

persons may be expected to utilize the contract for pricing or hedging.

(5) *Continuing Designation.* To justify its continuing designation under the economic purpose requirement, a board of trade designated as a contract market must demonstrate that trading in the contract for which it is designated has, in fact, served a hedging or price basing function on more than an occasional basis. Such a demonstration shall include:

(a) An evaluation of the actual trading experience in the contract in terms of commercial usage and its use for price basing.

(b) An evaluation of the extent to which commercial participation in the contract constitutes hedging.

D. Other Public Interest Requirements. As requested, a board of trade shall submit evidence other than that required in sections B and C of this guideline pertaining to the public interest standard contained in Section 5(g) of the Act.

Issued in Washington, D.C. on October 28, 1982, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 82-30172 Filed 11-2-82; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH-FRL2237-4; FAP 2H5344/R125]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the feed commodity dried grape pomace resulting from application of the insecticide to growing grapes. This regulation, to establish the maximum permissible level for residues of the insecticide in or on the commodity, was requested pursuant to a petition by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on November 3, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., NW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs,

Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the *Federal Register* of July 28, 1982 (47 FR 32602) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had filed a feed additive petition (FAP 2H5344) with the EPA. The petition proposed the establishment of a feed additive regulation for residues of the insecticide chlorpyrifos (0,0,-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on dried grape pomace at 2.0 parts per million (ppm) when present therein as a result of application of the insecticide to growing grapes.

No comments were received by the agency in response to this notice of filing.

The data submitted in the petition and other relevant materials have been evaluated and discussed in the notice of proposed rulemaking (PP 2E2584/P244) published in the *Federal Register* of August 25, 1982 (47 FR 37256) which proposed a tolerance in or on the commodity grapes.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, 21 CFR 561.98 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the

Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24945).

Effective on: November 3, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: October 23, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.98 is amended by adding and alphabetically inserting the feed commodity dried grape pomace to read as follows:

§ 561.98 Chlorpyrifos.

* * * * *

	Feeds	Parts per million
Grape, pomace, dried.....	2.0	2.0

[FR Doc. 82-29982 Filed 11-2-81; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Removal of Loperamide From Control

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule which removes the drug, loperamide, and its salts from control under the Controlled Substances Act (21 U.S.C. 801 *et seq.*). This action results from the Acting Administrator of the Drug Enforcement Administration finding that loperamide hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the *Federal Register* on July 28, 1982 (47 FR 32549) proposing the removal of loperamide and its salts from Schedule V of the Controlled Substances Act (21 U.S.C. 812(c) Schedule V(c), 21 CFR 1308.15(c)). All interested persons were given until September 27, 1982, to submit their objections, comments or requests for a hearing regarding the proposal. No comments or objections were received nor were there any requests for a hearing. In view thereof and based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of the Department of Health and Human Services, received pursuant to 21 U.S.C. 811(b), the Acting Administrator finds that loperamide hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse to justify its continued control in any schedule of the Controlled Substances Act.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the act (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby orders that 21 CFR 1308.15 be amended by removing paragraph (c).

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that removal of loperamide from control under the Controlled Substances Act is a deregulation action which will have no adverse impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354).

In accordance with the provisions of 21 U.S.C. 811(a), this final rule to remove loperamide from Schedule V is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

PART 1308—[AMENDED]**§ 1308.15 [Amended]**

Accordingly, 21 CFR Part 1308 is amended as follows:

§ 1308.15 [Amended]

Section 1308.15 is amended by removing paragraph (c).

Dated: October 25, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-30284 Filed 11-2-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[T.D. 7842]

Income Tax; Taxable Years Beginning After December 31, 1953; Relationship of Election by Nonresident Alien Individual To Be Treated as Resident and United States Income Tax Treaties

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the relationship of the election by a nonresident alien individual to be treated as a U.S. resident and United States income tax treaties. The changes are necessary because the paragraph dealing with the relationship of the election and tax treaties was reserved when the existing regulations were adopted. The regulations would provide guidance to individuals considering taking advantage of the election. The election provision was added to the tax law by the Tax Reform Act of 1976.

DATE: The amendments are effective for taxable years ending on or after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, Attention: CC: LR:T; 202-566-3323 not a toll-free call.

SUPPLEMENTARY INFORMATION:**Background**

On January 31, 1980, the *Federal Register* published amendments to the Income Tax Regulations (26 CFR Part 1) under sections 879, 6013, and other sections of the Internal Revenue Code of 1954. The amendments concerned the election under sections 6013 (g) and (h)

by a nonresident alien individual to be treated as a U.S. resident and the treatment of community income where the election is not made. The amendments reserved § 1.6013-6(a)(2)(v) of the regulations. On September 12, 1980, the *Federal Register* published a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 6103 (g) of the Internal Revenue Code of 1954. The proposed amendment was to the reserved § 1.6013-6(a)(2)(v). After consideration of all comments submitted regarding the proposed amendment, the amendment is adopted by this Treasury decision. The final regulations delete an example and make clarifying amendments to the Income Tax Regulations under section 1441 of the Internal Revenue Code of 1954.

Discussion

Section 1012(a) of the Tax Reform Act of 1976 amended section 6013 of the Internal Revenue Code of 1954 by adding subsections (g) and (h), which provide that a nonresident alien individual may, under certain circumstances, elect to be treated as a U.S. resident. The principal effect of this election is to permit the nonresident alien individual to file a joint return with a spouse who is a resident or citizen of the United States.

An effect of being treated as a U.S. resident is that one is subject to income tax on worldwide income. The committee reports under the Tax Reform Act of 1976 state that an election under section 6013 (g) or (h) is an election to be taxed on worldwide income. H. Rep. No. 94-658, 94th Cong., 1st Sess. 204 (1975); S. Rep. No. 94-938, 94th Cong., 2d Sess. 213 (1976). The United States has entered into a number of income tax treaties with other countries. Under these treaties, the right of the treaty countries (including the United States) to tax income will depend in many cases, upon the country of which an individual is resident. As a nonresident alien individual making the election also may be a resident of another country, it is necessary to make clear the individual's residence for purposes of United States income tax treaties.

The regulations provide that an individual who makes the election may not, for United States income tax purposes, claim under any U.S. income tax treaty not to be a resident of the United States. Thus, the individual who makes the election will be subject to U.S. income tax on worldwide income even though the individual, as a resident of another country, may have been exempt under a U.S. income tax treaty from U.S. tax on certain income before