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. 82-30264 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

making the election. The regulations provide an example of the operation of the new rule.

Summary of Changes and Public Comment

The final regulations delete an example from the proposed regulations and make three clarifying amendments to the withholding regulations under section 1441.

Two public comments were received concerning the proposed regulations. One commentator asserted that the proposed regulations violate United States income tax treaty obligations. The regulations do not violate U.S. treaty obligations as the section 6013 (g) and (h) elections represent choices by individuals themselves to be taxed on worldwide income, even though before making an election the individuals may have been exempt from U.S. income tax under the Internal Revenue Code or a U.S. income tax treaty.

Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

The principal author of these regulations is Jason R. Felton of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing these regulations both on matters of substance and style.

List of Subjects

26 CFR 1.1441–1—1.1465–1

Income taxes, Aliens, Foreign corporations,

26 CFR 1.6001–1—1.6109–2

Administration and procedure, Tax depositaries.

Adoption of Amendments to the Regulations

The amendments to 26 CFR Part 1 are adopted as follows:

PART 1—[AMENDED]

1. Paragraph (a) (2)(v) is added to § 1.6013–6 to read as follows:

§ 1.6013–6 Election to treat nonresident alien individual as resident of the United States.

(a) Election for special treatment—

* * *

(2) Particular rules. * * *

(v) An individual who makes an election under this section may not, for United States income tax purposes, claim under any United States income tax treaty not to be a U.S. resident. The relationship of U.S. income tax treaties and the election under this section is illustrated by the following example.

Example. H, a U.S. citizen, is married to W, a nonresident alien of the United States and a domiciliary of country X. H and W maintain their only permanent home in country X. W receives both U.S. source and country X source interest during the taxable year. The interest is not effectively connected with a permanent establishment or a fixed base in any country. H and W make the section 6013 (g) election. Under article ii (1) of the United States—country X Income Tax Convention interest derived and beneficially owned by a resident of one contracting state is exempt from tax in the other contracting state. Article 4 (1) of the treaty provides that an individual is a resident of a contracting state if subject to tax in that country by reason of the individual's domicile, residence, or citizenship. Under article 4 (1) of the treaty, W is a resident of country X by virtue of her domocile in country X and also of the United States by virtue of the section 6013 (g) election. Article 4 (2) of the treaty provides that if an individual is a resident of both the United States and country X by reason of article 4 (1), the individual shall be deemed to be a resident of the contracting state in which he or she has a permanent home available. Because W's sole permanent home is in country X, under article 4 (2) of the treaty W is treated as a resident of country X for purposes of the treaty. Because W has elected under section 6013(g) to be treated as a U.S. resident (and thus to be taxed on worldwide income), W may not, for U.S. income tax purposes, claim under the treaty not to be a U.S. resident. W, therefore, is subject to U.S. income tax on the interest. For purposes of country X income tax, W is considered a resident of country X under the treaty.

§ 1.1441–4 [Amended]

2. Paragraph (b)(2)(i) of § 1.1441–4 is amended by adding the following phrase immediately after the word "resident": "(including, in accordance with § 1.6013–6(a)(2)(v), an individual with respect to whom an election to be treated as a resident under section 6013(g) is in effect)".

§ 1.1441–5 [Amended]

3. Paragraph (d) of § 1.1441–5 is amended by adding the following new sentence immediately after the first sentence: "An individual with respect to whom an election to be treated as a resident under section 6013(g) is in effect is not, in accordance with § 1.1441–1, a resident for purposes of this section."

4. Section 1.1441–6 is amended by adding at the end thereof a new paragraph (d) to read as set forth below:

§ 1.1441–6 Withholding pursuant to the application of a tax treaty which confers a reduced rate of, or exemption from, United States income tax.

* * * * *

(d) *Section 6013(g) election.* A nonresident alien individual with respect to whom a section 6013(g) election to be treated as a resident is in effect may not, in accordance with § 1.6013–6(a)(2)(v), claim a reduced rate of, or exemption from, United States income tax under an income tax treaty.

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue

Approved: October 6, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–30266 Filed 11–2–82; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW–4–FRL 2239–4]

Hazardous Waste Management Programs; South Carolina; Authorization for Interim Authorization Phase II Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination.

SUMMARY: The State of South Carolina has applied for Interim Authorization Phase II Components A and B. EPA has reviewed South Carolina's application for Phase II Interim Authorization, Components A and B, and has determined that South Carolina's hazardous waste program is substantially equivalent to the Federal program covered by Components A and B. The State of South Carolina is hereby granted Interim Authorization for Phase II, Components A and B, to operate the State's hazardous waste program covered by Components A and B, in lieu of the Federal program.

EFFECTIVE DATE: Interim Authorization Phase II, Components A and B, for South Carolina shall become effective November 3, 1982.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street,

N.E., Atlanta, Georgia 30365, Telephone (404) 881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), to protect human health and the environment from the improper management of hazardous waste. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

Phase I regulations were published on May 19, 1980, and became effective on November 19, 1980. The Phase I regulations include the identification and listing of hazardous wastes, standards for generators and transporters of hazardous waste, standards for owners and operators of treatment, storage and disposal facilities, and requirements for State Programs. The Phase II regulations cover the procedures for issuing permits under RCRA and the standards that will be applied to treatment, storage, and disposal facilities in preparing permits. In the January 26, 1982 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced that States could apply for components of Phase II of Interim Authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2801), contains standards for permitting containers, tanks, surface impoundments, and waste piles. Component B, published in the **Federal Register** January 23, 1982 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123, Subpart F (46 FR 8298) January 26, 1982.

The State of South Carolina received Interim Authorization for Phase I on February 25, 1981.

Draft Application.

The State of South Carolina submitted its draft application for Phase II Interim Authorization, Components A and B, on January 14, 1981. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration:

The South Carolina program needed to demonstrate equivalence with the public participation requirements of section 7004(b) RCRA as amended by Pub. L. 96–482. The State also needed to clarify the Part 264 standards as they applied to Experimental, Emergency, Special Wastes, and Temporary Permits. In addition, it was necessary that the State delineate those areas where it lacked equivalent regulations and would refer to the Federal regulations to derive permit terms and conditions.

State officials resolved these issues through revisions in the Program Description, Memorandum of Agreement, and the Attorney General's Statement.

Final Application

On June 18, 1982, South Carolina submitted to EPA a Final Application for Interim Authorization Phase II, Components A and B, under RCRA. An EPA review team consisting of both Headquarters and Regional personnel made a detailed analysis of South Carolina's hazardous waste management program.

EPA comments were forwarded to the State on August 11, 1982. No *major* questions were raised in the comments. The comments requested clarification in the Program Description on public participation in the permitting process, clarification to the language in the MOA concerning permit modification, delistings and variances, and correction of typographical errors made by the State.

By letters dated August 16, 1982, and September 1, 1982, the State responded satisfactorily to the issues raised by EPA. In those letters the State clarified the issues on public participation, the MOA, and corrected typographical errors in the State's application.

Public Hearing and Comment Period

As noticed in the **Federal Register** on July 14, 1982 (47 FR 20170), EPA gave the public until August 15, 1982, to comment on the State's application. EPA issued a public notice for a hearing to be held in Columbia, South Carolina on August 26, 1982, if significant public interest was expressed. EPA received written comments supporting the hazardous waste program in South Carolina, one of which requested a public hearing to provide public understanding. EPA considered the hearing to be a mechanism for soliciting specific opinions and viewpoints from the public on Phase II, Components A and B, Interim Authorization. Education of the public for broader understanding of the hazardous waste program is best done by the State agency. The State agency provides responses to any information requests and holds public meetings to explain its programs. For this reason, EPA felt a public hearing was unwarranted based on this one request. After careful review, I have determined that the South Carolina hazardous waste program is substantially equivalent to the Federal program.

Certification: South Carolina Application for Interim Authorization, Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

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

Dated: October 1, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-30263 Filed 11-2-82; 8:45 am]

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