

### 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<sub>x</sub> and NO<sub>x</sub> 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).<sup>1</sup>

### 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.*

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<sup>1</sup> 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

Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202-366-9329. For information concerning the notice of termination, contact Lieutenant Commander Randy Clark, Office of Operating and Environmental Standards (G-MSO), telephone 202-267-0836.

#### SUPPLEMENTARY INFORMATION:

#### Commercial Fishing Industry Vessel Safety Act of 1988

On September 9, 1988, chapter 45 (Uninspected Commercial Fishing Industry Vessels, sections 4501 through 4508) of title 46 United States Code, was amended by the Commercial Fishing Industry Vessel Safety Act of 1988, Pub. L. 100-424 (the Act). The Act requires the Secretary of Transportation to prescribe regulations for safety equipment and vessel operating procedures on commercial fishing industry vessels. The Secretary delegated this authority to regulate commercial fishing vessels to the Commandant of the Coast Guard.

#### Rulemakings Developed Under the Act

Under the Act, several rulemakings emerged. On 14 August 1991, a final rule entitled, "Commercial Fishing Industry Vessel Regulations" was published in the **Federal Register** (56 FR 40364). The regulations are for U.S. documented or state numbered uninspected fishing, fish processing, and fish tender vessels. The provisions established requirements for navigation; radio; firefighting and lifesaving equipment; fuel, ventilation, and electrical systems; as well as the original requirements for immersion suits.

On 3 August 1992, the Coast Guard published an interim final rule in the **Federal Register** (57 FR 34188). As a result of the public comments, the rule removed the requirements for vessels to carry immersion suits for each individual on board both undocumented commercial fishing industry vessels operating on coastal waters that are only seasonably cold and documented commercial fishing industry vessels operating inside the Boundary Line on coastal waters that are only seasonably cold.

On 20 May 1993, the Coast Guard published a notice of proposed rulemaking entitled, "Immersion Suits for Documented and Undocumented Commercial Fishing Industry Vessels Operating on Coastal Waters that are Seasonably Warm" in the **Federal Register** (58 FR 29502). This rulemaking proposed the reinstatement of the original requirements published in the final rule on 3 August 1992. The

proposed action was a result of consultation between the Coast Guard and the Commercial Fishing Industry Vessel Advisory Committee.

Throughout the notice and comment process for all of the rulemakings, significant controversy was identified concerning the provisions affecting immersion suits and vessel stability. Because of this controversy, the Coast Guard recognized that regulatory action would not occur in a timely fashion. Consequently, requirements covering immersion suits and vessels stability were held in abeyance so that other provision of the Act could proceed.

On 24 October 1995, the Coast Guard published a final rule in the **Federal Register** (60 FR 54441) to address the requirements of the Aleutian Trade Act [Pub. L. 101-595].

On 4 September 1997, the Coast Guard published a final rule entitled, "Commercial Fishing Industry Vessel Regulations" in the **Federal Register** (62 FR 46672). This rule established requirements for safety equipment and vessel operating procedures on commercial fishing industry vessels to improve their overall safety.

Since that time, other issues pertaining to commercial fishing vessel safety have been identified. The Coast Guard has determined that it can most effectively develop regulations for immersion suits, vessel stability, and other newly identified issues by initiating a new rulemaking under a new docket number.

Dated: May 18, 1998.

#### R.C. North,

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[GC Docket No. 98-73; FCC 98-98]

#### Permit-But-Disclose Proceedings

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission proposes to amend its regulations concerning ex parte presentations as applied to Joint Board proceedings and proceedings before the Commission involving a recommendation from a Joint Board. In such proceedings, the Commission proposes to require disclosure of

presentations by state commissions, their members, and their staffs to Joint Boards and the FCC only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. The intended effect of this proposal is to facilitate communications by the states in Joint Board proceedings.

**DATES:** Comments must be filed on or before August 14, 1998; reply comments must be filed on or before August 31, 1998.

**ADDRESSES:** Federal Communications Commission, Room 610, 1919 M Street NW., Washington DC 20554.

**FOR FURTHER INFORMATION CONTACT:** David S. Senzel, Office of General Counsel (202) 418-1720.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), GC Docket No. 98-73, adopted on June 26, 1998, and released June 30, 1998. The full text of the NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857-3800.

#### Summary of Further Notice of Proposed Rule Making

1. The provisions of the Communications Act recognize the strong public interest in the cooperation of the FCC and the states in deciding questions relating to common carriers. Section 410(c) of the Act, 47 U.S.C. 410(c), requires the establishment of Federal-State Joint Boards with respect to any matter concerning jurisdictional separations of common carrier property, and, with the exception of adjudications designated for hearing, allows the Commission to refer to a Joint Board any other matter relating to common carrier communications of joint federal-state concern. *See also* 47 U.S.C. 410(a). Joint Boards are empowered to issue recommended decisions for review and action by the Commission. They have played a key role in deciding crucial public policy issues regarding common carriers.

2. Joint Boards are subject to the Commission's ex parte rules (47 CFR 1.1200 *et seq.*), which are intended to ensure fairness in Commission proceedings. *See generally, Report and Order in GC Docket No. 95-21*, 62 FR 15852 (April 3, 1997), 12 FCC Rcd 7348 (1997), *pet. recon. pending*. Under these rules, Joint Board proceedings and