal business hours at the following addresses for inspection and copying: U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101-9797, and the Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon, 97204-1390. Written comments should be addressed sent to: Chris Hall, U.S. EPA Region 10, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101.

**FOR FURTHER INFORMATION CONTACT:** Chris Hall, U.S. EPA Region 10, at (206) 553-1949.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Purpose

Section 112(l) of the amended Clean Air Act of 1990 ("the Act" or "CAA") established new, more stringent requirements upon a State or Local agency that wishes to implement and enforce an air toxics program pursuant to section 112 of the Act. Prior to November 15, 1990, delegation of NESHAP regulations to a State or Local agency could occur without formal rulemaking by EPA. However, the new section 112(l) of the Act requires EPA to approve State and Local toxics rules and programs under section 112 through formal notice and comment rulemaking. Now State and Local air agencies that wish to implement and enforce a federally-approved air toxics program must make a showing to EPA that they have adequate authorities and resources. Approval is granted by the EPA through the authority contained in section 112(l), and implemented through the Federal rule found in 40 Code of Federal Regulations (CFR) Part 63, subpart E (58 FR 62262, November 26, 1993), if the Agency finds that: (1) The State or Local program or rule is "no less stringent" than the corresponding Federal rule or program, (2) adequate authority and resources exist to implement the State or Local program or rule, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the State or Local program or rule is otherwise in compliance with Federal guidance.

##### II. Discussion of the Oregon 112(l) Submittal

On November 15, 1993, Oregon submitted to EPA an application requesting the delegation of authority to implement and enforce the state-adopted rules for "Hazardous Air Pollutants" found in Oregon Administrative Regulations (OAR) Chapter 340, Division 32 in lieu of the Federal NESHAP regulations contained

within 40 CFR Part 61. In the submittal, Oregon also requested that comparable delegation be provided to LRAPA to enforce the state regulations in Lane County.

On August 3, 1994, Oregon supplemented its initial application by providing additional documentation to support its initial request and seeking approval of its 112(g) rules and its rules for creating synthetic minor sources. On March 29, 1996, Oregon further supplemented its application by limiting its initial request for delegation to apply to Part 70 sources only; requested delegation for Part 70 sources only the authority to implement and enforce certain 40 CFR Part 63 NESHAP standards; and requested approval for Part 70 sources only to substitute the State asbestos regulations for the asbestos NESHAP. In the March 1996 supplement, Oregon also requested deferral of delegated federal authority to implement sections 112(g) of the federal CAA until the conclusion of federal rulemaking on this program element. By letter dated December 11, 1996, Oregon rescinded its request to substitute its state asbestos rule for the asbestos NESHAP, therefore EPA will take no action in this regard at this time.

Oregon's section 112(l) application contains the following documents: (1) A written finding by the State Attorney General and the independent legal counsel for LRAPA stating that Oregon has the legal authority to implement and enforce state-adopted regulations as well as assure compliance by all sources within their jurisdiction; (2) a copy of OAR Chapter 340, Division 32<sup>1</sup> (hereafter referred to as "OAR 340-032"), which contains the fully adopted State NESHAP regulations which would be substituted for the Federal NESHAP regulations upon approval; (3) a copy of OAR Chapter 340, Division 28<sup>2</sup> (hereafter referred to as "OAR 340-28"), which contains the permitting requirements for each source subject to OAR-340-032, including the State synthetic minor rules, the State Air

<sup>1</sup> As in effect October 6, 1995.

<sup>2</sup> As in effect on July 1, 1995.