

paragraph (f)(2) or (3) of this section, the taxpayer must apply the possession 50/50 method in the case of Possession Production Sales or the business activity method in the case of Possession Purchase Sales. The taxpayer may elect to apply a method specified in either paragraph (f)(2) or (3) of this section by using the method on a timely filed original return (including extensions). Once a method has been used, that method must be used in later taxable years unless the Commissioner consents to a change. Permission to change methods from one year to another year will be granted unless the change would result in a substantial distortion of the source of the taxpayer's income.

(ii) *Disclosure on tax return.* A taxpayer who uses one of the methods described in paragraph (f)(2) or (3) of this section must fully explain in a statement attached to the tax return the methodology used, the circumstances justifying use of that methodology, the extent that sales are aggregated, and the amount of income so allocated.

(h) *Effective dates.* \* \* \* However, the rules of paragraph (f) of this section apply to taxable years beginning on or after November 13, 1998.

**Par. 3.** In § 1.936-6, paragraph (a)(5) Q&A 7a is added to read as follows:

**§ 1.936-6 Intangible property income when an election out is made: Cost sharing and profit split options; covered intangibles.**

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

*Q. 7a:* What is the source of the taxpayer's gross income derived from a sale in the United States of a possession product purchased by the taxpayer (or an affiliate) from a corporation that has an election in effect under section 936, if the income from such sale is taken into account to determine benefits under cost sharing for the section 936 corporation? Is the result different if the taxpayer (or an affiliate) derives gross income from a sale in the United States of an integrated product incorporating a possession product purchased by the taxpayer (or an affiliate) from the section 936 corporation, if the taxpayer (or an affiliate) processes the possession product or an excluded component in the United States?

*A. 7a:* Under either scenario, the income is U.S. source, without regard to whether the possession product is a component, end-product, or integrated product. Section 863 does not apply in determining the source of the taxpayer's income. This Q&A 7a is applicable for

taxable years beginning on or after November 13, 1998.

\* \* \* \* \*

**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 in the table by revising the entry for 1.863-3 to read as follows:

**§ 602.101 OMB Control numbers.**

\* \* \* \* \*

(c) \* \* \*

CFR part or section where	Current OMB identified and described control No.
* * * * *	* * * * *
1.863-3 .....	1545-1476 1545-1556
* * * * *	* * * * *

**Michael P. Dolan,**  
*Deputy Commissioner of Internal Revenue.*

Approved: September 18, 1998.

**Donald C. Lubick,**  
*Assistant Secretary of the Treasury for Tax Policy.*  
[FR Doc. 98-27395 Filed 10-13-98; 8:45 am]  
BILLING CODE 4830-01-U

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 915**

[SPATS No. IA-005-FOR]

**Iowa Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of an amendment to the Iowa regulatory program (Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Iowa proposes to add revegetation success guidelines, entitled "Revegetation Success Standards and Statistically Valid Sampling Techniques," to its program. These guidelines include revegetation success standards, normal

husbandry practices, and statistically valid sampling procedures and techniques for determining revegetation success on areas being restored to various land uses. Iowa intends to revise its program to be consistent with the corresponding Federal regulations and to improve operational efficiency.

This document gives the times and locations that the Iowa program and the amendment to that program are available for public inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4:00 p.m., c.s.t., November 13, 1998. If requested, we will hold a public hearing on the amendment on November 9, 1998. We will accept requests to speak at the hearing until 4:00 p.m., c.s.t. on October 29, 1998.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to Perry L. Pursell, Mid-Continent Regional Coordinating Center, at the address listed below.

You may review copies of the Iowa program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Mid-Continent Regional Coordinating Center.

Perry L. Pursell, Mid-Continent Regional Coordinating Center, Office of Surface Mining, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002, Telephone: (618) 463-6460.

Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Henry A. Wallace Building, Des Moines, Iowa 50319, Telephone: (515) 281-6147.

**FOR FURTHER INFORMATION CONTACT:** Perry L. Pursell, Mid-Continent Regional Coordinating Center. Telephone: (618) 463-6460. Internet: ppursell@mcrwgw.osmre.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Iowa Program**

On January 21, 1981, the Secretary of Interior conditionally approved the Iowa program, effective April 10, 1981. You can find background information on the Iowa program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 21, 1981,

**Federal Register** (46 FR 5885). You can find later actions on the Iowa program at 30 CFR 915.10, 915.15, and 915.16.

## II. Description of the Proposed Amendment

By letter dated September 28, 1998 (Administrative Record No. IA-441), Iowa sent us an amendment to its program under SMCRA. Iowa sent the amendment in response to our letter dated August 1, 1986 (Administrative Record No. IA-280), that we sent to Iowa under 30 CFR 732.17(c). Below is a summary of the revegetation success guidelines proposed by Iowa. The full text of the Iowa program amendment is available for public inspection at the locations listed above under **ADDRESSES**.

### 1. Part I. Introduction

Part I includes the purpose and scope of the revegetation success guidelines and the State and Federal regulations that apply to or address the requirements for revegetation success standards.

### 2. Part II. Terms

The following terms that apply to the revegetation success guidelines are defined in Part II: (1) Permittee; (2) Permit; (3) Reference Area; (4) Prime Farmland; (5) Control Area; (6) Statistically Valid; (7) USDA-NRCS or NRCS; (8) Significant Figures; (9) Erosion; (10) Rill Erosion; (11) Gully Erosion; (12) Sheet Erosion; and (13) Soil Map Unit.

### 3. Part III. General Requirements and Exclusions of Revegetation

Part III.A. contains information on the erosion and ground cover criteria that an area must meet before it is eligible for Phase II bond release.

Part III.B. includes sampling dates for Phase II ground cover and general revegetation requirements, and sampling and/or harvest dates for production data. It also includes dates for reporting the schedule of proposed revegetation activity and the results of the previous year's revegetation activities.

Part III.C. describes the general revegetation requirements for prime farmland; cropland; pasture land and forage crops; industrial, commercial, or residential lands; recreational, wildlife, and forested lands; and remined lands.

Part III.D. concerns requirements on averaging of sampling data to meet revegetation success standards.

Part III.E. excludes road surface areas and water covered surfaces of streams and impoundments from having to meet Iowa's revegetation success standards. This part also requires permanent

impoundments to be constructed outside the prime farmland areas, but within the reclaimed permit area.

Part III.F. contains requirements for the use of reference areas for establishing revegetation success standards. Data from reference areas can be used for direct comparison only when Iowa has approved the use of reference areas in the permit.

Part III.G. requires that all revegetated areas meet the requirements of applicable State and Federal seed, poisonous and noxious plant, and introduced species laws and regulations. The revegetated areas must meet these requirements before the collection of the data that is used to prove the establishment of any revegetation success standards. This part includes a list of primary and secondary noxious weeds that will not be allowed to grow on any area within the permit boundaries.

Part III.H. describes normal husbandry practices that can be used in the repair of rills and gullies without restarting the responsibility period. It includes requirements for terrace repair and maintenance; riprap repair and maintenance; land smoothing and reseeded; and liming, fertilizing and interseeding.

### 4. Part IV. Revegetation Success Standards

Part IV contains revegetation success standards and mitigation plan requirements for the land use categories of prime farmland; pasture land; cropland; industrial, commercial, or residential; recreational, wildlife, and forested lands; and remined lands.

### 5. Part V. Sampling Procedures and Techniques

Part V describes the sampling procedures and techniques for corn, soybeans, oats, and wheat crops; forage crops; ground cover; and trees and shrubs.

### 6. Part VI. Statistical Analysis of Sampling Data

Part VI explains the statistical analysis used to determine if the collected revegetation success sample data for production and ground cover meet the appropriate revegetation success standards.

### 7. Technical Documents

Iowa included the following technical documents in its revegetation guidelines: (1) Lucas County Soil Map Unit Yield Data; (2) Mahaska County Soil Map Unit Yield Data; (3) Marion County Soil Map Unit Yield Data; (4) Monroe County Soil Map Unit Yield

Data; (5) Recommended Tree Planting Species in Iowa; (6) Iowa Soil Map Units That Qualify As Prime Farmland; and (7) Iowa State University, Cooperative Extension Service, Pamphlet PM-287, Take a Good Soil Sample.

## III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Iowa program.

### Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Mid-Century Regional Coordinating Center.

### Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on October 29, 1998. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have spoken.

### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER**

**INFORMATION CONTACT.** All meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

## VI. Procedural Determinations

### *Executive Order 12866*

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

### *Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

### *National Environmental Policy Act*

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was

prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

### *Unfunded Mandates*

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

### **List of Subjects in 30 CFR Part 915**

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 2, 1998.

**Brent Wahlquist,**

*Mid-Continent Regional Coordinating Center.*

[FR Doc. 98-27503 Filed 10-13-98; 8:45 am]

BILLING CODE 4310-05-P; 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### **Coast Guard**

#### **33 CFR Parts 110 and 165**

[CGD05-98-084]

RIN 2115-AA98

#### **Delaware River Safety Zone and Anchorage Regulations**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Army Corps of Engineers is dredging parts of the Delaware River, including the Marcus Hook Range Ship Channel. Because of the dredging operations, temporary additional requirements will be imposed in Marcus Hook Anchorage (Anchorage 7), the Deepwater Point Anchorage (Anchorage 6), and the Mantau Creek Anchorage (Anchorage 9). The Coast Guard is also establishing a temporary moving safety zone around the dredge vessel Essex that will be working in the Marcus Hook Range Ship Channel adjacent to Anchorage 7.

**EFFECTIVE DATES:** Paragraph (b)(11) in 33 CFR 110.157 is effective from October 6, 1998 until 6 a.m. on December 7, 1998. Section 165.T05-084 is effective from October 6, 1998 until 6 a.m. on December 7, 1998.

**FOR FURTHER INFORMATION CONTACT:** BMC R. L. Ward, Project Officer, U.S. Coast Guard Captain of the Port, 1 Washington Ave., Philadelphia, PA 19147-4395, Phone: (215) 271-4888.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. U.S. Army Corps of Engineers, Philadelphia District, informed the Coast Guard on September 22, 1998 that dredging operations would commence on October 6, 1998. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to protect mariners against potential hazards associated with the dredging operations in the Marcus Hook Range Ship Channel and to modify the anchorage regulations to facilitate vessel traffic.

### **Background and Purpose**

The U.S. Army Corps of Engineers (ACOE) notified the Coast Guard that it needed to conduct dredging operations on the Delaware River, in the vicinity of the Marcus Hook Range Ship Channel. The dredging is needed to maintain the project depth of the channel. Similar dredging was conducted in 1995, 1996, and 1997. This period of dredging began October 6, 1998 and is anticipated to end on December 7, 1998.

The reduce the hazards associated with dredging the channel, vessel traffic that would normally transit through the Marcus Hook Range Ship Channel will be diverted through part of Anchorage 7, reducing available anchorage space by approximately one half. Vessels will continue to be allowed to anchor in available parts of Anchorage 7 during the dredging operations; however, permission to anchor must be obtained from the Captain of the Port, who will identify those parts of Anchorage 7 that are expected to be available.

For the protection of mariners transiting in the vicinity of dredging operations, the Coast Guard is also establishing a moving safety zone around the dredging vessel Essex. The safety zone will ensure mariners remain a safe distance from the dredging equipment that could potentially be dangerous.

### **Discussion of the Regulation**

Section 110.157(b)(2) allows vessels to anchor for up to 48 hours in the anchorages listed in 110.157(a), which includes Anchorage 7. However, because of the limited anchorage space available in Anchorage 7, the Coast