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Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 113—MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIOECONOMIC PROGRAMS

Establishment of New Part

August 14, 1978.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Establishment of new part.

SUMMARY: These regulations implement section 1(b) of the Act of October 27, 1972, and set forth procedures and guidelines to govern the use of funds awarded to the Osage Tribe by Pub. L. 92-586, enacted October 27, 1972. The funds were awarded for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe \* \* \* such programs are to be administered by the Secretary of Interior.

EFFECTIVE DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Ramona L. Osborne, Bureau of Indian Affairs, Office of Indian Education Programs, Washington, D.C., 202-343-7387.

SUPPLEMENTARY INFORMATION: Beginning on page 47795 of the October 10, 1975, FEDERAL REGISTER (40 FR 47795) there was published a notice to add a proposed new Part 113 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations. The addition was proposed pursuant to authority contained in said Act of October 27, 1972.

In compliance with Department of the Interior policy, interested persons were afforded an opportunity to comment on such proposed new part 113 as published on October 10, 1975. Individuals of Osage Indian blood, Osage organizations, and other interested parties were specifically invited to submit written comments, suggestions, or objections. The number of comments received was relatively small. About half were general expressions on various aspects of the proposed regulations. To illustrate, one commentator endorsed the provision which permits

the expenditure of interest only; another expressed satisfaction that applicants would not be required to prove need as a condition for financial aid; another felt that need should be a condition for assistance; one commentator suggested that the tribal council be permitted to place the funds under the management of a commercial bank; still another suggested that the tribal council should have full responsibility for management of the funds.

On the other hand, at least half of the commentators specifically and strongly objected to the proposed provision which would permit the tribal council to select a committee to administer the fund. Their opposition was based primarily upon the claim that questions of propriety exist regarding the authority of the tribal council in relationship to the \$1 million fund. More specifically, the objectors claim that the tribal council is not representative of the Osage Tribe since the right to vote in tribal elections is restricted to those having an interest in the tribe's mineral estate; and that the council's legislative scope of authority is limited to matters pertaining to the mineral estate and, therefore, such council does not have authority regarding the fund.

Inasmuch as the aforementioned claims relative to the tribal council's scope of authority had been made the subject of litigation, the Bureau determined that the funds would be administered by the Bureau until the future of the Osage tribal government was known, rather than further delay use of such funds. Accordingly, in a letter dated April 9, 1976, the Commissioner of Indian Affairs advised the principal chief of the Osage Tribal Council of such decision.

Furthermore, recognizing the complex and controversial nature of the comments received in response to the October 1975 publication, the Bureau felt that additional efforts should be made to insure that all major and pertinent factors were known and considered in finalizing the regulations. In this regard, the Bureau met with the Osage Tribal Council in Pawhuska, Okla., in July 1976 and September 1976, and, in Washington, D.C., in February 1977. Prior to the February 1977 meeting, the Bureau provided the tribal council with draft copies of the proposed regulations which were ultimately published on January 17, 1978.

In addition, meetings were held in August-September 1976, with the Osage Nation Organization; the Hoiny Indian Village Committee; the Greyhorse Indian Village Committee;

and the Pawhuska Indian Village Committee.

Overwhelmingly, the focal point of comments and views expressed in the consultation meetings as well as those received in response to the October 1975, publication reflected widespread and grave concern regarding (1) an administering body for, and (2) the beneficiaries of the \$1 million fund. More specifically, there were serious and conflicting views as to who would administer the fund; and whether or not blood quantum would be a factor in determining who would receive financial aid as provided by the proposed new part.

Unquestionably, these concerns transcend the \$1 million fund. They are rooted in complex problems and circumstances which encompass and affect the very well-being of the Osage Tribe. For this reason, the Bureau determined it appropriate to make extensive revisions to the October 1975 proposed regulations and to incorporate fundamental principles which not only accommodate the expressed concerns, but which also, and perhaps more importantly, enhance the posture of the Osage people as a tribe.

Accordingly, the October 1975 proposed regulations were revised to insure due recognition to the fact that it is the tribes, as aggregate units, which provide the basis for the Federal Government's trust responsibility and relationship with Indian people. In this regard, therefore, all revisions were premised upon the following understandings and principles: (1) Clearly, the legislation intends that the \$1 million be used for the benefit of the Osage Tribe; (2) the Congress placed high value upon Osage heritage by specifically requiring that beneficiaries of such legislation be of Osage Indian blood; (3) any program, to be of greatest benefit to the Osage Tribe must, of necessity, enhance and perpetuate the longevity of the tribe; (4) those having a practicing knowledge of the Osage heritage—its customs and traditions—can best advance the Osage people as a tribe; and (5) undoubtedly, if the best interest of the tribe is to be served then concerted efforts must be made to maximize participation of those having this practicing knowledge and who are able and willing to acquire appropriate skills and knowledge which can be beneficial to both himself and the tribe.

These principles, upon their application, can (1) accommodate the congressional intent that the funds benefit the Osage Tribe; (2) further the Federal policy of Indian self-determi-

nation; and (3) advance the desire of the Osage people that their existence as a tribe and their trust relationship with the Federal Government be enhanced.

Subsequently, on January 17, 1978, beginning on page 2408 of the FEDERAL REGISTER (43 FR 2408) the revised regulations were published as a notice to add a proposed new part 113 to subchapter J, chapter 1, title 25 of the Code of Federal Regulations.

In accordance with Department of the Interior policy, the public and the Osage people, in particular, were provided an opportunity to submit comments, suggestions, or objections regarding such proposed regulations. A summary of comments received and the response of the Bureau is here-with presented.

#### COMMENT

A number of comments were received claiming that the Bureau had consulted with, and involved representatives of only one particular Osage organization in the development of the proposed regulations. In this regard, requests were made, and granted, for additional time in which to review and comment on such regulations.

#### RESPONSE

The Bureau did, in fact, undertake an extensive effort to involve Osage people regarding the proposed regulations. Consultation meetings were held with the Osage Tribal Council in Pawhuska, Okla., on July 26, 1976, and August 15, 1976; and in Washington, D.C., on February 28, 1977. Prior to the February 1977 meeting, draft copies of the proposed regulations which were ultimately published on January 17, 1978, were made available to the tribal council.

Additionally, during the months of August and September 1976, public meetings were held in each of the three Osage villages of Pawhuska, Greyhorse and Hominy, Okla.

#### COMMENT

Several comments, both pro and con, were received concerning administration of the \$1 million fund by the Bureau rather than the tribal council. Additionally, one organization submitted a proposal whereby the tribal council would have full responsibility for administering the fund. Reasons expressed for favoring tribal council administration were that (1) the tribal council is the duly elected body of the Osage Tribe; (2) the tribal council has proven capability for administering large sums on money; and (3) Bureau involvement interferes with the internal affairs of the Osage Tribe.

Reasons expressed for opposing the idea of having the tribal council ad-

minister the fund were based on the claim that the tribal council is not representative of all Osages but only of the headright holders. The heretofore mentioned litigation which is still pending was also mentioned as a factor in opposing tribal council administration.

#### RESPONSE

The Bureau has no question relative to the competency and capability of the Osage people. However, because of the complex issues and the legal questions relating to the tribal council's scope of authority which are the subject of pending litigation, the Solicitor's Office has recommended that the Bureau administer the fund in an effort to remove administration of the fund from the controversy surrounding the litigation.

#### COMMENT

Several comments were received opposing representation of Bureau staff on the proposed education committees—i.e., the (1) regular education committee and (2) interim committee proposed to be created pending the establishment of the regular committee. Reasons cited were (1) there are competent, capable Osage people to assume committee responsibilities, and (2) Bureau involvement projects the Bureau into the internal affairs of the Osage Tribe.

With regard to the regular committee one organization recommended that such committee be composed of seven (7) persons who are at least one-fourth degree Osage Indian, six (6) of whom would be legal residents of Osage County. Such organization further recommended that committee members be elected; that candidates for committee membership be required to secure signatures of twenty (20) Osages on a nominating petition in order to qualify for having their name placed on the ballot; and that only persons who are at least one-eighth degree Osage be permitted to vote in the election of such committee.

In this regard, another commentator suggested that the weight of each vote would be determined by the voter's degree of Osage blood, i.e., the vote of a full blood would count as one (1) full vote; the vote of a person of one-half degree Osage blood would count as one-half a vote, etc.

Another organization proposed that the tribal council be provided with the responsibility of selecting the education committee, as a part of their overall responsibility for administering the fund. Such organization further recommended that the committee be composed of three (3) members who are legal residents of the State of Oklahoma and four (4) members who

are legal residents of any State other than Oklahoma.

#### RESPONSE

The primary purpose of the proposed "interim education committee" was to avoid unnecessary further delay in making financial aid funds available to eligible Osage students and was intended to facilitate necessary, preliminary groundwork for the regular committee while such regular committee was being established.

However, as a step toward the full and meaningful involvement of Osage people in every step of actual administration of the \$1 million fund, the Bureau has eliminated the proposed interim committee inasmuch as such interim committee was to be composed of only Bureau personnel. Instead, only the regular Osage Tribal Education Committee will be established in accordance with the provisions of § 113.5.

With regard to the regular committee and the recommendations that all seven (7) members be of Osage Indian blood, the Bureau has no questions relative to the competency and capability of Osage tribal members. However, the Bureau feels that since it has assumed responsibility for administration of the fund, Bureau representation on the committee is administratively essential. It should be noted that the majority of the committee members, five of seven, will be Osages.

Relative to the recommendations that committee members be at least one-fourth degree Osage; that they be elected by those who are at least one-eighth degree Osage; and that the weight of each vote be determined by the voters' degree of Osage blood, such procedure would not only be administratively cumbersome but would also unduly disqualify numerous, eligible individuals who are less than the recommended degree of Osage blood.

The recommendation that six (6) committee members be residents of Osage County, and the other recommendation which specified that three (3) members be residents of Oklahoma and four (4) be residents of other than the State of Oklahoma, were each given extensive consideration. In this regard, consideration was given not only to the fact that a large segment of the Osage population resides outside of Osage County, but also to the fact that committee meetings will also be frequent and time consuming. It was, therefore, determined that it is more practical to proceed with the provisions of the proposed regulations which permits a representative from each of the Osage village districts and two other representatives which may include out-of-State residents.

Finally, with regard to the recommendations that the tribal council

select committee members, reference is made to the aforementioned advice of the Solicitor that the Bureau of Indian Affairs administer the program.

**COMMENT**

A number of comments, both pro and con, were received regarding the proposed provision which permits the Osage Tribal Education Committee to specify a blood quantum amount for which points will be awarded to applicants meeting such quantum as a part of an overall point system for rating applications for awards.

The objectors expressed that there is no blood quantum requirement for membership in the Osage Tribe and yet the Bureau was attempting to impose such a requirement through the proposed regulations. One commentator stated that such requirement would be contrary to regulations relating to the government of Indian villages, Osage Reservation, Okla., as promulgated in 25 CFR 74.2(d). Such regulations define tribal member as being any person of Osage Indian blood of whatever degree, allotted or unallotted, whose name appears on the official census roll of the Osage Tribe. Such definition applies only for village government purposes.

Other objectors understood that the blood quantum provision restricts eligibility to only those who meet the particular blood quantum which is to be determined by the Osage Tribal Education Committee.

In support of a blood quantum, one group recommended that the regulations establish a one-fourth degree requirement for eligibility to apply for use of funds, and another recommended the establishment of a one-eighth degree eligibility requirement.

**RESPONSE**

Several of the comments regarding blood quantum are obvious misinterpretations of the blood quantum provision. The Bureau, through the regulations, is not attempting to impose a blood quantum requirement for membership in the Osage Tribe. Additionally, the provision relating to blood quantum does not restrict, or eliminate any person of Osage Indian blood from being able to participate in the program.

Rather, the blood quantum which will be determined by the education committee, will be one of several factors used in ranking all applications to determine which applicant will be awarded assistance from the limited funds. The applicants' financial needs will be a second factor which will be used in ranking applications. Other factors, such as the applicants' academic performances, family household size, educational goals, etc. may also

be used at the discretion of the educational committee.

Further, with regard to the suggested one-fourth and one-eighth degree eligibility requirement, it was deemed inappropriate for the Bureau to establish what the quantum shall be. Rather, the regulations provide that the Osage Tribal Education Committee will determine what degree will be used as a factor to be considered in rating applications and for which points will be given.

The blood quantum provision is not intended to, and, in fact, will not disqualify, or make ineligible, any individual of Osage Indian blood from participation in the provisions of this part.

Rather, since it is expected that the number of applications will far exceed the level of funds available, the point system is designed to permit a systematic procedure for objectively reviewing and screening applications for awards.

**COMMENT**

Several commentators expressed the view that the regulations will provide special privileges to those Osages living within the Osage Indian Village areas.

**RESPONSE**

This is not the case. No residency requirement is made either for eligibility for student assistance or for eligibility to serve on the Education Committee.

**COMMENT**

One commentator in requesting an extension of time to review and comment on the proposed regulations raised the question as to who is to benefit from the fund in the absence of a tribal Constitution.

**RESPONSE**

In accordance with the legislation, the regulations provide that any allottee or their descendants who is of Osage Indian blood, is eligible to participate in the \$1 million fund. Neither the legislation nor the regulations restrict eligibility to either headright holders or nonheadright holders. All are eligible if they are of Osage Indian blood.

**COMMENT**

Several commentators indicated that the term "the Osage Tribe of Oklahoma" is incorrect and that instead regulations should specify the Osage Tribe of Indians.

**RESPONSE**

It appears that the basis for this concern was fear of a residency requirement for participation in the program.

However, the term "Osage Tribe of Oklahoma" as used in the proposed regulations, is taken directly from the language of the act (Pub. L. 92-586).

This final rulemaking notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 230 DM 2, and is effective August 22, 1978.

Primary author of this document is Ramona L. Osborne, Education Specialist, Bureau of Indian Affairs, Office of Indian Education Programs, Washington, D.C., 202-343-7387.

Subchapter J, chapter I, of title 25 of the Code of Federal Regulations is amended by adding a new part 113, reading as follows:

- Sec.
- 113.1 Purpose and scope.
- 113.2 Definitions.
- 113.3 Principal to be invested, interest only to be expended.
- 113.4 Eligible applicants.
- 113.5 Establishment of Osage Tribal Education Committee.
- 113.6 Duties and responsibilities of the Osage Tribal Education Committee.
- 113.7 Other socioeconomic programs.
- 113.8 Use of funds for committee administrative costs
- 113.9 Regulations to apply for indefinite period of time.
- 113.10 Appeals.

**AUTHORITY:** 86 Stat. 1295.

**§ 113.1 Purpose and scope.**

(a) Pub. L. 92-586, enacted October 27, 1972, makes provision whereby the sum of \$1 million, together with other funds which revert to the Osage Tribe, "may be advanced, expended, invested, or reinvested for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe of Indians of Oklahoma, such programs to be administered as authorized by the Secretary of the Interior."

(b) The purpose of the regulations in this part is to set forth procedures and guidelines to govern the use of such funds. Included are: (1) Application requirements and processes for use of the funds for educational purposes by eligible persons; and (2) procedures whereby the funds may also be used for socioeconomic programs of benefit to the Osage Tribe.

**§ 113.2 Definitions.**

(a) "Act" means Pub. L. 92-586 enacted October 27, 1972 (86 Stat. 1295).

(b) "Secretary" means the Secretary of the Department of the Interior.

(c) "Assistant Secretary" means the Assistant Secretary for Indian Affairs.

(d) "Superintendent" means the official in charge of the Bureau of Indian Affairs Osage Indian Agency.

(e) "Reverted funds" means the unpaid portions of the per capita distribution funds, as provided by the

Act, which were not distributed because they were: (1) Unclaimed within the period specified by the Act; or (2) for an amount totaling less than \$20 due an individual from one or more shares of one or more Osage allottees. The Act provides that such unpaid funds revert to the Osage Tribe and upon their reverting thereto are to be used together with the \$1 million fund for education or other socioeconomic programs of benefit to the Osage Tribe.

(f) "Allottee" means a person whose name appears on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539).

(g) "Osage Tribal Education Committee" means the committee selected to administer the provisions of this part as specified by § 113.5.

(h) "Other socioeconomic programs" means activities, other than educational, for which funds may be used, as specified by § 113.7.

(i) "Educational programs/purposes" means those endeavors or activities for which funds governed by this part may be used to advance the formal academic education or vocational/technical training of eligible persons.

(j) "Point system" means a set of specific conditions appropriate to an application for educational assistance for which a specified number of points are awarded to an application for each condition met. Such point system provides the basis for rating and ranking all applications for use of funds under this part.

(k) "Rating applications" means the method, or procedure, by which each and all applications are individually evaluated against the point system to determine (1) which, if any, of the conditions for which points are awarded, have been met by the applicant; and, (2) the total number of points earned by each applicant.

(l) "Ranking applications" means the process by which all applications, after having been rated, are placed in a descending order according to the total number of points awarded each.

§ 113.3 Principal to be invested, interest only to be expended.

(a) The principal sum of \$1 million and reverted funds shall be invested and reinvested at the highest available rate of interest by the Bureau of Indian Affairs on behalf of the Osage Tribe. Expenditures for the purposes of this part shall not be made from either the \$1 million principal sum or reverted funds. Rather, expenditures shall be made against only the interest generated from such principal and reverted funds.

§ 113.4 Eligible applicants.

(a) Any person of Osage Indian blood who is an allottee or a descendant of an allottee is eligible to apply for use of funds for the purposes prescribed by, and, in accordance with, the provisions of this part. All applicants for assistance shall, as a part of the application process, identify his allotment number if he or she is an original allottee; or, if applicant is a descendant of an allottee, then, the allottee through whom eligibility is claimed shall be identified.

§ 113.5 Establishment of Osage Tribal Education Committee.

(a) In an effort to provide the Osage Tribe maximal opportunity to exercise their right to tribal self-determination, an Osage Tribal Education Committee shall be established to perform the responsibilities and provisions of this part.

(b) The committee shall perform all duties and responsibilities as set out in § 113.6.

(c) The committee shall be selected and convene their first meeting within (90) days after these regulations become final.

(d) The Osage Tribal Education Committee shall be composed of seven members and shall include two (2) education staff members of the Bureau; and five (5) persons of Osage Indian blood who are allottees, or, descendants of original allottees. Of the five Osage members, at least three shall be legal residents of, or live within a 20-mile radius of one of the three Osage Indian villages. Of these, at least one shall reside within the specified radius of the Pawhuska Indian village; one, at least, within the specified radius of the Hominy Indian village; and, at least one within the specified radius of the Greyhorse Indian village. The remaining Osage committee members may include residents living in other parts of Oklahoma or the United States.

(e) Selection of the five Osage committee members shall be made by the Assistant Secretary in accordance with the following procedures and provisions.

(1) *Eligibility.* Any adult person of Osage Indian blood who is an allottee, or a descendant of an allottee is eligible to serve on the education committee.

(2) *Applications and nominations.* Formal application or nomination for committee membership shall be required. In accordance with the provisions of the following paragraph, any eligible person may make application for committee membership by submitting a brief statement requesting that he/she be considered a candidate for such committee and the reasons for desiring to serve on the committee;

and, their qualifications; or, any Osage organization, including the Osage Indian village committees, may submit the name(s) and address(es) of eligible persons as their nominee(s) for the education committee. Nominees shall submit a statement expressing their willingness to serve on the committee. Applications and nominations shall be made by registered mail, within 45 days after these regulations become final, to:

Assistant Secretary—Indian Affairs, Attention: Director of Indian Education Programs (Osage Tribal Education Committee), 1951 Constitution Avenue NW., Washington, D.C. 20245.

(3) *Personal interview of applicants and nominees.* (i) Following the expiration date for receiving applications and nominations, the Bureau shall arrange for an initial review and screening of all applications/nominations. Thereafter, arrangements shall be made for personal interviews with all applicants or nominees who have been screened for consideration for committee membership. The personal interview shall be the primary method for selecting committee members, for, under controlled conditions, it can provide an objective process for selection of the most competent and effective persons to perform committee responsibilities in a fair and reasonable manner.

(ii) Each interview session shall utilize a standard interview instrument developed by an independent, experienced arbitration agency. The instrument shall be designed to measure the interviewees' responses to hypothetical problems which might be encountered in the administration of grant or scholarship programs. All interviews shall be conducted by the same arbitration agency responsible for the interview instrument.

(iii) Interviews shall be conducted at locations throughout the Nation which are central and in reasonably close proximity to applicants for the committee. Applicants shall not be compensated or reimbursed for expenses incurred as a result of interviews.

(iv) No portion of the \$1 million fund shall be expended for purposes of the interview and/or selection of the Osage Tribal Education Committee.

(4) *Selection of committee members.* Upon completion of the interview, the arbitration agency shall recommend a reasonable number of applicants or nominees from which the Assistant Secretary for Indian Affairs shall select five Osage persons to serve on the Osage Tribal Education Committee. The Assistant Secretary shall also appoint two Bureau persons to the committee and shall notify all persons of their selection or appointment, and, shall also notify all applicants and nominees of the final selection. Thereafter, the Bureau shall arrange for the

committee to begin assumption of duties and responsibilities.

(5) *Committee vacancies.* Any vacancy shall be filled in the same manner described by this section for the selection of committee members. The period of time for receiving applications shall not exceed 30 days with the expiration date to be announced by the Assistant Secretary. The Assistant Secretary may appoint an individual to serve for a temporary period of time until vacancy is filled. However, such appointment shall not exceed 45 days.

§113.6 Duties and responsibilities of the education committee.

(a) In order to (1) provide maximal use of the limited funds, (2) accommodate the anticipated large number of applications, and, (3) insure prompt, efficient, and fair treatment of all applications, a sound and equitable system for administering the program is imperative. In this regard, therefore, and consistent with the policy of Indian self-determination, the Osage Tribal Education Committee shall develop an overall plan, including a systematic, sequential process for selecting awardees which avoids a "first come, first serve" method; and, instead, insures that all applications received prior to the specified closing date, shall be ranked simultaneously to enable equal competition for funds by all applicants.

(b) The procedure shall provide that (1) no funds shall be awarded until all applications have been ranked; and, (2) applications shall not be ranked until all have been rated against the point system.

(c) Specifically, the overall plan shall include:

(1) *Procedures for receiving and reviewing applications.* Such procedures shall set out the following:

(i) Beginning and closing dates for accepting applications;

(ii) Office and address from which application forms may be obtained;

(iii) Address to which applications are to be submitted; and any special method by which they are to be submitted, i.e., certified, registered, or regular mail;

(iv) Date by which all applicants shall have been notified by the committee of the decision relative to their application;

(v) Process by which applications shall be reviewed for completeness; and, how additional information shall be requested and received.

(2) *A point system for rating and ranking applications.* (i) The point system is, perhaps, the most important part of the overall plan as required by this section. It shall serve as the standard basis for rating and ranking each and all applications for financial

assistance under this part, in an identical, objective manner. The point system shall set out specific conditions, or criteria, appropriate to an application for financial assistance, for which a specified number of points shall be awarded to those applications meeting the condition or conditions. For example, an applicant's scholastic achievement or grade average for the preceding semester could be one condition for which points would be awarded. In this regard, it could be determined that 5 points would be awarded an applicant who maintains a 2 grade point average. Each application shall be evaluated against the conditions specified by the point system to determine (A) which, if any, of the conditions applicant has met; (B) the total point value of the application, as derived from the conditions applicant has met; and (C) the value of each application in relationship to all applications, for ranking purposes. A fair point value of each condition set out by the point system shall be determined by the education committee.

(ii) In addition to those conditions for which the Osage Tribal Education Committee determines points are to be awarded, the point system shall include provisions whereby points shall also be awarded to those applications, wherein the applicant:

(A) Meets a specified Osage blood quantum as determined and established by the Osage Tribal Education Committee. The specified quantum shall be considered only for the purposes of the point system, and, shall not, in any way, affect or determine eligibility, as any person who meets the requirements of §113.4 is eligible to make application for aid under this part.

(B) Establishes that financial assistance is necessary, and that without such assistance the applicant's educational or career objectives would not be attainable. The financial information required shall be established by the Osage Tribal Education Committee.

(C) Provides evidence that other available financial resources have been applied for, and indicates whether or not such application(s) has been approved, and, if so, the amount approved; or, otherwise indicate the status of such application(s). The financial resources information required shall be determined by the Osage Tribal Education Committee. The number of points to be awarded for each of the foregoing conditions shall be determined by the Osage Tribal Education Committee. After all applications have been rated according to the point system, they shall be ranked according to the total number of points awarded. Applications receiving the greatest number of points shall be

first in line to receive financial aid as provided by this part. The point system shall specify whether applications are to be rated upon their receipt; at periodic intervals, or, after the specified closing date for receiving applications.

(3) *Procedures for awarding funds.* This shall include:

(i) Determinations as to whether awards are to be for a fixed amount, or, whether the amount is to be based upon the applicant's established individual need; and, a formula for affixing amounts.

(ii) The process and date by which applicants shall be notified as to whether or not they are to receive an award, and, how awards are to be announced or published.

(iii) Determinations as to whether payment of awards are to be made directly to the student, or to the educational institution which the respective applicant shall be attending. In addition, the education committee shall:

(A) Establish the time and place for convening regular committee meetings; conditions and procedures for convening special meetings; and, the procedures for notifying members of both regular and special meetings.

(B) Establish a procedure for the selection/election of a committee chairman and other officers considered appropriate.

(C) Develop a standard application form.

(D) Prepare an official document which sets out the overall plan established by the committee in compliance with the provisions of this part for submission to the Assistant Secretary for Indian Affairs for approval.

(E) Notify the Osage people, through appropriate media, of the procedures, processes, etc., set out by the overall plan for administering the \$1 million fund within a reasonable time after these regulations become final.

(F) Any other responsibilities necessary and/or appropriate to effective performance of committee tasks.

Inasmuch as the overall plan encompasses the full amount of operating procedures, requirements, etc., to be used in administering the fund, the Assistant Secretary for Indian Affairs' approval of such plan shall be required. Any revisions of the approved overall plan shall require strong justification, and, shall also require approval of the Assistant Secretary for Indian Affairs. The approved overall plan shall be printed in its entirety and made available to persons requesting applications; and, upon request, to persons eligible for aid under this part.

**§ 113.7 Other socioeconomic programs.**

(a) Applications for financial assistance for socioeconomic programs shall be in the form of a narrative proposal which provides a full description of the proposed program.

The narrative shall include (1) program objectives; (2) methods for attaining objectives; (3) staff requirements, i.e., number and qualifications; and, (4) program budget.

(b) Applications for socioeconomic program funding shall be considered only if the Osage Tribe is not eligible for participation in other programs which have the same objectives as those proposed by the application.

(c) The Osage Tribal Education Committee shall establish a procedure for considering such applications.

(d) The Osage Tribal Education Committee shall establish a maximum percentage to be used for funding socioeconomic programs. Such percentage shall not exceed 15 percent of the total funds available during any given year.

(e) Applications approved by the Osage Tribal Education Committee shall also require the approval of the Assistant Secretary—Indian Affairs.

**§ 113.8 Use of funds for committee administrative costs.**

(a) A reasonable portion of funds available for expenditure may be used by the Osage Tribal Education Committee in the performance of their duties and responsibilities.

(b) The committee shall prepare and submit for the Assistant Secretary's approval, a budget for each calendar year. The budget may, at the discretion of the committee, provide for travel and per diem of committee members. The amount used for program administration shall not exceed 5 percent of the total amount available, except, with the special approval of the Assistant Secretary.

**§ 113.9 Regulations to apply for indefinite period of time.**

These regulations shall cease upon determination of the legal and appropriate body to administer the fund, and, upon the establishment of succeeding regulations.

**§ 113.10 Appeals.**

The procedure for appealing any decision regarding the awarding of funds under this part shall be made in accordance with 25 CFR, Part 2, Appeals from administrative Action.

**NOTE.**—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement

under Executive Order 11821 and OMB Circular No. A-107.

FORREST J. GERARD,  
Assistant Secretary—  
Indian Affairs.

[FR Doc. 78-23548 Filed 8-21-78; 8:45 am]

**[4810-31]**

**Title 27—Alcohol, Tobacco Products,  
and Firearms**

**CHAPTER I—BUREAU OF ALCOHOL,  
TOBACCO AND FIREARMS, DE-  
PARTMENT OF THE TREASURY**

[Reference T.D. ATF-50]

**RECORD RETENTION REQUIREMENTS**

**Correction**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Final rule; correction notice.

**SUMMARY:** This document corrects Treasury decision ATF-50 by removing from it certain material (definitions) which should not have appeared in the final version of that Treasury decision published at 43 FR 20493, May 12, 1978. The substantive provisions of T.D. ATF-50 are not changed by this correction.

**EFFECTIVE DATE:** August 22, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Steven C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Room 6226B, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226; 202-566-7626.

**SUPPLEMENTARY INFORMATION:** On page 20493 of the FEDERAL REGISTER for Friday, May 12, 1978, there was published Treasury decision ATF-50, which contained amended requirements concerning retention of records. The affected regulations were 27 CFR Parts 18, 194, 250, and 251.

The Treasury decision also contained amendments to certain definitions in §§ 18.11, 194.11, 250.11, and 251.11, which reflected the change of title of several ATF officials. Since these definitions had already been revised by T.D. ATF-48 (published in the FEDERAL REGISTER on March 31, 1978), there was no need for them to appear in the final version of T.D. ATF-50. Furthermore, some of the definitions varied from the same definitions as they appeared in T.D. ATF-48. Consequently, this Correction Notice is being published to delete the definitions amendments from T.D. ATF-50. The definitions published in T.D. ATF-48 remain in effect.

The substantive provisions of T.D. ATF-50 increased (to 3 years) the retention period for records required by 27 CFR Parts 18, 194, 250, and 251. These substantive provisions are not affected by this Correction Notice, and remain in effect.

Accordingly, the following deletions and conforming changes are made to T.D. ATF-50:

In the FEDERAL REGISTER of May 12, 1978, the following corrections should be made:

1. On page 20493, paragraph A.1. (amendments to § 18.11) is deleted.
2. The numeral "2" at the beginning of paragraph A.2. is deleted.
3. On page 20494, paragraph B.1. (amendments to § 194.11) is deleted.
4. The numeral "2" at the beginning of paragraph B.2. is deleted, and the numeral "1" is inserted instead.
5. The numeral "3" at the beginning of paragraph B.3. is deleted, and the numeral "2" is inserted instead.
6. Paragraph C.1. (amendments to § 250.11) is deleted.
7. The numeral "2" at the beginning of paragraph C.2. is deleted, and the numeral "1" is inserted instead.
8. The numeral "3" at the beginning of paragraph C.3. is deleted, and the numeral "2" is inserted instead.
9. On page 20495, paragraph D.1. (amendments to § 251.11) is deleted.
10. The numeral "2" at the beginning of paragraph D.2. is deleted.

Signed: August 14, 1978.

JOHN G. KROGMAN,  
Acting Director.

[FR Doc. 78-23560 Filed 8-21-78; 8:45 am]

**[1505-01]**

**Title 29—Labor**

**CHAPTER V—WAGE AND HOUR  
DIVISION, DEPARTMENT OF LABOR**

**PART 575—WAIVER OF CHILD  
LABOR PROVISIONS FOR AGRICULTURAL  
EMPLOYMENT OF 10-  
AND 11-YEAR-OLD MINORS IN  
HAND HARVESTING OF SHORT  
SEASON CROPS**

**Provisions Governing Application for  
and Granting of a Waiver; Restric-  
tions on Use of Pesticides and  
Other Chemicals**

**Correction**

In FR Doc. 78-23345 appearing at page 36623 in the issue of Friday, August 18, 1978, in the table of