

**ADDRESSES:** Written comments should be sent to Henry B. Cabell, Presiding Officer, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

A limited number of copies of the Presiding Officer's Report and of the Final Staff Report is available at the Public Reference Section, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. Telephone: 202-326-2222.

**FOR FURTHER INFORMATION CONTACT:** Henry B. Cabell (Presiding Officer), 202-326-3642, or John M. Mendenhall, Assistant Regional Director, Cleveland Regional Office, 216-522-4210.

**SUPPLEMENTARY INFORMATION:** In a Notice of Proposed Rulemaking published in 53 FR 25503, July 7, 1988, the Commission announced the commencement of a proceeding to consider proposed amendments to the Games of Chance in the Food Retailing and Gasoline Industries Trade Regulation Rule, 16 CFR Part 419 (the Rule), and invited written comment on the proposed amendments. These comments were received, however, a public hearing was not held since none of the interested parties expressed a desire for one. The Final Staff Report and the Presiding Officer's Report, containing his recommended decision, have now been placed on the rulemaking record (Public Record No. 215-66). During the post record comment period which will end on August 6, 1996, the public, including persons interested in the proceeding, are invited to submit comments on both reports. Such comments should be confined to information already in the rulemaking record and submitted on 8½ by 11 inch paper. Those in excess of four pages should be accompanied by four copies.

Post record comments may include requests for review by the Commission of any rulings or other determinations made by the Presiding Officer and contain requests for an opportunity to make an oral presentation to the Commission pursuant to Commission Rule 1.13(i) (16 CFR 1.13(i)). The inclusion in comments of further evidence or factual material not presently in the rulemaking record may result in rejection of the comment as a whole.

The Commission has not yet reviewed the rulemaking record in this proceeding or determined the nature or extent of any action it may take with respect to the Rule. Any decision by the Commission in this matter will be based solely upon the contents of the

rulemaking record, including the material submitted in response to this notice.

Publication of the Presiding Officer's Report and the Final Staff Report should not be interpreted as representing the views of the Commission or of any individual Commissioner.

#### List of Subjects in 16 CFR Part 453

Advertising, Foods, Gambling, Gasoline, Trade practices.

Henry B. Cabell,

*Presiding Officer.*

[FR Doc. 96-14293 Filed 6-6-96; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 175

RIN 1076-AD45

#### Indian Electric Power Utilities

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

**ACTION:** Proposed rule.

**SUMMARY:** The regulations on Indian electric power utilities were identified for reinvention under the National Performance Review. This proposed revision is written in plain English to make the rule easier to read and understand for utility customers and operators.

**DATES:** Comments by interested parties must be in writing and we must receive them before August 6, 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:** Ross Mooney, Chief, Branch of Irrigation and Power, Division of Water and Land Resources, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, N.W., MS 4513 MIB, Washington, D.C. 20240, Phone Number (202)208-5480.

**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 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.

This rule is not a significant rule under Executive Order 12866 and does not require approval 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 Act of 1995.

We determined this proposed rule:

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

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

(c) Does not have significant Federalism effects.

(d) Does 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.*).

#### Paperwork Reduction Act of 1995

Section 175.13(a) contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Bureau of Indian Affairs has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

We need to know the customer's name, address, phone number, social security number, the kind of service desired, and where the service is needed.

All information is collected when applying for electric service. Reporting and record keeping burden for this collection of information is estimated to average 15 minutes for each response, including time for gathering and maintaining data and completing and reviewing the collection of information. The total reporting and record keeping burden for this collection is estimated to be less than 1188 hours per year.

Organizations and individuals wishing to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10202, New Executive Office Building, Washington, D.C.

20503; Attention Desk Officer for U.S. Department of the Interior.

The Bureau of Indian Affairs considers comments by the public on this proposed collection of information in:

Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility;

Enhancing the quality, usefulness, and clarity of the information to be collected; and

Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate collection techniques or other form of information technology.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to the OMB is best assured of having its full affect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Bureau of Indian Affairs on the proposed rule.

List of Subjects in 25 CFR Part 175

Indian-lands, Irrigation.

For the reasons set out in the preamble, we propose to revise Part 175 of Title 25 of the Code of Federal Regulations, as follows:

## **PART 175—INDIAN ELECTRIC POWER UTILITIES**

### **Subpart A—General Provisions**

Sec.

- 175.01 Definitions
- 175.02 Does this part apply to you?
- 175.03 Do you need to comply?
- 175.04 Information Collection.

### **Subpart B—How do we operate a power facility?**

- 175.10 We prepare a manual to tell you how we operate.
- 175.11 What are our responsibilities?
- 175.12 What are our employees' responsibilities?
- 175.13 What are your responsibilities?
- 175.14 How can you lose your electric service?

### **Subpart C—What Does It Cost Us To Operate A Power Facility?**

- 175.20 What will we bill you for?

### **Subpart D—How do we pay for Operating a Power Facility?**

- 175.30 What do your power bills pay for?
- 175.31 We charge service fees.
- 175.32 We charge electric power rates.
- 175.33 We charge to recover costs of purchased power for resale to you.

- 175.34 How we notify you?
- 175.35 How do we bill you?
- 175.36 How do you pay us?

### **Subpart E—How do we Extend or Upgrade Your Power System?**

- 175.40 When do we extend or upgrade your power system?
- 175.41 You can pay for system extension or upgrades.
- 175.42 You may receive a refund of your construction costs.
- 175.43 We need a right-of-way for your system.

### **Subpart F—If you do not Agree with our Actions.**

- 175.50 You may appeal to us.
- 175.51 You may appeal to the Interior Board of Indian Appeals.
- 175.52 While your appeal is pending.  
Authority: 5 U.S.C. 301; sec. 2, 49 Stat. 1039–1040; 54 Stat. 422; sec. 5, 43 Stat. 475–476; 45 Stat. 210–211; and sec. 7, 62 Stat. 273.

### **Subpart A—General Provisions**

#### **§ 175.01 Definitions.**

*Appellant* means any person who files an appeal under this part.

*Customer* means any individual, business, or government entity to whom we provide the services of a utility or who seeks to have us provide the services of a utility.

*Customer Service* means the assistance or service we provide to customers, other than the actual delivery of electric power or energy, including, but not limited to, such items as: line extension, system upgrade, meter testing, connection or disconnection, special meter reading, or other assistance or service as provided for in the operations manual.

*Electric Power Utility or Utility* means that program administered by the Bureau of Indian Affairs which provides for the marketing of electric power or energy.

*Electric Service* means the delivery of electric energy or power by the utility to the point of delivery pursuant to execution of a service agreement or special contract as provided for in the operations manual.

*Inventory valuation* means our accounting procedures for fixing the costs for supplies we hold in inventory.

*Operations Manual* means the utility's written compilation of its procedures and practices which govern service the utility provides.

*Power Rates* means the charges we establish in a rate schedule(s) for electric service we provide to a customer.

*Purchased Power* means power or energy we buy from another power marketing organization for resale to our customers.

*Service* means electric service and customer service which we provide.

*Service Agreement* means the written form provided by the utility which constitutes a binding agreement between the customer and the utility for service except for service which the utility provides to the customer under a special contract.

*Service Fees* means charges for providing administrative or customer service to customers, prospective customers, and other entities having business relationships with the utility.

*Service Life* means the period of time we can expect performance to design standards from a plant or capitalized equipment.

*Special Contract* means a written agreement between the utility and a customer for special conditions of service.

*Utility office(s)* means the current or future facility or facilities which the utility uses for conducting general business with customers.

*We* means the United States Government, the Department of the Interior, the Secretary, the Bureau of Indian Affairs, and all who are authorized to represent us in matters covered under this part.

*You* means a customer of a Bureau of Indian Affairs power utility.

#### **§ 175.02 Does this part apply to you?**

The purpose of this part is to regulate the electric power utilities administered by the Bureau of Indian Affairs.

#### **§ 175.03 Do you need to comply?**

All utilities and customers of utilities administered by the Bureau of Indian Affairs are bound by this part.

#### **§ 175.04 Information collection.**

The information collection requirements contained in § 175.13(a) will be approved by the Office of Management and Budget as required by 44 U.S.C. 3501 et seq. We collect this information to provide you the appropriate electric power service and an accurate bill. You must provide this information to obtain electric power service.

### **Subpart B—How Do We Operate a Power Facility?**

#### **§ 175.10 We prepare a manual to tell you how we operate.**

We will establish an operations manual to administer the utility consistent with this part and all applicable laws and regulations. We will amend the operations manual as needed.

(a) We will notify you of changes we propose to make to the operations

manual. We will notify you of a proposed action to establish or amend the operations manual at least 30 days before the effective date of the proposed action so that you may comment on our proposed action. We will publish notices of the proposed action in the Federal Register. The notice will give you:

- (1) A brief description of the proposed action;
- (2) The effective date of the proposed action;
- (3) The name, address and telephone number of the person you should contact if you have comments or questions; and
- (4) The period of time you have to submit your comments or views of the proposed action.

(b) We will consider your comments. We will consider your comments before we establish or amend the operations manual. We will notify you of any decisions we make finalizing the operations manual and we will provide an explanation of how we made the decisions in the notice.

#### **§ 175.11 What are our responsibilities?**

We must:

- (a) Provide you with reliable energy. We will define the specific types of service and limitations on our service in our operations manual.
- (b) Construct and operate facilities in accordance with accepted industry practice.
- (c) Exercise reasonable care in protecting your equipment and property.
- (d) Comply with additional requirements we define in the operations manual.
- (e) Read your meters or authorize you to read your meters at intervals prescribed in the operations manual, service agreement, or special contract, except where we cannot read the meter due to conditions described in the operations manual.
- (f) Get your permission to operate or handle your equipment, except to eliminate what, in our judgment, is an unsafe condition.
- (g) Prevent the unauthorized use of electricity.

#### **§ 175.12 What are our employees—responsibilities?**

Our employees are forbidden to accept any personal compensation from you or any payment for services related to their employment by the utility.

#### **§ 175.13 What are your responsibilities?**

You must:

- (a) Enter into a written service agreement or special contract with us to obtain electrical power services.

(b) Install and operate your equipment in compliance with the National Electrical Manufacturers Association Standards and/or the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus as they apply to you.

(c) Pay all your financial obligations resulting from your receiving utility service.

(d) Comply with additional requirements we may define in the operations manual.

(e) Prevent unauthorized use of electricity.

(f) Not install or use equipment which will adversely affect the utility system or other customers of the utility.

#### **§ 175.14 How can you lose your electric service?**

We may discontinue your service if you do not comply with our requirements as stated in this part and in the operations manual. We will define our procedures for discontinuing your service in the operations manual.

#### **Subpart C—What Does It Cost To Operate a Power Facility?**

##### **§ 175.20 What will we bill you for?**

(a) We will bill you for the following three types of costs:

(1) *Service fees* are for services we provide to you that are not power consumption; i.e., you apply for electricity where there are no poles and wires, we charge you the cost of installing the poles and wire.

(2) *Electric power rate* is the cost of power we provide to you; i.e., your meter reading.

(3) *Purchased power costs* are the costs of power we buy for resale to you.

(b) We will compute our costs to operate a power facility as the total marginal costs for: power generation, power transmission, power distribution, operation and maintenance, debt servicing, capital improvements, minus miscellaneous revenues.

(c) We will compute our inventory valuation based on a last in—first out (LIFO) depreciation method and we will depreciate our plants and capital equipment by applying straight line depreciation over the service life of the plant or equipment. We will include plant and equipment service life tables in the operations manual.

#### **Subpart D—How Do We Pay for Operating a Power Utility?**

##### **§ 175.30 What do your power bills pay for?**

The Act of August 7, 1946 (60 Stat. 895), as amended by the Act of August 31, 1951 (65 Stat. 254) provides that we

collect revenues from power operations to:

(a) Pay our expenses for operating and maintaining the utility.

(b) Create and maintain reserve funds to be available so that we can:

(1) Make repairs and replacements to the utility;

(2) Defray emergency expenses for the utility;

(3) Ensure the continuous operation of the utility.

(c) Amortize construction costs allocated to be returned from power revenues, in accordance with the repayment provisions of the applicable statutes or contracts.

(d) Pay other expenses and obligations chargeable to power revenues to the extent required or permitted by law.

##### **§ 175.31 We charge service fees.**

Annually we will unilaterally establish service fees to recover our expenses for providing services to you. We will publish a schedule of the service fees and the effective date in the Federal Register, as provided in § 175.34. Our decision on the amount of the service fees is final. The fees will remain in effect until we amend them.

##### **§ 175.32 We charge electric power rates.**

Annually we will review the rates we charge for electric power or energy. We will use the annual review to decide if the revenues we collect are sufficient to pay for our costs defined under § 175.30. If our current rates and fees are not sufficient to cover our costs, we will conduct further studies to determine whether we should adjust the rates and to prepare rate schedules which will return sufficient revenues. If we decide we must adjust the rates we charge, we will inform you. We will publish a notice of the rate increase in the Federal Register, as provided in § 175.34.

##### **§ 175.33 We charge to recover costs of purchased power for resale to you.**

When the cost we pay for purchased power or energy changes, we will compute how much it changes the cost for services we provide to you and we will adjust the power rates accordingly. When we decide we must adjust the rates we charge, we will inform you. We will publish a notice of the rate increase in the Federal Register, as provided in § 175.34.

##### **§ 175.34 How we notify you.**

(a) If we decide we must adjust the rates or fees we charge, we will inform you of the proposed adjustments. We will publish in the Federal Register a notice of the proposed change. The notice will give you:

(1) A description of the proposed action;

(2) The name, address, and telephone number of the person you should contact if you have comments or questions; and

(3) The period of time you have to submit your comments or views of the proposed action.

(b) You may comment on our proposed changes. You may submit written statements to us. We will incorporate your statements into our record.

(c) We will consider your comments. We will consider all your written statements before we finalize the proposed changes. We will decide any issues you raise concerning the proposed changes. We will notify you of our decisions and provide you an explanation of how we made the decisions through a notice which we will publish in the Federal Register. The changes will remain in effect until we make further adjustments using these same procedures.

#### **§ 175.35 How do we bill you?**

(a) Metered customers—We will compute your bills using the published rate schedules. We will bill you monthly unless you have a special contract with different billing arrangements. We will measure your power or energy demand using the register on the meter at your point of delivery. We will estimate your power or energy demand if: your meter has failed; the seal on your meter is broken; or our employees cannot read the meter registrations. We will base our estimate on the pattern of your prior power consumption or on an estimate of your electric load if you have no billing history with us.

(b) Unmetered customers—We will bill you according to the provisions of your special contract.

(c) Service fee billing—We will send you a special bill for other services we provide you.

#### **§ 175.36 How do you pay us?**

(a) You may pay us in person or you may mail your payment to the utility office which we designate in our operations manual. We may refuse for cause to accept personal checks for payment of bills.

(b) What if your check bounces? We will try to collect payment from you if your bank returns your check due to insufficient funds or other cause. We will assess interest, penalties and administrative charges for each delinquent account and collection action we take other than court proceedings. We will consider your

account to be delinquent if you do not redeem your check and we may discontinue your service. We will accept only cash, a cashier's check, or a money order to cover an unredeemed check and associated charges.

### **Subpart E—How Do We Extend or Upgrade Your Power System?**

#### **§ 175.40 When do we extend or upgrade your power system?**

We may extend or upgrade a power system to serve new or increased loads.

#### **§ 175.41 You can pay for system extensions or upgrades.**

You may contract with us to finance the construction necessary to extend or upgrade the power system if the construction would not be adverse to the interest of the utility. We must approve your construction plans and specifications, any items you furnish, or construction you perform. You may also:

(a) Furnish materials or equipment for an extension or upgrade to the system;

(b) Install materials or equipment for an extension or upgrade to the system; or

(c) Pay us to install materials or equipment for an extension or upgrade to the system.

#### **§ 175.42 You may receive a refund of your construction costs.**

We may refund all or part of your payment for construction costs. If we do this, we will stipulate the arrangements for your refund in a special contract. We will consider refunding your costs if:

(a) Additional customers are later served by your extension or upgrade; or

(b) We determine that the service will provide substantial economic benefits to the utility as a whole.

#### **§ 175.43 We need a right of way for your system.**

You are responsible for obtaining the rights of way necessary for us to furnish services to you where there is no existing right(s) of way for our facilities. All rights of way, material, or equipment you furnish or install will be our property.

### **Subpart F—If You Do Not Agree With Our Actions**

#### **§ 175.50 You may appeal to us.**

(a) If you feel any of our actions or decisions adversely affect you, you may file a notice of appeal with us within 30 days of our action. You must submit the notice of appeal in writing and clearly identify the decision which you are appealing. We will grant no extension of time for filing a notice of appeal. We

will list the address where appeals must be sent in the operations manual.

(b) Within 30 days after you file a notice of appeal, you must file a statement with us which lists the reasons for your appeal. In the statement you must explain why you believe the decision under appeal is wrong and you must include your arguments and any supporting documentation. You may file the statement of reason(s) at the same time as the notice of appeal. We may summarily dismiss your appeal if you do not file a statement of reason(s).

(c) You must deliver your documents to us or ensure they are received in the facility officially designated for receipt of mail addressed to us.

(d) Within 30 days of your filing your statement of reasons, we will:

- (1) Decide your appeal in writing; or
- (2) Refer your appeal to the Office of Hearings and Appeals Board of Indian Appeals for a decision.

#### **§ 175.51 You may appeal to the Interior Board of Indian Appeals.**

(a) You may file an appeal of any decision with the Office of Hearings and Appeals Board of Indian Appeals if:

- (1) We do not decide your appeal within 30 days of your filing your statement of reasons; or
- (2) You do not agree with our decision regarding an action you appealed to us.

(b) We will list the address for the Office of Hearings and Appeals Board of Indian Appeals in the operations manual.

(c) To file your appeal with the Office of Hearings and Appeals Board of Indian Appeals, you must follow the provision of 43 CFR, part 4, subpart D, except that you must file a notice of appeal from a decision under §§ 175.31 and 175.33 within 30 days of publication of the decision. If the Office of Hearings and Appeals Board of Indian Appeals does not receive an appeal within the time frames defined in 43 CFR part 4, subpart D, our decision will be final.

(d) If we refer your appeal to the Office of Hearings and Appeals Board of Indian Appeals rather than deciding the appeal ourselves, we will make the referral.

#### **§ 175.52 While your appeal is pending**

If your appeal involves:

(a) Our discontinuing your service, we do not have to resume your service during the appeal process unless you meet our requirements.

(b) The amount of a bill and you have paid the bill, we will acknowledge that you have paid the bill under protest until the final decision on your appeal is rendered.

(c) The amount of a bill and you have not paid the bill and the final decision on the appeal requires you to pay the bill, we will consider your bill to be a delinquent account subject to interest, penalties, and administrative charges, as required by the Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 3717.

(d) An electric power rate, we will implement the rate and it will remain in effect subject to the final decision on the appeal.

Dated: May 8, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-14062 Filed 6-6-96; 8:45 am]

BILLING CODE 4310-02-P

## 25 CFR Part 290

RIN: 1076-AD14

### Tribal Revenue Allocation Plans

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

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs is proposing to establish regulations to implement Section 11(b)(3)(B) of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2701. This proposed rule establishes procedures for the submission, review and, approval of tribal revenue allocation plans for the distribution of net gaming revenues from tribal gaming activities.

**DATES:** Comments must be received on or before August 6, 1996.

**ADDRESSES:** Mail comments to George Skibine, Director, Indian Gaming Management Staff Office, Bureau of Indian Affairs, 1849 C Street, NW., MS 2070-MIB, Washington, DC 20240. Comments may be hand delivered to the same address from 9:00 a.m. to 4:00 p.m. Monday through Friday or sent by facsimile to 202-273-3153.

**FOR FURTHER INFORMATION CONTACT:** Nancy Pierskalla, Management Analyst, Indian Gaming Management Staff Office, at 202-219-4068.

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2701 *et seq.*, was signed into law on October 17, 1988. Pursuant to Section 11 (b)(3)(B), 25 U.S.C. 2710, of the IGRA, the Secretary of the Interior (Secretary) is charged with the review and approval of tribal revenue allocation plans relating to the distribution of net gaming revenues from a tribal gaming activity. These regulations establish a method for the submission, review and approval of tribal revenue allocation plans.

The IGRA provides that net gaming revenues from Class II and Class III gaming may be distributed in the form of per capita payments to members of the Indian tribe provided the Indian tribe has prepared a Tribal Revenue Allocation Plan which is approved by the Secretary. On December 19, 1992 the Assistant Secretary—Indian Affairs (AS-IA) issued Guidelines to govern the review and approval of Tribal Revenue Allocation Plans. As outlined in the IGRA, the Guidelines require that the Indian tribe must dedicate a significant source of net gaming revenue for economic and governmental purposes, that the interests of minors and other legally incompetent persons entitled to receive per capita payments must be protected and preserved, and that per capita payments are subject to federal income taxes. The Assistant Secretary does not mandate the distribution of net gaming revenues to individual tribal members. However, it is essential that Indian tribes choosing to make per capita payments comply with the requirements of the IGRA.

#### Public Participation Statement

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.

#### 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 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.*).

#### 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 of 1969.

#### Paperwork Reduction Act of 1995

Sections 290.11, 290.18 and 290.27 contain information collection requirements. 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.

Collection of Information: Indian tribes may distribute net gaming revenues in the form of per capita payments provided the tribe has an approved Tribal Revenue Allocation Plan that has been submitted and reviewed in accordance with these regulations. The information to be collected includes: assurances to meet certain statutory requirements; a breakdown of the specific uses to which net gaming revenues will be allocated, eligibility requirements for participation, tax liability notification and the assurance of the protection and preservation of the per capita shares minors and legal incompetents. The information is needed to assure that net gaming revenues are used (1) to fund tribal government operations and programs, (2) to provide for the general welfare of the Indian tribe and its members, (3) to promote tribal economic development, (4) to donate to charitable organizations, and (5) to fund operations of local government agencies.

All information is to be collected upon the submission by an Indian tribe of a tribal revenue allocation plan or any amendments thereto for approval. Annual reporting and recordkeeping burden for this collection of information is estimated to average 75-100 hours for each response for 225 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 22,500 hours.