

| Program | Costs that must be repaid | Costs that do not need to be repaid |
|--|---|--|
| Postgraduate- ation re- cruitment. | All student loans assumed by us under the program plus interest. | |
| Postgraduate studies. | Salary, tuition, books, and fees received while in the program plus interest. | Salary paid during school breaks or when recipient was employed by an approved organization. |

(b) For agriculture education programs with an obligated service requirement, we will adjust the amount required for repayment by crediting toward the final amount of debt any obligated service performed before breach of contract.

Dated: May 24, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-13729 Filed 5-31-96; 8:45 am]

BILLING CODE 4310-02-P

25 CFR Part 217

RIN 1076-AD37

Management by the Tribe and the Ute Distribution Corporation of the Ute Indian Tribe's Undivided Tribal Assets on the Uintah and Ouray Reservations, Utah

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to amend the regulations governing the procedures, under the Secretary of the Interior's supervision, for jointly managing the undivided assets of the Ute Indian Tribe. 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.

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

ADDRESSES: Mail or hand carry comments to Terrance Virden, Acting Director, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4513-MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Kim Synder, Division of Energy and Minerals, Bureau of Indian Affairs at telephone (202) 208-3607.

SUPPLEMENTARY INFORMATION:

Publication of the proposed rule by the Department of the Interior (Department) provides the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding the proposed rule to the location identified in the "addresses" section of this document.

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 government or private entity and is in compliance with the provisions of the Unfunded Mandates Act 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 quality of the human environment and no detailed statement is required under the National 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 the Bureau of Indian Affairs' Regulatory Review Action Team.

List of Subjects in 25 CFR Part 217

Indians-claims, Indians-land, mineral resources.

For the reasons set out in the preamble, we propose to revise Part 217 of Title 25 of the Code of Federal Regulations as follows:

PART 217—MANAGEMENT BY THE TRIBE AND THE UTE DISTRIBUTION CORPORATION OF THE UTE INDIAN TRIBE'S UNDIVIDED TRIBAL ASSETS ON THE UINTAH AND OURAY RESERVATION, UTAH

Sec.

217.1 What do certain terms mean?

217.2 What is the authority for this part?

217.3 What is the purpose of this part?

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217.7 What is the Joint Advisory Board and what do they do?

217.8 Must joint managers document decisions and file reports?

217.9 Who collects payments from mineral interests?

217.10 How are errors in paying mineral interests corrected?

Authority: 25 U.S.C. 677z.

§ 217.1 What do certain terms mean?

Act means the Act of August 27, 1954, 68 Stat. 868, 25 U.S.C. 677-677aa, commonly referred to as the "Ute Partition Act" or the "Ute Termination Act," as amended by the Act of August 2, 1956, 70 Stat. 936, and the Act of September 25, 1962, 76 Stat. 597.

Affiliated Ute Citizens of Utah (AUC) means the organization that represented the mixed-blood members of the Ute Indian Tribe to help partition and distribute divisible tribal assets and carry out other purposes under the Act before August 27, 1961, 12 midnight.

Asset means any real, personal, or mixed property of the tribe, whether held by the tribe or by the United States in trust for them, or restricted from division by the United States.

Full-blood means a member of the tribe who is on the final roll of full-bloods published April 5, 1956, 21 FR 2208, and also anyone enrolled later as a tribal member under the tribe's constitution, by-laws, and ordinances.

Indian mineral interest means any interest in minerals United States holds in trust to benefit the full-bloods and mixed-bloods, individually or as a tribe.

Mixed-blood means a person who is on the final roll of mixed-bloods published April 5, 1956, 21 FR 2208. The mixed-blood roll is closed.

Secretary means the Secretary of the Interior or other person acting under the Secretary's authority.

Tribal Business Committee means the governing body of the Ute Indian Tribe, created under the tribe's constitution and by-laws.

Tribe means the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah. Starting April 5, 1956, when the

final rolls were published, the tribe has consisted exclusively of full-blood members, as determined by the tribe's constitution, by-laws, and ordinances.

Undivided assets means those which are adjudicated or unliquidated claims against the United States and rights in gas, oil, and minerals. They also consist of other assets existing on April 5, 1956, which can't be distributed equitably and practically, including wildlife and the right to hunt and fish.

Ute Distribution Corporation (UDC) means the corporation organized by the Affiliated Ute Citizens of Utah (AUC), under the Act and the laws of the State of Utah. The AUC irrevocably delegated authority to the UDC to represent the mixed-blood members of the tribe in joint management of undivided assets and to receive and distribute their net proceeds to stockholders of the UDC.

§ 217.2 What is the authority for this part?

The basic authority for this part is the Act itself, 25 U.S.C. 677z, but we have also tried to follow the decrees and directions of the federal courts in the following cases: *Affiliated Ute Citizens v. United States*, 406 U.S. 128 (1972); *Reyes v. United States*, 431 F.2d 1337 (10th Cir. 1970); *Affiliated Ute Citizens of Utah v. United States*, 431 F.2d 1349 (10th Cir. 1970); *United States v. Felter*, 546 F. Supp. 1002 (D. Utah 1982); *United States v. Felter*, 752 F.2d 1505 (10th Cir. 1985); *Murdock v. Ute Indian Tribe, et al.*, No. 91-4112, Slip. Op. (10th Cir. Sept. 9, 1992); and *Affiliated Ute Citizens v. Ute Indian Tribe, Donald Hodel, et al.*, Federal District Court for Utah, 85-C-0569J, Memorandum Opinion and Order, February 3, 1987, and Memorandum Opinion and Order, November 16, 1992.

§ 217.3 What is the purpose of this part?

This part provides procedures for jointly managing undivided assets of the Ute Indian tribe, under the Secretary's supervision. In managing these assets, Tribal Business Committee represents the full-blood group, and the Ute Distribution Corporation (UDC) represents the mixed-blood group.

§ 217.4 How do proceeds divide between the two groups?

(a) The proceeds divide between the two groups in proportion to the number of persons on final membership rolls published April 5, 1956, in 21 FR 2208. Based on these rolls, they received a certain percentage of all divisible assets; they have also received, and will continue to receive, the same percentages of net proceeds from undivided assets:

- (1) Full-bloods: 72.83814 percent;

- (2) Mixed-bloods: 27.16186 percent.

(b) These percentages don't change, even though tribal membership has changed, and the type and number of UDC stockholders varies as they transfer stock. Originally, UDC's stockholders were all the people listed on the final roll of mixed-bloods.

(c) The tribe and the UDC pay their own costs for managing undivided assets.

§ 217.5 What is the Secretary's role under this part?

(a) Under this part, the Secretary's standard responsibilities include—

(1) Supervising how the Tribal Business Committee and the UDC manage the Ute tribe's undivided assets;

(2) Receiving the proceeds from undivided assets and, after deducting internal costs, dividing the net proceeds between the UDC and the tribe according to the established percentages;

(3) Signing patents, deeds, assignments, releases, certificates, contracts, or other instruments needed to carry out the Act or to establish a marketable and recordable title to property disposed of under the Act (25 U.S.C. 677y).

(b) If the Tribal Business Committee or the UDC's Board of Directors notifies the Secretary that they disagree on how to handle undivided assets, he or she—

(1) Partitions the tribe's assets lawfully, equitably, and fairly to both groups (25 U.S.C. 677i);

(2) Issues a written decision resolving the disagreement within 30 days of receiving the notice; and

(3) States this decision in letters to all interested parties.

(c) The Secretary also handles other responsibilities stated in the Act or elsewhere in federal law.

§ 217.6 How is wildlife managed?

Based on decisions in federal courts, wildlife on the Uintah and Ouray Reservation, Utah is an undivided asset because no one can equitably divide the tribe's or individual Indian's right to hunt and fish on it. Specifically, the rights of mixed-bloods to hunt and fish on the reservation will end whenever the last mixed-blood listed on the final roll dies. Thus, the Tribal Business Committee and the UDC must jointly manage the regulation of wildlife and hunting and fishing by tribal members and by mixed-bloods on the final roll.

§ 217.7 What is the Joint Advisory Board and what do they do?

(a) The Joint Advisory Board is a group the Secretary may establish permanently or to consider a particular issue. It includes representatives of—

- (1) The Tribe;
- (2) The UDC; and
- (3) The Secretary.

(b) The Joint Advisory Board:

- (1) Considers anything that concerns managing undivided assets;
- (2) If organized to consider a specific task, investigates and recommends actions on that task to the Secretary;
- (3) Transmits its decisions in writing to the Tribal Business Committee, the UDC's Board of Directors, and the Secretary.

§ 217.8 Must joint managers document decisions and file reports?

Yes. The Tribal Business Committee and UDC's Board of Directors must:

(a) Write out and place an authorized member's signature on all decisions or legal documents;

(b) Accompany each decision or document with a resolution authorizing it to be signed;

(c) Send all decisions or documents to the Secretary for approval or disapproval; and

(d) File annual reports to the Secretary:

(1) From the Tribal Business Committee on management of undivided assets to the tribal membership;

(2) From UDC's Board of Directors on management of hunting and fishing to the mixed-bloods and of all other undivided assets to UDC stockholders.

§ 217.9 Who collects payments from mineral interests?

The Minerals Management Service collects payments from mineral interests and sends them to the Bureau of Indian Affairs' Office of Trust Fund Management. Trust Fund Management deposits the money in a joint management account or Individual Indian Money account in the United States Treasury.

§ 217.10 How are errors in paying mineral interests corrected?

(a) An error that results in underpaying or overpaying the tribe, UDC, or an allottee usually gets corrected within six months. The period may be longer if the amount is too large. The BIA's Office of Trust Fund Management takes money from the joint management account or diverts money that would otherwise go to an Individual Indian Money account and places it in the account of the appropriate joint manager or allottee. The amount includes principal and interest earned, as well as penalties, if any.

(b) Reporting of an error depends on its source. If the error results from—

(1) An action by BIA, the joint managers, or an allottee, the Secretary must immediately notify the BIA's Office of Trust Fund Management and the Minerals Management Service (MMS) of the error and how to correct it;

(2) An action or inaction by MMS, a lessee, payee, or a person or company legally associated with a lessee, MMS must immediately notify the BIA's Office of Trust Fund Management of the error and how to correct it.

Dated: May 22, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-13731 Filed 5-31-96; 8:45 am]

BILLING CODE 4310-02-P

25 CFR Parts 271, 272, 274, 277 and 278

RIN 1076 AD 53

Contracts and Grants; School Construction; Special Grants to Small Tribes; Removal of Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed Rule.

SUMMARY: The Bureau of Indian Affairs (Bureau) is proposing the elimination of 25 CFR Parts 271, 272, 274, 277 and 278 as mandated by Executive Order 12866 to streamline the regulatory process and enhance the planning and coordination of new and existing regulations.

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

ADDRESSES: Mail comments to James Thomas, Division of Self-Determination Services, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4603-MIB, Washington, DC 20240; OR, hand deliver them to Room 4603 at the above address. Comments will be available for inspection at this address from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately 2 weeks after publication of this document in the Federal Register.

FOR FURTHER INFORMATION CONTACT: James Thomas, Office of Tribal Services, Bureau of Indian Affairs at telephone (202) 208-3463.

SUPPLEMENTARY INFORMATION:

Background

The Bureau is promulgating new rules to implement the Indian Self-Determination and Education Assistance Act, 25 CFR Part 900, which will replace Part 271, Contracts under Indian Self-Determination Act and Part

272, Grants under Indian Self-Determination Act. The Bureau is proposing the elimination of 25 CFR Part 274, School Construction Contracts or Services for Tribally Operated Previously Private Schools, Part 277, School Construction Contracts for Public Schools and Part 278, Special Grants for Economic Development and Core Management Grants to Small Tribes because they are no longer necessary for the administration of Bureau programs.

Supplementary Information

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Publication of this proposed rule by the Department of the Interior (Department) provides the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding this proposed rule to the location identified in the "addresses" section of this document.

Executive Order 12778

The Department has certified to the Office of Management and Budget (OMB) that this rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

Executive Order 12866

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

Regulatory Flexibility Act

This 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.*).

Executive Order 12630

The Department has determined that this rule does not have "significant takings" implications. This 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 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 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 of 1969.

Unfunded Mandates Act of 1995

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

This rule contains no information collection requirement that would require notification to the Office of Management and Budget.

Drafting Information

The primary author of this document is Harriet Brown, Bureau of Indian Affairs.

List of Subjects

25 CFR Part 271

Indians—tribal government, Indians—contracting.

25 CFR Part 272

Indians—tribal government, Indians—grants.

25 CFR Parts 274 and 277

Indians—school construction.

25 CFR Part 278

Indians—special grants for economic development—core management grants.

Under the authority of Executive Order 12866, and for the reasons stated above, 25 CFR parts 271, 272, 274, 277 and 278 are proposed to be removed.

Dated: May 24, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-13728 Filed 5-31-96; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL-0054-95]

RIN 1545-AT96

Proposed Amendments to the Regulations on the Determination of Interest Expense Deduction of Foreign Corporations and Branch Profits Tax; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Change of location of public hearing.