

**§ 250.12 [Amended]**

12. In § 250.11(e), remove “notices” and add in its place “notice” and remove the phrase “paragraph (a) of this subsection” and add in its place “paragraph (b) of this section.”

Issued this 1st day of April, 1996 at Washington, D.C.

Charles A. Hunnicutt,

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 96-13815 Filed 5-31-96; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 1**

RIN 1076-AD64

**Applicability of the Rules of the Bureau of Indian Affairs**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is proposing to amend the applicability of rules to make them more readable and comprehensive by rewriting them in plain English.

**DATES:** Comments must be received on or before August 2, 1996.

**ADDRESSES:** Mail or hand carry comments to James McDivitt, Acting Director, Office of Management and Administration, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4657-MIB, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Dave Etheridge, Office of Secretary at telephone (202) 208-4361.

**SUPPLEMENTARY INFORMATION:** We are publishing this proposed rule by the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

**Public Participation Statement**

Our policy is to give the public an opportunity to participate in the rulemaking process by submitting written comments regarding the proposed rules. We will consider all comments received during the public comment period. We will determine necessary revisions and issue the final rule. Please refer to this preamble's **ADDRESSES** section for where you must submit your written comments on this proposed rule.

**Executive Order 12778**

The Department has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

**Executive Order 12866**

This proposed rule is not a significant regulatory action under Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

**Regulatory Flexibility Act**

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposed rule will determine the funding levels to be awarded to tribes for the purposes of creating new or enhancing and improving existing tribal court systems. In the event a tribe elects to receive funding, there are likely to be improvements in the exercise of civil jurisdiction by tribes. This improvement may increase the rate of civil collections by private economic enterprises operating on or near Indian reservations. In addition, there may be an increase in the number of civil claims made against private economic enterprises.

**Executive Order 12630**

The Department has determined that this proposed rule does not have significant “takings” implications. The proposed rule does not pertain to “taking” of private property interests, nor does it impact private property.

**Executive Order 12612**

The Department has determined that this proposed rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

**NEPA Statement**

The Department has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act.

**Unfunded Mandates**

This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the *Unfunded Mandates Act of 1995*.

**Paperwork Reduction Act of 1995**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of the Interior has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

**Drafting Information**

The primary author of this document was Kimberly Toyekoyah, Bureau of Indian Affairs, Department of the Interior.

**List of Subjects in 25 CFR Part 1**

Indians—land.

For the reasons given in the preamble, Part 1 of Title 25, Chapter I of the Code of Federal Regulations is proposed to be revised as set forth below.

**PART 1—APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS****Sec.**

1.1 Waiver of regulations.

1.2 State and local regulation of the use of Indian property.

Authority: 5 U.S.C. 301; RS 463 25 U.S.C.

2.

**§ 1.1 Waiver of regulations.**

The Secretary of the Interior may waive or make exception to any provision in Chapter I of Title 25 of the Code of Federal Regulations if the Secretary finds that it:

(a) Is in the best interest of the Indians; and

(b) Would not violate any federal statute or the United States Constitution.

**§ 1.2 State and local regulation of the use of Indian property.**

(a) Except as provided in paragraph (b) of this section or in a federal statute, no restriction based on the law of any state or any subdivision of a state applies to the use of any property (including water rights) that is either:

(1) Held by the United States in trust for an Indian or Indian tribe; or

(2) Owned by an Indian or Indian tribe subject to a restriction against alienation imposed by the United States.

(b) When the Secretary of the Interior finds that it is in the best interest of the Indian owner in achieving the highest and best use of the property, the Secretary may make a restriction based on the law of a state or a subdivision of a state applicable to specific property that is:

(1) Held by the United States in trust for an Indian or Indian tribe;

(2) Owned by an Indian or Indian tribe subject to a restriction against alienation imposed by the United States.

Dated: May 24, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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## 25 CFR Part 150

RIN 1076-AD43

### Land Records and Title Documents

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The purpose of this rulemaking action is to revise the Land Records and Title Documents regulations. This rule was identified for reinvention under the National Performance Review. It is written in plain English to make the rule easier to read and understand for Indian landowners and Bureau realty staff.

**DATES:** Comments by interested parties must be in writing and we must receive them before August 2, 1996.

**ADDRESSES:** You must mail or hand carry your comments to Terrance Virden, Acting Director, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, N.W., MS 4513 MIB, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Alice Harwood, Acting Chief, Division of Real Estate Services, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, N.W., MS 4510 MIB, Washington, D.C. 20240.

**SUPPLEMENTARY INFORMATION:** We are publishing this proposed rule by the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Our policy is to give the public an opportunity to participate in the rule making process by submitting written comments regarding proposed rules. We will consider all comments received during the public comment period. We will determine necessary revisions and issue the final rule. Please refer to this preamble's **ADDRESSES** section for where you must submit your written comments on this proposed rule.

We certify to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

This is not a significant rule under Executive Order 12866 and does not require review by the Office of Management and Budget.

This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates of 1995.

The information collection requirements in this part do not require approval by OMB under 44 U.S.C. 3501 et seq.

We determined this proposed rule:

(a) Will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);

(b) Does not constitute a major Federal action significantly affecting the human environment, and no detailed statement is needed under the Environmental Policy Act of 1969;

(c) Does not have significant takings implications in accordance with Executive Order 12630; and

(d) Does not have significant federalism effects.

This rule was written by Quentin M. Jones, Division of Real Estate Services.

List of Subjects in 25 CFR Part 150

Indians-lands.

For the reasons set out in the preamble, we propose to revise Part 150 of Title 25 of the Code of Federal Regulations, as follows:

### PART 150—LAND RECORDS AND TITLE DOCUMENTS

Sec.

150.1 Definitions.

150.2 Purpose.

150.3 Why do we keep land title records?

150.4 What documents must be submitted for recording and who can submit them?

150.5 What are the responsibilities of the Land Titles and Records Offices?

150.6 Where are the Land Titles and Records Offices?

150.7 What other offices have title service responsibilities?

150.8 What if errors are discovered during the recording process?

150.9 When do I need a record of a land title?

150.10 How do I get a copy of a certified land title record, title status map, or a copy of a title document?

150.11 What are the restrictions for access to land records, title documents, and title reports?

150.12 What is a land status map and who prepares it?

Authority: Act of June 30, 1834 (4 Stat. 738; 25 U.S.C. 9). Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 5). Reorganization Plan No. 3 of 1950 approved June 20, 1949 (64 Stat. 1262). (The Act of April 26, 1906 (34 Stat. 137); the Act of May 27, 1908 (35 Stat. 312); and the Act of August 1, 1914 (38 Stat. 582, 598) deal specifically with land records of the Five Civilized Tribes.)

### § 150.1 Definitions.

*Administrative Law Judge* means an employee of the Office of Hearings and Appeals, Department of the Interior, who has authority to probate the trust or restricted estates of deceased Indians.

*Agency* means an Indian Agency or other field unit of the Bureau of Indian Affairs having Indian land under its immediate jurisdiction.

*Bureau* means the Bureau of Indian Affairs.

*Commissioner* means the Commissioner of Indian Affairs or authorized representative.

*Indian land* means all lands held in trust by the United States for individual Indians or tribes, or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance, or all lands which are subject to the rights of use, occupancy and/or benefit of certain tribes. For purposes of this part, the term Indian land also includes land for which the title is held in fee status by Indian tribes, and U.S. Government-owned land under Bureau jurisdiction.

*Land* means real property or any interests therein.

*Land Titles and Records Office* means offices within the Bureau of Indian Affairs with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian lands, to examine and evaluate titles, and to provide title status reports.

*Manager* means the officer in charge of a Land Titles and Records Office.

*Recordation* or *recording* means the acceptance of a title document by the appropriate Land Titles and Records Office. The purpose of recording is to provide evidence of a transaction, event, or happening that affects land titles to preserve a record of the title, to give constructive notice of the ownership, change of ownership, and the existence of encumbrances to the land.

*Secretary* means the Secretary of the Interior or authorized representative.

*Superintendent* means the designated officer in charge of an Agency.

*Title document* means any document that affects the title to or encumbers Indian land and is required to be recorded by regulation or Bureau policy.

*Title examination* means an examination and evaluation by a qualified title examiner for the completeness and accuracy of title documents.

*Title status report* means a report issued after a title examination which shows the proper legal description of a tract of Indian land; current ownership, including any applicable conditions, exceptions, restrictions, or encumbrances on record; and whether