disabling impairment (described in § 416.911). (See § 416.1338 for an exception to this rule if you are participating in an appropriate vocational rehabilitation program, and § 416.261 for an explanation of special benefits to which you may be entitled.) However, benefits may be resumed during the reentitlement period (described in § 416.992a) under certain circumstances. If you have a disabling impairment, you will receive benefits based on disability for any month in which you do not do substantial gainful activity in the reentitlement period and if we determine that you are not able to do substantial gainful activity in the first month following the reentitlement period, we will pay you benefits after the reentitlement period until you are able to do substantial gainful activity. These payments will stop with the earlier of the month before the first month in which you do substantial gainful activity or the month before the month in which you are determined to no longer have a disabling impairment. The last month for which we can pay you benefits based on blindness is the second month after the month in which your blindness ends (see § 416.986 for when blindness ends). You must meet the income, resources, and other eligibility requirements to receive any of the benefits described in this paragraph. We will also stop payment of your benefits if you have not cooperated with us in getting information about your disability or blindness.

(b) *After we make a determination that you are not now disabled.* If we determine that you do not meet the disability requirements of the law, we will send you an advance written notice telling you why we believe you are not disabled and when your benefits should stop. The notice will explain your right to appeal if you disagree with our determination. You may still appeal our determination that you are not now disabled even though your payments are continuing because of your participation in an appropriate vocational rehabilitation program. You may also appeal a determination that your completion of or continuation for a specified period of time in an appropriate vocational rehabilitation program will not significantly increase the likelihood that you will not have to return to the disability benefit rolls and, therefore, you are not entitled to continue to receive benefits.

9. The authority citation for Subpart N of Part 416 reads as follows:

Authority: Sections 1102, 1631(c), and 1633 of the Social Security Act, 49 Stat. 647, 86 Stat. 1475, 86 Stat. 1478 (42 U.S.C. 1302, 1383, and 1383b); Section 301 of Pub. L. 96-265, 94 Stat. 450 (42 U.S.C. 1382c, 1383).

10. Section 416.1402 is amended by revising paragraphs (j) and (k) and adding a new paragraph (l) to read as follows:

§ 416.1402 Administrative actions that are initial determinations.

Initial determinations are the determinations we make that are subject to administrative and judicial review. The initial determination will state the important facts and give the reasons for our conclusions. Initial determinations regarding supplemental security income benefits include, but are not limited to, determinations about—

* * * * *

(j) Your disability;

(k) Whether your completion of or continuation for a specified period of time in an appropriate vocational rehabilitation program will significantly increase the likelihood that you will not have to return to the disability benefit rolls and thus, whether your benefits may be continued even though you are not disabled; and

(l) Whether or not you have a disabling impairment as defined in § 416.911.

[FR Doc. 84-14232 Filed 5-25-84; 8:45 am]
BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Ivermectin Paste

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Sharp & Dohme Research Laboratories, providing for use of Eqvalan® (ivermectin) paste for horses for treating and controlling certain nematode and bot infections.

EFFECTIVE DATE: May 29, 1984.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, filed NADA 134-314 providing for oral use of Eqvalan® (ivermectin) paste for horses for the treatment and control of infections of certain internal nematodes and bots. Adequate and well-controlled studies demonstrate the safety and effectiveness of the product for treating and controlling internal bot and nematode infestations. The NADA is approved and the regulations are amended to reflect this approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Center's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(a)), may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1192, to read as follows:

* * * * *

§ 520.1192 Ivermectin paste.

(a) *Specifications.* Paste contains 1.87 percent ivermectin.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Condtions of use*—(1) *Amount.* 200 micrograms per kilogram (91 micrograms per pound) of bodyweight.

(2) *Indications for use.* It is used in horses for the treatment and control of large strongyles (adult) (*Strongylus*

equinus), (adult and arterial larval stages) (*Strongylus vulgaris*), (adult and migrating tissue stages) (*Strongylus edentatus*), (adult) (*Triodontophorus* spp.), small strongyles (adult and fourth stage larvae) (*Cyathostomum* spp., *Cylicocyclus* spp., *Cylicodontophorus* spp., *Cylicostephanus* spp.), pinworms (adult and fourth stage larvae) (*Oxyuris equi*), large roundworms (adult) (*Parascaris equorum*), hairworms (adult) (*Trichostrongylus axei*), large mouth stomach worms (adult) (*Habronema muscae*), neck threadworms (microfilariae) (*Onchocerca* spp.), and stomach bots (first, second, and third instars, oral and gastric stages) (*Gastrophilus* spp.).

(3) *Limitations.* For oral use only. Do not use in horses intended for food purposes. Safety has not been demonstrated in horses under 4 months old. Do not administer to foals of this age class. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. May 29, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 21, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-14169 Filed 5-25-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. N-84-1391; FR-1971]

List of GNMA Attorneys-in-Fact

AGENCY: Government National Mortgage Association, HUD.

ACTION: Rule-related Notice.

SUMMARY: This document updates the current list of persons appointed attorneys-in-fact by the Government National Mortgage Association (GNMA). Attorneys-in-fact are authorized to act for GNMA by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs. These appointments assist GNMA in carrying out its responsibilities under the National Housing Act.

EFFECTIVE DATE: May 29, 1984.

FOR FURTHER INFORMATION CONTACT: John Maxim, Associate General Counsel, Insured Housing and Finance, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6274. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Government National Mortgage Association (GNMA) periodically approves staff members of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) to be delegated signatory authority to act in GNMA's behalf as attorneys-in-fact.

Until recently, lists of persons appointed to act have appeared in the Code of Federal Regulations (see 24 CFR 300.11 (c) and (d), 1983 edition). In related documents published on August 12, 1983 (see 48 FR 36572, 36573) GNMA announced that it was removing these lists from the CFR, changing the procedure of announcing appointments to a notice document, and publishing a complete list of persons currently appointed to act as attorneys-in-fact. The rule removing the lists from the CFR, as well as the complete list of attorneys-in-fact, was effective on October 11, 1983. Additional changes to the list of persons appointed attorneys-in-fact were published on December 29, 1983 (see 48 FR 57371).

This notice today announces changes to the list of persons authorized to act as attorneys-in-fact. The changes include additions to and deletions from the Federal National Mortgage Association list. To enhance the usability of these notices, the Department has decided to republish the entire list of attorneys-in-fact each time changes are made.

Accordingly, the following lists represent all persons currently appointed as attorneys-in-fact delegated signatory authority to act in GNMA's behalf:

I. Staff members of the Federal National Mortgage Association, a government-sponsored private corporation, appointed attorneys-in-fact.

Name and Region

Leo E. Abueg, Los Angeles, CA
Robert E. Allen, Los Angeles, CA
Angelina P. Alleva, Philadelphia, PA
Ellen W. Allison, Atlanta, GA
Pan Andrus, Los Angeles, CA
Victoria L. Arrington, Chicago, IL
Glenn T. Austin, Jr., Atlanta, GA
J. J. Bacchus, Atlanta, GA
Irene S. Baggio, Philadelphia, PA
Darlene Bagley, Atlanta, GA
J. C. Bellinger, Atlanta, GA
J. M. Benavides, Dallas, TX
Frances E. Bennett, Atlanta, GA
James H. Benson, Los Angeles, CA
E. N. Biggerstaff, Atlanta, GA
James R. Blakley, Los Angeles, CA
Norman T. Bolas, Los Angeles, CA
Donna F. Bennett, Philadelphia, PA
W. R. Bowen, Los Angeles, CA
W. James Bradley, Washington, D.C.
Joseph E. Brody, Chicago IL
Craig J. Bromann, Chicago, IL
Rosemary M. Brown, Washington, D.C.
Burleigh O. Burshem, Washington, D.C.
Rena L. Busby, Los Angeles, CA
Donna M. Cabrera, Los Angeles, CA
Dennis J. Campbell, Philadelphia, PA
E. P. Carr, Atlanta, GA
Loretta Casey, Philadelphia, PA
James S. Cash, Atlanta, GA
Robert A. Chambers, Atlanta, GA
Heinrich F. Charles, Los Angeles, CA
Russell B. Clifton, Washington, D.C.
John M. Coan, Washington, D.C.
Vincent Colletti, II, Philadelphia, PA
Bettye Cook, Los Angeles, CA
Marie A. Correja, Philadelphia, PA
Diane E. Cozad, Los Angeles, CA
Edward F. Czubernat, Chicago, IL
Nitin J. Dave, Atlanta, GA
John J. Deisher, Dallas, TX
John C. Diebel, Chicago, IL
James E. Domenico, Chicago, IL
Lawrence J. Dondero, Jr., Philadelphia, PA
Elizabeth A. Downing, Los Angeles, CA
Samuel A. Duca, Philadelphia, PA
J. Ellis Dykes, Atlanta, GA
Joseph R. Elred, Philadelphia, PA
Julieta England, Los Angeles, CA
David J. Evans, Atlanta, GA
R. Douglas Ezzell, Atlanta, GA
Leon Fine, Philadelphia, PA
Pamela K. Fite, Atlanta, GA
Carlton T. Foster, Jr., Atlanta, GA
Robert R. Foster, Philadelphia, PA
Jimmy L. Gallahar, Atlanta, GA
Hettye D. Gates, Atlanta, GA
Robert R. Glinski, Philadelphia, PA
James D. Grady, Jr., Philadelphia, PA
John J. Hagerty, Philadelphia, PA
Mark S. Haney, Los Angeles, CA
Robert E. Haren, Chicago, IL
Charles W. Harvey, Jr., Philadelphia, PA
Ronald W. Harwig, Chicago, IL
John R. Hayes, Chicago, IL
Vincent C. Hehl, Philadelphia, PA
B. J. Hendryk, Dallas, TX
C. W. Haptinstall, Los Angeles, CA
J. W. Hester, Jr., Atlanta, GA
JoAnne Holbert, Los Angeles, CA
R. R. Hoist, Los Angeles, CA
Frederick J. Horak, Dallas, TX
Violet L. Howser, Dallas, TX
George L. Huckabee, Dallas, TX
Carmen I. Huertas, Los Angeles, CA
Arnold L. Hufstetler, Atlanta, GA
Robert A. Hunter, Atlanta, GA
Louise E. Isabel, Chicago, IL
Stuart J. Jaffee, Philadelphia, PA
William S. Jones, Atlanta, GA
Ed G. Kendrick, Dallas, TX
Arthurine C. Kent, Los Angeles, CA
Carol King, Los Angeles, CA
Thomas L. Kinney, Washington, D.C.

John H. Kline, Jr., Philadelphia, PA
Michael S. Koch, Chicago, IL
John S. Kolich, Dallas, TX
Denise Lee, Philadelphia, PA
Alfredo S. Loyola, Chicago, IL
Robert J. Mahn, Washington, D.C.
Noel J. Mangan, Chicago, IL
P. Jack Maniscalco, Dallas, TX
Allen P. Miller, Los Angeles, CA
Doris A. Morrow, Chicago, IL
Frederich W. Mowatt, Washington, D.C.
Charleen N. Munson, Philadelphia, PA
Randolph C. Nail, Jr., Chicago, IL
Harbir S. Narang, Los Angeles, CA
Vincent H. Nelson, Atlanta, GA
Philip R. Nichols, Jr., Philadelphia, PA
James W. Noack, Los Angeles, CA
B. J. Odom, Atlanta, GA
Zach Oppenheimer, Philadelphia, PA
Joyce A. Palgutta, Chicago, IL
Leslie A. Parsons, Los Angeles, CA
Dale L. Pea, Dallas, TX
Norman H. Peterson, Los Angeles, CA
Kathryn M. Phillips, Atlanta, GA
Robert G. Pike, Atlanta, GA
M. Kay Pollack, Los Angeles, CA
Douglass M. Porter, Washington, D.C.
Norman M. Reid, Los Angeles, CA
Max D. Robinson, Dallas, TX
A. E. Rodenberger, Los Angeles, CA
Samuel D. Russell, Dallas, TX
Tim J. Ryan, Chicago, IL
E. L. Schreiber, Dallas, TX
Frank L. Scrivano, Dallas, TX
R. L. Shanteau, Atlanta, GA
Patricia L. Shaw, Chicago, IL
Mary Simpson, Dallas, TX
M. Faith Smith, Philadelphia, PA
Samuel M. Smith, III, Atlanta, GA
Susan T. Smith, Dallas, TX
Roger Stewart, Washington, D.C.
Robert F. Sumbry, Atlanta, GA
T. J. Swanson, Jr., Atlanta, GA
Morton C. Swichkow, Dallas, TX
Robert N. Tanabe, Los Angeles, CA
Geri C. Thomas, Los Angeles, CA
Jimmie L. Thomas, Dallas, TX
Carmeleta Turner, Dallas, TX
Ruth C. Turner, Los Angeles, CA
J. H. Van House, Atlanta, GA
Mary E. Voight, Los Angeles, CA
Esther O. Walder, Philadelphia, PA
Erlinda C. Weaver, Los Angeles, CA
Nancy L. Webster, Chicago, IL
Edward W. Wendell, Chicago, IL
James H. Whitehead, Atlanta, GA
John Wilson, Philadelphia, PA
W. E. Yeager, Atlanta, GA
Dick A. Yockey, Los Angeles, CA

II. Staff members of the Federal Home Loan Mortgage Corporation, created under the laws of the United States, appointed attorneys-in-fact.

Name and Region

William T. Bings, Washington, D.C.
Philip R. Brinkerhoff, Washington, D.C.
Jerry Brooks, Atlanta, GA
Michael Coffey, Dallas, TX
Douglas R. Cottrell, Atlanta, GA
Kenneth Coulter, Los Angeles, CA
George E. Delgado, Arlington, VA
James L. Garrison, Arlington, VA
C. Gordon Gray, Chicago, IL
Ken Halterman, Dallas, TX
Philip N. Harrington, Washington, D.C.
Carl Hillis, Dallas, TX
John Horseman, Sr., Washington, D.C.
Victor H. Indiek, Washington, D.C.
David S. Latimore, Atlanta, GA
Leon L. Linkroum, Los Angeles, CA
John E. Lott, Chicago, IL
Peter R. McNulty, Arlington, VA
J. Michael Materie, Atlanta, GA
Walter P. Moenning, Jr., Chicago, IL
Ronald Morck, Atlanta, GA
Randall M. Nay, Dallas, TX
Jerry C. Nelson, Dallas, TX
Robert K. Ostengaard, Los Angeles, CA
Paul Quinn, Denver, CO
F. Michael Salb, Arlington, VA
Kenneth J. Sandin, Atlanta, GA
Fred Schwartz, Chicago, IL
Stu Strand, Los Angeles, CA
Ronald D. Struck, Washington, D.C.
Melvin L. Taylor, Seattle, WA
William R. Thomas, Jr., Dallas, TX
Glenn Vaupel, Los Angeles, CA
William J. Verant, Los Angeles, CA
Edward Voss, Chicago, IL
Clifford A. Walters, Chicago, IL

Dated: May 21, 1984.

Warren A. Lasko,

Executive Vice President.

[FR Doc. 84-14104 Filed 5-25-84; 8:45 am]
BILLING CODE 4210-32-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Eligibility

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: This notice adopts final rules regarding eligibility standards for receipt of benefits under Pub. L. 93-531, the Navajo and Hopi Indian Relocation Act. This action is necessary to clarify the current rules and to resolve ambiguities that have arisen in determinations of eligibility for benefits.

EFFECTIVE DATE: June 28, 1984.

ADDRESS: Comments may be sent to the Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ 86002. Telephone No. (602) 779-2721.

The principal author of this final rulemaking is E. Susan Crystal, Attorney at Law, of the Navajo and Hopi Indian Relocation Commission.

SUPPLEMENTARY INFORMATION: The following is a section-by-section analysis of comment received.

Section 700.69—Head of Household.

Comment was received from the Navajo Tribe on § 700.69(a)(1) which defines a household. The Navajo Tribe recommended that the section specify that as a result of a court imposed construction freeze on the Former Joint Use Area, two or more households may be living together at a specific location. This comment was incorporated into the definition of household to clarify that separate households living at a specific location may be eligible separately for benefits.

Comment regarding § 700.69(a)(2) which defines a single person head of household was received from the Navajo-Hopi Legal Services Program recommending that the proposed definition be broadened to include all reasonable circumstances under which a single individual may be recognized as an independent household for purposes of these regulations. A portion of this comment proposed by the Navajo-Hópi Legal Services Program was incorporated into the definition. The final rule specified that these circumstances must exist while the individual continues to reside on land partitioned to the Tribe of which they are not a member.

Comment was received from the Navajo Tribe that § 700.69(b) which defines head of household be redrafted so that the household designates the individual who acts on behalf of the household members. The Commission makes such designation only in the event the household fails to do so. This clarification is consistent with Commission practice and has been incorporated into the final regulation.

Section 700.97—Residence.

The final rule reiterates the language of the proposed rule, limiting determination of residence to a specific point in time, December 22, 1974, the date of passage of Pub. L. 93-531.

The term "residence" in the final rule is meant to be given its legal meaning combined which requires an examination of a person's intent to reside combined with manifestations of that intent. An individual who was, on December 22, 1974, away from the land partitioned to the Tribe of which he/she is not a member may still be able to prove legal residence.

Comment was received from the Navajo Tribe that elimination of the term "substantial and recurring contacts" and the adoption of the term "legal residence" makes interpretation of the residence requirements less clear to the Commission administrative staff who must use the regulations. The factors which will be examined by the Commission in assessing an applicants' manifestations of intent to maintain legal residence in the partitioned lands as of December 22, 1974, include the following: Ownership of livestock, Ownership of improvements, Grazing Permits, Livestock sales receipts, Homesite leases, Public health records, Medical and Hospital records, including those of Medicinemen, Trading Post records, School records, Military records, Employment records, Mailing Address records, Banking records, Drivers license records, Voting records—tribal and county, Home ownership or rental off the disputed area, BIA Census Data, Information obtained by Certification Field Investigation, Social Security Administration records, Marital records, Court records, Records of Birth, Joint Use Area Roster, any other relevant data. It is the Commission's view that the concept of legal residence reflects the intent of Congress that those who were, in 1974, residents of land partitioned to a tribe of which they were not members, be eligible for benefits.

The proposed regulations provided that current occupancy was a criteria of residency. Comment received from the Navajo-Hopi Legal Services Program pointed out the inconsistency between this provision and the determination of legal residence as of December 22, 1974. Once legal residence is proven, current occupancy (which is a fluctuating condition) is not required for eligibility. The criteria of current occupancy has been eliminated from the final rule.

Comment was received from the Hopi Tribe concerning the restrictive language of Pub. L. 97–394, the Interior Appropriations Bill for FY 1983. The comment was not incorporated.

Section 700.147—Eligibility.

Section 700.147 (a) of the proposed rule states that in order to be eligible for benefits provided for under Pub. L. 93–531, the head of household and/or immediate family must have been residents on December 22, 1974 of an area partitioned to the Tribe of which they are not members. Regarding this section, comment was received from the Navajo Tribe objecting to this revision of existing regulations which allow benefits to be paid to individuals who moved from the Former Joint Use Area between December 22, 1974 and August 30, 1978, even though the land from which they moved was subsequently partitioned to the Tribe of which they were members. The Commission disagrees that benefits should be paid to said individuals. Pub. L. 93–531 was enacted to provide relocation assistance to individuals displaced from lands awarded to the Tribe of which they are not members. The Commission recognizes that until the final partition line was drawn, individuals living on the Former Joint Use Area were uncertain of the future disposition of their traditional use lands and some individuals may have moved voluntarily in order to establish a more secure homestead. However, Congress authorized the Commission to assist individuals specifically displaced by the Settlement Act.

Section 700.147(b) of the final rule states that the burden of proving residence and head of household status is on the applicant. No comment was received on this provision.

Section 700.147(c) of the final rule provides that eligibility for benefits is further restricted by 25 U.S.C. 640d–13(c) and 14(c). This citation is repeated from current regulations. No comment was received on this section.

Section 700.147(d) of the final rule states that individuals who are determined to be members of a household which has received benefits are not separately entitled to benefits. This section has been added to clarify any confusion on the part of clients that they may be separately entitled to benefits even though they have been included in the benefits package provided to the household of which they are members. Commission procedures specifically identify the members of the household who participate in the benefits award. A household member who believes he/she may be separately eligible may apply independently and receive a determination based upon eligibility criteria applicable to the particular case.

List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflict of interests, Freedom of Information, Grant program-Indians, Indian-claims, Privacy, Real property acquisition, Relocation assistance.

Authority: Pub. L. 93–531, 88 Stat. 1712 as amended by Public Law 96–305, 94 Stat. 929 (25 U.S.C. 640d).

PART 700—[AMENDED]

Accordingly, 25 CFR, Subpart A, §§ 700.69, 700.97 and Subpart C, § 700.147 are revised to read as follows:

§ 700.69 Head of household.

(a) *Household.* A household is:

(1) A group of two or more persons living together at a specific location who form a unit of permanent and domestic character.

(2) A single person who at the time his/her residence on land partitioned to the Tribe of which he/she is not a member actually maintained and supported him/herself or was legally married and is now legally divorced.

(b) *Head of household.* The head of household is that individual who speaks on behalf of the members of the household and who is designated by the household members to act as such.

(c) In order to qualify as a Head of Household, the individual must have been a Head of Household as of the time he/she moved from the land partitioned to a tribe of which they were not a member.

§ 700.97 Residence.

(a) Residence is established by proving that the head of household and/or his/her immediate family were legal residents as of 12/22/74 of the lands partitioned to the Tribe of which they are not members.

§ 700.147 Eligibility.

(a) To be eligible for services provided for under the Act, and these regulations, the head of household and/or immediate family must have been residents on 12/22/74 of an area partitioned to the Tribe of which they were not members.

(b) The burden of proving residence and head of household status is on the applicant.

(c) Eligibility for benefits is further restricted by 25 U.S.C. Sections 640d–13(c) and 14(c).

(d) Individuals are not entitled to receive separate benefits if it is determined that they are members of a household which has received benefits.

Ralph A. Watkins, Jr.

Chairman Navajo and Hopi Indian Relocation Commission.

[FR Doc. 84–14218 Filed 5–25–84; 8:45 am]

BILLING CODE 7560-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7959]

Income Tax; Related Group Election With Respect to Qualified Investments in Foreign Base Company Shipping Operations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to the election made by a related group to determine foreign base company shipping income and qualified investments in foreign base company shipping operations on a related group basis. This T.D. deals with changes made by the Tax Reduction Act of 1975 and the Tax Reform Act of 1976 relating to foreign base company shipping income.

DATE: The regulations are effective for taxable years of controlled foreign corporations beginning after June 30, 1984, with respect to elections made for taxable years beginning after that date, and for taxable years of U.S. shareholders within which, or with which, the taxable years of such controlled foreign corporations end.

FOR FURTHER INFORMATION CONTACT: Jacob Feldman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–58–83), 202–566–3289.

SUPPLEMENTARY INFORMATION:

Background

On May 19, 1983, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 955 of the Internal Revenue Code of 1954 (48 FR 22584). The proposed amendments concerned the related group election with respect to qualified investments in foreign base company shipping operations. Public comments were received with respect to the amendments proposed on May 19, 1983. A public hearing was neither requested nor held.

Discussion

Prior to this amendment the election of taxpayers to determine foreign base company shipping income and operations on a related group basis was an annual election. This amendment changes that rule so that, once the election is made, it cannot be changed and shall apply for the taxable year for which it is made and for all subsequent taxable years until the election is revoked. A revocation will require the consent of the Commissioner. An application to revoke the election with respect to any member of the related group of controlled foreign corporations will be treated as an application to revoke the election with respect to all members. The addition of new members to election coverage will be treated as a new election and does not require the consent of the Commissioner. If an election has been revoked, a new election may be made without consent of the Commissioner, notwithstanding that a greater or lesser number of members of the group were covered by the previous election.

The final regulations make three changes to the regulations as proposed. Section 1.954–1(b)(4)(ii)(*b*) provides that where a controlled foreign corporation's increase in qualified investments in foreign base company shipping operations for a year exceeds its foreign base company shipping income for that year and for the immediately preceding or succeeding year, that excess amount may be carried back or forward one year to offset in full the foreign base shipping income of that earlier or later year. In such a case, the Service will determine that there has not been a significant purpose of substantial tax reduction in that earlier or later year with respect to foreign base company shipping income for that year so offset. However, § 1.954–1(b)(4)(ii)(*b*) was not applicable to a corporation with respect to which a related group election under § 1.955A–3 was in effect for the taxable year in which the carryover arose or to which the carryover amount might otherwise have been carried. Since the amendment under section 1.955A–3 would make the related group election permanent, it was decided to modify § 1.954–1(b)(4)(ii)(*b*) to provide that this limitation on the carryover rule no longer applies if a related group election is in effect both for the year in which the carryover arose and the year to which the carryover amount would be carried. However, for the limitation not to apply, the carryover must arise in a taxable year beginning after June 30, 1984, the effective date of the change in the related group election.

The second change deals with a controlled foreign corporation ceasing to be eligible for inclusion in a related group by reason of ceasing to be a controlled foreign corporation or failing to satisfy other requirements of § 1.955A–3(b) dealing with the definition of a related group. If a member of the related group subject to the related group election ceases to so qualify as a related group member and if the action resulting in nonqualification is taken principally for the purpose of revoking the related group election without applying for and obtaining the Commissioner's approval, then, under paragraph (d)(2)(ii) of § 1.955A–3 as changed, no further election covering any member of that related group may be made by any United States shareholder for the remainder of the taxable year in which the action occurred and the five succeeding taxable years.

The third change is with respect to example (3) of § 1.955A–2(c)(3). The example in the existing regulations does not reflect the application of the rule in § 1.955A–2 (g)(1) for reducing assets by specific charges prior to an allocation of unsecured liabilities. The example has, therefore, been modified to reflect this rule.

A comment was received suggesting that the permanent related group election is inconsistent with the purpose of certain other rules of subpart F and that the election should continue to be made on an annual basis. After consideration, it was decided not to adopt the suggestion.

Regulatory Flexibility Act, Executive Order 12291, and Paperwork Reduction Act

The Secretary of the Treasury has certified that these regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6) and a Regulatory Flexibility Analysis is not required. The Commissioner of Internal Revenue has determined that these regulations are not major regulations as defined in the Executive Order 12291, and, therefore, a regulatory impact analysis is not required. These regulations were submitted to the Office of Management and Budget as a proposed rule for review under section 3504(h) of the Paperwork Reduction Act and approved. The OMB number is 1545–0755.

Drafting Information

The principal author of these regulations is Jacob Feldman 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 Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.861–1 through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, Source of income, United States investments abroad.

Amendments to the Regulations

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

Income Tax Regulations

Paragraph 1. The first full sentence following § 1.954–1(b)(4)(ii)(*b(2)*) is revised to read as follows:

§ 1.954–1 Foreign base company income, taxable years beginning after 1975.

* * * * *

(b) *Exclusions from foreign base company income.* * * *

(4) *No substantial reduction of income or similar taxes.* * * *

(ii) *Foreign personal holding company income and foreign base company shipping income.* * * *

(*b*) *Carryover rule for foreign base company shipping income.* * * * (*2*) * * * This subdivision (*b*) shall apply to a corporation with respect to which a related group election under § 1.955A–3 is in effect both for the taxable year in which the carryover arose and the taxable year to which the amount would be carried but only if the carryover arose in a taxable year beginning after June 30, 1984. * * *

* * * * *

Par. 2. Example (3) of § 1.955A–2(c)(3) is revised to read as follows:

§ 1.955A–2 Amount of a controlled foreign corporation's qualified investments in foreign base company shipping operations.

* * * * *

(c) *Stock and obligations.* * * *

(3) *Illustrations.* * * *

Example (3). On December 31, 1980, controlled foreign corporation J owns two notes of controlled foreign corporation K, which is a related person (within the meaning of section 954(d)(3)). Both J and K use the calendar year as the taxable year. J's adjusted basis in each of the two notes is $100,000. The first note is secured only by the general credit of K. The second note is secured by (and, therefore, constitutes a specific charge on) a hotel owned by K in a foreign country. On December 31, 1980, K has qualified investments in foreign base company shipping operation with an adjusted basis of $500,000 (before applying the rules of paragraph (g) of this section). The adjusted basis of all of K's corporate assets is $1,100,000. K's only liabilities are the two notes. The amount of K's qualified investments in foreign base company shipping operations (determined under paragraph (g) of this section) is $450,000. K's net worth is $900,000. The amount of J's qualified investment in foreign base company shipping operations in respect of the first note is $50,000, *i.e.*,

$$\frac{\$450,000}{\$900,000} \times \$100,000$$

The amount of J's qualified investment in respect of the second note is zero (see the last sentence of paragraph (c)(1) of this section).

Par. 3. Paragraphs (a), (b)(1)(iii), (c)(5), and (d) of § 1.955A–3 are revised to read as follows:

§ 1.955A–3 Election as to qualified investments by related persons.

(a) *In general.* If a United States shareholder elects the benefits of section 955(b) with respect to a related group (as defined in paragraph (b)(1) of this section) of controlled foreign corporations, then an investment in foreign base company shipping operation made by one member of such group will be treated as having been made by another member to the extent provided in paragraph (c)(4) of this section, and each member will be subject to the other provisions of paragraph (c) of this section. An election once made shall apply for the taxable year for which it is made and for all subsequent years unless the election is revoked or a new election is made to add one or more controlled foreign corporations to election coverage. For the manner of making an election under section 955(b)(2), and for rules relating to the revocation of such an election, see paragraph (d) of this section. For rules relating to the coordination of sections 955(b)(2) and 955(b)(3), see paragraph (e) of this section.

(b) *Related group.*—(1) *Related group defined.* * * *

(iii) Such United States shareholder elects to treat such corporations as a related group.

* * * * *

(c) *Effect of election.* * * *

(5) *Collateral effect.* (1) An election under this section by a United States shareholder to treat two or more controlled foreign corporations as a related group for a group taxable year shall have no effect on—

(A) Any other United States shareholder (including a minority shareholder of a member of such related group).

(B) Any other controlled foreign corporation, and

(C) The foreign personal holding company income, foreign base company sales income, and foreign base company services income, and the deductions allocable under § 1.954–1(c) thereto, of any member of such related group.

(ii) See § 1.952–1(c)(2)(ii) for the effect of an election under this section on the computation of earnings and profits and deficits in earnings and profits under section 952 (c) and (d).

(iii) The application of this subparagraph may be illustrated by the following example:

Example. United States shareholder A owns 80 percent of the only class of stock of controlled foreign corporations X and Y. United States shareholder B owns the other 20 percent of the stock of X and Y. X and Y both use the calendar year as the taxable year. A elects to treat X and Y as a related group for 1977. For purposes of determining the amounts includible in B's gross income under section 951(a) in respect of X and Y, the election made by A shall be disregarded and all of B's computations shall be made without regard to this section, as illustrated in § 1.952–3(d).

(d) *Procedure.*—(1) *Time and manner of making election.* A United States shareholder shall make an election under this section to treat two or more controlled foreign corporations as a related group for a group taxable year and subsequent years by filing a statement to such effect with the return for the taxable year within which or with which such group taxable year ends. The statement shall include the following information:

(i) The name, address, taxpayer identification number, and taxable year of the United States shareholder;

(ii) The name, address, and taxable year of each controlled foreign corporation which is a member of the related group and is to be subject to the election; and

(iii) A schedule showing the calculations by which the amounts described in this section have been determined for the taxable year for which the election is first effective. With respect to each subsequent taxable year to which the election applies, a new schedule showing calculations of such amounts for that taxable year must be filed with the return for that taxable year. A consent to an election required by paragraph (b)(1)(v) of this section shall include the same information required for the election statement.

(2) *Revocation.* (i) Except as provided in subdivision (ii) of this subparagraph, an election under this section by a United States shareholder shall be binding for the group taxable year for which it is made and for subsequent years.

(ii) Upon application by the United States shareholder (and any other United States shareholder controlled by such shareholder which consented under paragraph (b)(1)(v) of this section to the election), an election made under this section may, subject to the approval

of the Commissioner, be revoked. An application to revoke the election, as of a specified group taxable year, with respect to one or more (but not all) controlled foreign corporations, subject to an election shall be deemed to be an application to revoke the election. Approval will not be granted unless a material and substantial change in circumstances occurs which could not have been anticipated when the election was made. The application for consent to revocation shall be made by mailing a letter for such purpose to Commissioner of Internal Revenue, Attention: T:C:C, Washington, D.C. 20224, containing a statement of the facts which justify such consent. If a member of a related group subject to an election ceases to meet the requirements of paragraph (b) of this section for membership in the group by reason of any action taken by it or any member of the group or the electing United States shareholder, then the election will be deemed to be revoked as of the beginning of the taxable year in which such action occurred. If such action is taken principally for the purpose of revoking the election without applying for and obtaining the approval of the Commissioner to the revocation, then no further election covering any member of that related group may be made by any United States shareholder for the remainder of the taxable year in which the action occurred and the five succeeding taxable years.

* * * * *

Approved by the Office of Management and Budget under control number 1545-0755. This Treasury decision is issued under the authority contained in sections 955 (b)(2) and 7805 of the Internal Revenue Code of 1954 (89 Stat. 63; 26 U.S.C. 955(b)(2), and 68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 11, 1984.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84-14135 Filed 5-25-84; 8:45 am]

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26 CFR Parts 1 and 5f

[T.D. 7960]

Information Returns of Brokers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to information returns of brokers. Changes to the applicable law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations contain a special rule for brokers engaged in "cash on delivery" transactions. In addition, the regulations provide a list of exempt recipients and a list of brokers which qualify for the multiple broker exception. The regulations affect brokers effecting dispositions (including short sales) of securities, commodities, regulated futures contracts, and forward contracts and provide them with guidance needed to comply with the law.

DATE: The regulations apply to sales effected on or after May 29, 1984 and are effective on or after that same date.

FOR FURTHER INFORMATION CONTACT: Bruce H. Jurist or C. Scott McLeod of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3238 or 202-566-3288 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1983, the Federal Register published final regulations under section 6045 of the Internal Revenue Code of 1954 (48 FR 10302). These regulations generally require brokers to make returns of information with respect to sales by customers. Since the publication of these regulations, the Internal Revenue Service has received inquiries regarding the application of the regulations to "cash on delivery" transactions. In addition, the repeal of section 3452 of the Internal Revenue Code has raised questions regarding the class of exempt recipients and the class of brokers which qualify for the multiple broker exception. The temporary regulations contained in this document provide guidance with respect to these issues.

Explanation of Provisions

The temporary regulations clarify the reporting requirement with respect to "cash on delivery" transactions by providing that in the case of a sale of securities through a "cash on delivery" account or other similar account, only the broker which receives the gross proceeds from the sale against delivery of the securities sold is required to report the sale. If, however, such broker's customer is another broker ("second-party broker") which is an exempt recipient, then only the second-party broker is required to report the sale. In addition, the temporary regulations provide a list of exempt recipients and a list of brokers which qualify for the multiple broker exception. The persons listed as exempt recipients are the same as those treated as exempt recipients under § 1.6045-1(c)(3) (i) and (ii) of the current regulations (*i.e.*, persons described in former Code section 3452(c)(2) (A) through (I) and (K)(i)) with the addition of persons registered under the Investment Advisers Act of 1940 (54 Stat. 847; U.S.C. 80b) who regularly act as brokers within the meaning of § 1.6045-1(a)(1). The persons listed as brokers which qualify for the multiple broker exception are the same as those treated as exempt recipients under § 1.6045-1(c)(3)(ii) of the current regulations (*i.e.*, persons described in former Code section 3452(c)(2) (F) and (K)(i)) with the addition of persons registered under the Investment Advisers Act of 1940 (54 Stat. 847; 15 U.S.C. 80b) who regularly act as brokers within the meaning of § 1.6045-1(a)(1). Finally, the regulations clarify the reporting requirement for redemptions of partnership interests.

Regulatory Flexibility Act and Executive Order 12291

A general notice of proposed rulemaking is not required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Drafting Information

The prinicipal authors of these regulations are Bruce H. Jurist and C. Scott McLeod of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects

26 CFR 1.6001-1 through 1.6109-2

Income taxes, Administrative practice and procedure, Filing requirements.

26 CFR Part 5f

Income taxes, Filing requirements, Tax Equity and Fiscal Responsibility Act of 1982.