

caused by natural disaster serve the identical function of insurance proceeds received for similar purposes, and have the same tax effects on the recipient. Although Congress has specifically enumerated certain disaster relief payments that qualify as "insurance proceeds" (see e.g., Pub. L. 94-455, sections 2102 (a), (b), 1906(b)(13)(A); Pub. L. 100-647, section (a)), the Service believes that the interpretation set forth in the temporary regulations properly implements the intent with which section 451(d) was initially enacted. This determination is not intended to affect the meaning of the term "insurance" for purposes of any other provision of the Code.

Rev. Rul. 75-36, 1975-1 C.B. 143, which took a position inconsistent with that of the temporary regulations, will be revoked.

Explanation of Provisions

Under the regulations, federal payments received as a result of: (a) Destruction or damage to crops caused by drought, flood, or any other natural disaster or (b) the inability to plant crops because of such a natural disaster, shall be treated as insurance proceeds received as a result of destruction or damage to crops for purposes of section 451(d) of the Code.

Special Analyses

It has been determined that these temporary rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is P. Val Strehlow of the Office of Assistant Chief Counsel (Income Tax & Accounting), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these temporary regulations, on matters of both substance and style.

List of Subjects in 26 CFR Parts 1.441-1 Through 1.483-2

Accounting, Deferred compensation plans, Income taxes.

Amendments to the Regulations

The amendments to 26 CFR part 1, are as follows:

PART 1—INCOME TAX REGULATIONS

Paragraph 1. The authority for part 1 continues to read in part:

Authority: U.S.C. 7805 * * *

Par. 2. New § 1.451-6T is added to read as follows:

§ 1.451-6T Election to include crop insurance proceeds in gross income in the taxable year following the taxable year of destruction or damage (Temporary).

(a) *In general.* (1) For taxable years ending after December 30, 1969, a taxpayer reporting gross income on the cash receipts and disbursements method of accounting may elect to include insurance proceeds received as a result of the destruction of, or damage to, crops in gross income for the taxable year following the taxable year of such destruction or damage, if the taxpayer establishes that, under the taxpayer's normal business practice, the income from such crops would have been included in gross income for any taxable year following the taxable year of such destruction or damage. However, if the taxpayer receives such insurance proceeds in the taxable year following the taxable year of such destruction or damage, then the taxpayer shall include such proceeds in gross income for the taxable year or receipt without having to make an election under section 451(d) and this section. For the purposes of this section only, federal payments received as a result of

(i) Destruction or damage to crops caused by drought, floods, or any other natural disaster, or

(ii) The inability to plant crops because of such a natural disaster, shall be treated as insurance proceeds received as a result of destruction or damage to crops. The preceding sentence shall apply to payments which are received by the taxpayer after December 31, 1973.

(2) For special rules pertaining to the destruction of, or damage to, two or more specific crops, see § 1.451-6 (a) (2).

(b)(1) *Time and manner of making election.* For rules pertaining to the time and manner of making the election under section 451(d) and this section, see § 1.451-6 (b) (1).

(2) *Scope of election.* For specific rules pertaining to the scope of an election

under section 451(d) and this section, see § 1.451-6(b)(2).

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Approved: February 15, 1990.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 203, and 206

Oil and Gas Product Valuation Regulations; Training Seminars

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of training seminars.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that it will conduct training seminars at the locations and on the dates identified below, on the oil and gas product valuation regulations that were published in the *Federal Register* on January 15, 1988 (53 FR 1184 and 53 FR 1230, respectively). The seminars will specifically discuss transportation and processing allowances and the reporting problems encountered since the regulations became effective March 1, 1988.

DATES: See Supplementary Information.

ADDRESSES: See Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Mr. James P. Morris, Chief, Allowance Accounting Section, Transportation and Processing Valuation Branch, Royalty Valuation and Standards Division, (303) 231-3729 or (FTS) 326-3729, or Mr. Stanley J. Brown, Chief, Transportation and Processing Valuation Branch, Royalty Valuation and Standards Division, (303) 231-3063 or (FTS) 326-3063.

SUPPLEMENTARY INFORMATION: The oil and gas product valuation regulations that were published in the *Federal Register* on January 15, 1988, amended and clarified existing regulations governing the valuation of oil and gas for royalty computation purposes. The regulations govern the methods by which value is determined when computing oil and gas royalties under Federal (onshore or Outer Continental Shelf) and Indian (tribal and allotted) oil and gas leases (except leases on the Osage Indian Reservation, Osage County, Oklahoma).

The training seminars will include discussions on the following topics:

- The mission, objectives, and functions of the Transportation and Processing Valuation Branch.
- An overview of the regulations.
- The reporting problems encountered.
- Systems development and billing procedures.
- Information collection requirements and reporting forms (Form MMS-4109, "Request for Gas Plant Processing Deduction;" Form MMS-4110, "Oil Transportation Allowance Report;" and Form MMS-4295 "Gas Transportation Allowance Report") required to support oil and gas transportation and processing allowance deductions from royalties due. Assistance will be provided on how to properly complete the forms.

Location and Dates

The seminars will be held from 8:30 a.m. to 4 p.m. each day on the dates and at the locations shown below:

Dates	Locations
March 28, 1990.....	Sheraton Hotel and Conference Center, 360 Union Boulevard, Lakewood, Colorado 80228, (303) 967-2000.
April 4, 1990.....	Stouffer Dallas Hotel, 2222 Stemmons Freeway, Dallas, Texas 75207, (214) 631-2222.
April 11, 1990.....	Houston Airport Marriott, 18700 John F. Kennedy Boulevard, Houston, Texas 77031, (713) 443-2310.
April 18, 1990.....	Sheraton Inn Tulsa Airport, 2201 North 77th East Avenue, Tulsa, Oklahoma 74115, (918) 835-9911.

Reservations

Persons interested in attending one of these seminars should make a reservation with our office by telephone on or before March 21, 1990, to Ms. LuCinda Rood at (303) 231-3396 or (FTS) 326-3396.

Telephone reservations should be confirmed in writing to Ms. LuCinda Rood, Minerals Management Service, Royalty Valuation and Standards Division, P.O. Box 25165, MS 653, Denver, Colorado 80225.

Persons requesting reservations should specify the seminar location that they are interested in attending and the number of attendees. Due to space limitations the number of attendees may be limited at each seminar location. Reservations will be provided on a first-come-first-served basis.

If insufficient interest is shown in attending any of the individual training

sessions, such sessions may be cancelled and alternate arrangements will be made for those who expressed interest.

Dated: February 23, 1990.
 Jerry D. Hill,
 Associate Director for Royalty Management.
 [FR Doc. 90-4631 Filed 2-28-90; 8:45 am]
 BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 3728-1]

Texas; Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule on application of Texas for program revision.

SUMMARY: The State of Texas has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Environmental Protection Agency (EPA) has reviewed the Texas application and has reached a final determination that the Texas hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving the Texas hazardous waste program revisions.

EFFECTIVE DATE: Final authorization of the Texas hazardous waste program revisions shall be effective at 1:00 p.m. on March 15, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified, or when certain other changes occur. Most commonly, State program revisions are necessitated

by changes to EPA's regulations in 40 CFR Parts 260-266 and 124 and 270.

B. Texas

The State of Texas initially received final authorization in a notice published on December 12, 1984, and effective December 26, 1984. Texas received authorization for revisions to its program in notices published in the Federal Register on March 28, 1985; October 4, 1985; January 31, 1986; and December 18, 1986. On November 12, 1987, Texas submitted a program revision application for additional program approvals. Texas seeks approval of its program revisions in accordance with § 271.21(b)(4).

EPA reviewed the Texas application and made a tentative determination, subject to public review and comment, and a legislative change which allows Texas to implement the permitting portion of its program, that the Texas hazardous waste program revision satisfied all of the requirements necessary to qualify for final authorization. Consequently, EPA made the tentative determination to grant Texas final authorization for the additional program modifications once the EPA concerns were satisfactorily addressed by the State. That decision was published in the Federal Register as a proposed rule on February 3, 1989 (see 54 FR 5500).

Federal regulations require that EPA approve or disapprove RCRA State program revisions based on the requirements of 40 CFR part 271 (40 CFR 271.21(b)(2)). One of these requirements, § 271.14, concerns permitting. All State RCRA programs must have legal authority to implement the conditions in § 270.32 (40 CFR 271.14(k)). Section 270.32(b)(1) states that each RCRA permit shall include conditions necessary to achieve compliance with the regulations including the applicable requirements of the regulations (40 CFR 271.32(b)(1)). For a State-issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit (40 CFR 270.32(c)).

Texas regulations are equivalent to these regulations. They require that any statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit application shall be included in the permit (31 TAC § 305.127(4)(b)). However, in July 1987, Article 7 of the Texas Department of Commerce Act (Tex. Rev. Civ. Stat. Ann. art. 4413 (301) 7.003(a) (Vernon Supp. 1988)) was passed and it required that State