

(4) Your mother or father has not married the insured but you have evidence other than the evidence described in paragraph (a)(3) to show that the insured is your natural father or mother. Additionally, you must have evidence to show that the insured was either living with you or contributing to your support at the time you applied for benefits. If the insured is not alive at the time of your application, you must have evidence to show that the insured was either living with you or contributing to your support when he or she died. See § 404.366 for an explanation of the terms "living with" and "contributions for support."

(b) *Use of State Laws—(1) General.* To decide whether you have inheritance rights as the natural child of the insured, we use the law on inheritance rights that the State courts would use to decide whether you could inherit a child's share of the insured's personal property if the insured were to die without leaving a will. If the insured is living, we look to the laws of the State where the insured has his or her permanent home when you apply for benefits. If the insured is deceased, we look to the laws of the State where the insured had his or her permanent home when he or she died. If the insured's permanent home is not or was not in one of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Northern Mariana Islands, we will look to the laws of the District of Columbia. For a definition of permanent home, see § 404.303. For a further discussion of the State laws we use to determine whether you qualify as the insured's natural child, see paragraphs (b)(3) and (b)(4) of this section. If these laws would permit you to inherit the insured's personal property as his or her child, we will consider you the child of the insured.

(2) *Standards.* We will not apply any State inheritance law requirement that an action to establish paternity must be taken within a specified period of time measured from the worker's death or the child's birth, or that an action to establish paternity must have been started or completed before the worker's death. If applicable State inheritance law requires a court determination of paternity, we will not require that you obtain such a determination but will decide your paternity by using the standard of proof that the State court would use as the basis for a determination of paternity.

(3) *Insured is living.* If the insured is living, the inheritance laws that we use are those that are in effect in the State where the insured has his or her

permanent home when we make our final decision on your application for benefits. We will apply the version of State law in effect when we make that decision. If you do not qualify as a child of the insured under that version of State law, we look at all versions of State law that were in effect from the first month for which you could be entitled to benefits up until the time of our final decision and apply the version of State law that is most beneficial to you.

(4) *Insured is deceased.* If the insured is deceased, we apply the law of the State where the insured had his or her permanent home when he or she died. We apply the version of State law in effect when we make our final decision on your application for benefits. If you do not qualify as a child of the insured under that version of State law, we will apply the version of State law that was in effect at the time the insured died, or any version of State law in effect from the first month for which you could be entitled to benefits up until our final decision on your application. We will apply whichever version is most beneficial to you. We use the following rules to determine the law in effect as of the date of death:

(A) If a State inheritance law enacted after the insured's death indicates that the law would be retroactive to the time of death, we will apply that law; or

(B) If the inheritance law in effect at the time of the insured's death was later declared unconstitutional, we will apply the State law which superseded the unconstitutional law.

4. Section 404.356 is amended by adding a sentence at the end to read as follows:

§ 404.356 Who is the insured's legally adopted child?

* * * We apply the adoption laws of the State or foreign country where the adoption took place, not the State inheritance laws described in § 404.355, to determine whether you are the insured's legally adopted child.

[FR Doc. 97-2315 Filed 1-29-97; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 286

RIN 1076-AD70

Indian Business Development Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to revise the regulations governing Indian Business Development Program (IBDP) grants. The rule has been abbreviated and rewritten in plain English as a part of the President's initiative to make rules easier to understand.

DATES: Comments must be received on or before March 31, 1997.

ADDRESSES: Mail comments to Nancy Jemison, Director, Office of Economic Development, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 2061-MIB, Washington, DC 20240; OR, hand deliver them to Room 2061 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: Woody Sneed, Financial Analyst, Office of Economic Development, Bureau of Indian Affairs at telephone (202) 208-4796.

SUPPLEMENTARY INFORMATION:

Background

The IBDP grant program has been discontinued but grantees having already received grants must report on the financial status of their businesses for five years after date of receipt of the grants. The new rule deletes references to applications and their required contents but retains reporting requirements.

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.

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.*).

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.

Unfunded Mandates Act

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

Section 286.7 contains 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.

Indian tribes and individuals who have received grants must furnish comparative balance sheets and profit

and loss statements semiannually for the first two years after the grant and annually for the next three years. There is no BIA form for these statements since industry standards dictate the financial statement requirements. The annual reporting and recordkeeping burden for this collection of information is estimated to average 1 hour for each response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing collection of information. There are 252 grantees who report semiannually and 377 who report annually. Thus, the total annual reporting and record keeping burden for this collection is estimated to be 881 hours. Respondents' hourly rate is similar to a Federal employee GS-9 or \$19.25 per hour.

CFR section 286.6	Number of respondents	Frequency of response	Total annual responses	Burden hours per response	Annual burden hours	Cost to respondents	Total cost
Annual	377	1	377	1	377	\$7,257
Semiannual	252	2	504	1	504	9,702	\$16,959

Organizations and individuals desiring 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 the U.S. Department of the Interior.

The Department 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 Department, including whether the information will have practical utility;

Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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 automated, electronic, mechanical, or other collection techniques or other forms 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 effect 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 regulations.

Drafting Information

The primary author of this document is Woody Sneed, Office of Economic Development, Bureau of Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 286

Indians—business and finance.

For the reasons given in the preamble, Part 286 of Title 25, Chapter I, Subchapter N of the Code of Federal Regulations is proposed to be revised as set forth below.

PART 286—INDIAN BUSINESS DEVELOPMENT PROGRAM**Sec.**

286.1 Definitions.

286.2 What is the purpose of these regulations?

286.3 Information collection.

286.4 What are the grant limitations and requirements that apply?

286.5 Do I need to return unused funds?

286.6 What reports must I submit?

Authority: 25 U.S.C. 1524.

§ 286.1 Definitions.

As used in this part 286:

Economic enterprise means any profit oriented Indian-owned, commercial, industrial, agricultural, or business activity which must be at least 51 per cent Indian owned.

Grantee means the recipient of a nonreimbursable grant under this part.

Indian means a member of a Federally recognized Indian or Alaska Native tribe or village who is eligible for assistance from the Bureau of Indian Affairs.

Reservation means Indian reservation, California rancheria, public domain Indian allotment, former Indian reservation in Oklahoma, and land held by an incorporated Alaska Native group, regional corporation, or village corporation under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688), as amended.

Tribe means any Indian tribe, band, nation, rancheria, pueblo, colony, or community. It includes any Alaska Native village or any regional, village, urban, or group corporation—as defined in the Alaska Native Claims Settlement

Act (85 Stat. 688) and recognized by the federal government as eligible for services from the Bureau of Indian Affairs.

We, us, or our mean the Secretary of the Interior or the official in the Bureau of Indian Affairs to whom the Secretary has delegated authority.

§ 286.2 What is the purpose of these regulations?

This part prescribes regulations and procedures pertaining to the Indian Business Development Program which has provided grants to further economic development on Indian reservations. It gives requirements you must follow on reporting the status of grants and complying with grant conditions. It also establishes the circumstances under which you must return grant funds.

§ 286.3 Information collection.

(a) The Office of Management and Budget has approved our collection of information under 44 U.S.C. 3501 *et seq.* under clearance number 1076-0093. The collection of information helps the BIA to provide assistance to failing businesses funded with grants and to compile reports on the program's effectiveness.

(b) We estimate the public reporting for this information to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. These may be copies of financial statements required by and furnished to the lender which provided the loan portion of the total financing required. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Director of Management and Administration, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1076-0093), Washington, DC 20503.

§ 286.4 What are the grant limitations and requirements that apply?

An Indian tribe cannot receive over \$250,000 in grants from this program. The total of grants to an individual or any other non-tribal business entity cannot exceed \$100,000. Grantees must have obtained at least 75 percent of the necessary financing from sources other than the direct and guaranteed loan programs.

§ 286.5 Do I need to return unused funds?

(a) You must return all or a portion of the funds in the following circumstances:

You Must Return the Entire Grant if, Within 3 Years of the Grant

You sell the business which received the grant and did not reinvest the proceeds, with our approval, in a new business which contributes to the reservation economy.

You move the business off the reservation and it no longer contributes to the reservation economy.

Indian ownership and/or active management falls below 51 percent.

If a cooperative association, profits are not allocated for later distribution to members.

(b) When do I need to return unused funds? We require you to return unused grant funds if you do not initiate the economic enterprise within the time stated in your grant agreement. Grant funds owed will be deemed debt owed to the United States. The following table indicates circumstances in which you must return funds.

You Must Return Unused Funds if You Did Not Initiate Your Grant Through These Types of Actions

You have not obtained a lease if you needed to do this for your enterprise.

You have not started construction, if that was necessary.

You have not purchased equipment or other materials needed for the enterprise.

You have not performed other actions which were necessary to initiate the enterprise.

(c) Can I obtain an extension of time to allow me to start my enterprise? If we determine that circumstances exist beyond your control we may extend the time we allow you to initiate the enterprise. No program may be initiated and no funding may be disbursed after September 30, 1997.

(d) What additional information do I need to provide for an extension? You must provide assurance that you will initiate the enterprise within the extended time period. We will write to the lender regarding any actions which we propose requiring you to return grant funds or of any proposal to extend the time.

§ 286.6 What reports must I submit?

(a) After receiving a grant, you must furnish us the following information:

You must submit	Semiannually during	And annually during
comparative balance sheets.	the first two years of operation.	years three through five of operation.
profit and loss statements.	the first two years of operation.	years three through five of operation.

(b) You may use copies of financial statements which you furnish to the lender who provides partial financing.

(c) If you fail to provide the necessary reports, we will require repayment of grant funds. Grant funds owed will be deemed debt owed to the United States.

Dated: January 10, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-2316 Filed 1-29-97; 8:45 am]

BILLING CODE 4310-22-P

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR-027-FOR]

Arkansas Regulatory Program and Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Arkansas regulatory program and abandoned mine land reclamation plan (hereinafter referred to as the "Arkansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Arkansas' proposed amendment pertain to the definition for "unanticipated event or condition"; procedures for challenging ownership and control links shown in AVS; and applicant liability under the Small Operator Assistance Program. Arkansas also proposed to correct typographical errors and a number of incorrect reference citations. The amendment is intended to incorporate the additional flexibility afforded by the revised Federal regulations and to enhance the enforcement of the State program.

DATES: Written comments must be received by 4:00 p.m., c.s.t., February 14, 1997.