

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 301

[REG-104537-97]

RIN 1545-AV11

#### Guidance Under Subpart F Relating to Partnerships and Branches; Hearing Cancellation

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

**ACTION:** Cancellation of notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations relating to the treatment under subpart F of certain branches of a controlled Foreign Corporation that are treated as separate entities for foreign tax purposes.

**DATES:** The public hearing originally scheduled for Wednesday, July 15, 1998, beginning at 10:00 a.m. is cancelled.

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

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under sections 702, 952, 954, 956, and 7701 of the Internal Revenue Code. A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Thursday, March 26, 1998 (63 FR 14669), announced that the public hearing would be held on Wednesday, July 15, 1998, beginning at 10:00 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C.

The public hearing scheduled for Wednesday, July 15, 1998, is cancelled.

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

[FR Doc. 98-18432 Filed 7-9-98; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 655

#### Radiation Sources on Army Land

**AGENCY:** Office of the Director of Army Safety, Department of the Army, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed revision of rules changes the approval authority for Army radiation permits from Commander, U.S. Army Materiel Command (formerly, the U.S. Army Materiel Development and Readiness Command) to local installation commanders. Delegating the approval authority to the local installation commanders will reduce delays in processing permits while enhancing personal safety of military personnel, civilian employees and the public. The proposed revision includes descriptions of ionizing radiation sources that require Army radiation permits and criteria for application approval. The proposed rule adds the requirement for an Army radiation permit whenever a non-Army agency wants to bring onto Army property a machine-produced ionizing radiation source capable of producing a high radiation area.

**DATES:** Comments must be received by September 8, 1998.

**ADDRESSES:** Headquarters, Department of the Army, Office of the Director of Army Safety, ATTN: DACS-SF, RM 3D253, Chief of Staff, 200 Army Pentagon, Washington, DC 20310-0200.

**FOR FURTHER INFORMATION CONTACT:** Colonel Robert Cherry, telephone: (703) 695-7291.

#### SUPPLEMENTARY INFORMATION:

#### Information Collection Requirements

This proposed rule contains collection of information requirements in 32 CFR 655.10. Information collection is required in support of issuing an Army Radiation Permit to Non-Army agencies. The permits are required for use, storage, or possession of radioactive material and other radiation on an Army installation. Failure to comply with the collection of information would result in installation commanders not having knowledge of the presence of radioactive materials or other radiation sources on their installations and not provide adequate

controls to ensure the safety of the public, civilian employees and military personnel on the installations. The Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d) and 5 CFR 1320.11 require Federal agencies to submit collections of information contained in proposed rules to the Office of Management and Budget (OMB) for review.

To request more details pertaining to the collection of information requirements or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call Department of the Army Reports clearance officer at (703) 614-0454.

**Title:** Letter Permit for Non-Army Agency Radiation Sources on Army Land.

**Needs and Uses:** Non-Army agencies (including civilian contractors) are required to obtain Army radiation permits to use, store, or possess radiation sources on Army installation. This proposal changes the approval authority for the permits from Commander, U.S. Army Materiel Command (formerly, the U.S. Army Materiel Development and Readiness Command) to local installation commanders.

**Affected Public:** Business or other for profit; not-for-profit institutions; state, local or tribal government.

**Annual Burden Hours:** 470.

**Number of Respondents:** 235.

**Responses Per Respondent:** 1.

**Average Burden Per Response:** 2.

**Frequency:** On occasion.

The basic information on the use of radioactive sources on Army lands was previously published in the **Federal Register**, 45 FR 26958, dated April 22, 1980.

#### Executive Order 12866

This proposed rule is not a major rule as defined under Executive Order 12866. The proposed rule does not:

a. Have an annual effect to the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

b. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

c. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

d. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

### Regulatory Flexibility Act

This proposed rule was reviewed with regard to the requirements of the Regulatory Flexibility Act. The proposal does not have a significant impact on a substantial number of small entities.

### Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act of 1995, the reporting provisions of this proposed rule have been submitted to the Office of Management and Budget for review under Section 3507(d) of the Act.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act, the Office of the Director of Army Safety, DACS-SF, announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimates of the burden of the proposed information collection; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs, OMB, 725 17th Street, N.W., Washington, DC 20503, marked "Attention Desk Officer for Department of Defense." Copies should be sent to the Office of the Director of Army Safety, ATTN: DACS-SF, RM 3D253, Chief of Staff, 200 Army Pentagon, Washington, DC 20310-0200. When the Department of the Army promulgates the Final Rule, the Department will respond to comments by OMB or the public regarding the information collection provision requirements of the rule.

### List of Subjects in 32 CFR Part 655

Environmental protection, Radiation protection, Reporting and recordkeeping requirements.

Accordingly, 32 CFR part 655 is proposed to be revised to read as follows:

### PART 655—RADIATION SOURCES ON ARMY LAND

**Authority:** 10 U.S.C. 3012.

#### § 655.10 Use of radiation sources by non-Army entities on Army land (AR 385-11).

(a) Army radiation permits are required for use, storage, or possession of radiation sources by non-Army agencies (including civilian contractors) on an Army installation. Approval of the installation commander is required to obtain an Army radiation permit. For the purposes of this section, a radiation source is:

(1) Radioactive material used, stored, or possessed under the authority of a specific license issued by the Nuclear Regulatory Commission (NRC) or an Agreement State (10 CFR);

(2) More than 0.1 microcurie (uCi) [3.7 kilobecquerels] (kBq) of radium, except for electron tubes;

(3) More than 1 uCi (37 kBq) of any naturally occurring or accelerator produced radioactive material (NARM) other than radium, except for electron tubes;

(4) an electron tube containing more than 10 uCi (370 kBq) of any naturally occurring or accelerator produced NARM radioisotope; or

(5) A machine-produced ionizing-radiation source capable of producing an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

(b) The non-Army applicant will apply by letter with supporting documentation (paragraph c of this section) through the appropriate tenant commander to the installation commander. Submit the letter so that the installation commander receives the application at least 30 calendar days before the requested start date of the permit.

(c) The Army radiation permit application will specify start and stop dates for the Army radiation permit and describe for what purposes the applicants needs the Army radiation permit. The installation commander will approve the application only if the applicant provides evidence to show that one of the following is true:

(1) The applicant possesses a valid NRC license or Department of Energy (DOE) radiological work permit that allows the applicant to use the source as

specified in the Army radiation permit application;

(2) The applicant possesses a valid Agreement State license that allows the applicant to use radioactive material as specified in the Army radiation permit application, and the applicant has filed NRC Form-241, Report of Proposed Activities in Non-Agreement States, with the NRC in accordance with 10 CFR part 150, § 150.20 (an Army radiation permit issued under provisions of this section will be valid for no more than 180 days in any calendar year);

(3) For NARM and machine-produced ionizing radiation sources, the applicant has an appropriate State authorization that allows the applicant to use the source as specified in the Army radiation permit application or has in place a radiation safety program that complies with Army regulations; or

(4) For overseas installations, the applicant has an appropriate host-nation authorization as necessary that allows the applicant to use the source as specified in the Army radiation permit application and has in place a radiation safety program that complies with Army regulations. (Applicants will comply with applicable status-of-forces agreements (SOFAs) and other international agreements.)

(d) All Army radiation permits will require applicants to remove all permitted sources from Army property by the end of the permitted time.

(e) Disposal of radioactive material by non-Army agencies on Army property is prohibited. However, the installation commander may authorize radioactive releases to the atmosphere or to the sanitary sewerage system that are in compliance with all applicable Federal, DoD, and Army regulations. (The installation commander also will give appropriate consideration to State or local restrictions on such releases.)

**Raymond J. Fatz,**

*Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).*

[FR Doc. 98-17952 Filed 7-9-98; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD 97-086]

RIN 2115-AA98

**Anchorage Grounds; Hudson River, Hyde Park, NY**

**AGENCY:** Coast Guard, DOT.