

# federal register

MONDAY, NOVEMBER 15, 1976



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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-33173 Filed 11-12-76;8:45 am]

**DEPARTMENT OF THE INTERIOR**

Bureau of Indian Affairs

[ 25 CFR Part 141 ]

**GENERAL FOREST REGULATIONS**

Trespass Settlements

OCTOBER 28, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise § 141.22 of Part 141, Subchapter M, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in sections 7 and 8 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406 & 407), section 6 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 466), the Act of February 14, 1920 as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413), Departmental Regulations (5 U.S.C. 301), and Duties of the Commissioner (25 U.S.C. 2).

The purpose of this revision is to amend direction contained therein by adding new language concerning trespass settlements when payment is less than full. This provision will empower the Area Director, acting for the Commissioner of Indian Affairs, to accept and concur with the recommended compromise settlement from the Associate, Regional or Field Solicitor, as provided in the Departmental Manual, Part 344.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Commissioner of Indian Affairs, Attention: Director, Office of Trust Responsibilities, 1951 Constitution Ave., NW., Washington, D.C. 20245, on or before December 15, 1976.

It is proposed to revise § 141.22 of Part 141, Subchapter M, Chapter 1 of Title 25 of the Code of Federal Regulations to read as follows:

**§ 141.22 Trespass.**

(a) Federal Statutes provide that:

(1) Willful and unauthorized setting fire to timber, underbrush, or grass or other inflammable material upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held

in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, is punishable by fine of not more than \$5,000 or imprisonment of not more than 5 years, or both.

(2) Whoever, having kindled or caused to be kindled, a fire in or near any forest timber, or other inflammable material on such lands, leaves said fire without totally extinguishing it, or permits such fire to spread beyond his control or leaves such fire unattended shall be fined not more than \$500 or imprisoned not more than 6 months, or both.

(3) The unlawful cutting or wanton injury or destruction of trees standing, growing, or being upon such lands is punishable by fine of not more than \$1,000 or imprisonment of not more than one year, or both.

(4) Section 1 of the Act of June 25, 1948 (62 Stat. 787 (18 U.S.C. 1853)), provides penalties for the unlawful cutting of timber on Government lands and on Indian lands under Government supervision.

(b) The Secretary may mark and forbid the removal of timber from restricted or trust Indian lands or direct its removal to a point of safekeeping when he has reason to believe that such timber was unlawfully cut. Any such timber that can be positively identified as Indian trust property should be sold to prevent its deterioration. When any timber cut in trespass is found to be removed to land not under Government supervision, the owner of the land should be notified that such timber is Indian trust property and any further action should be upon advice of the Office of the Solicitor of the Department of the Interior. Any timber sold under this § 141.22 may be disposed of under the provisions of this Part 141 insofar as they are applicable. The Secretary may accept payment of damages in full in the settlement of civil trespass cases without resort to court action. The Secretary may also accept a recommended settlement per SOLICITOR'S REGULATION 28 when exercised in accordance with regulations contained in 344 DM 3.

All other matters relating to the collection of debts under this section will be in accordance with Departmental Manual, Part 344.

(28 FR 12366, Nov. 22, 1963.)

RAYMOND V. BUTLER,  
Acting Deputy Commissioner of  
Indian Affairs.

[FR Doc.76-33542 Filed 11-12-76;8:45 am]

**DEPARTMENT OF THE TREASURY**

Internal Revenue Service

[ 26 CFR Part 1 ]

**GROSS INCOME; ALLOCATION AND APPORTIONMENT OF DEDUCTIONS**

Notice of Proposed Rulemaking

Correction

In FR Doc. 76-32822, appearing at page 49160 in the issue for Monday, November 8, 1976, the following corrections should be made:

1. On page 49162, in the first column, in paragraph designated (4), the ninth line should be corrected to read as follows:

come" from such specific source or activ-

2. On page 49165, in the first column, immediately preceding Item (20)—Food and kindred products, insert centered over each column:

SIC major groups    Manufactured categories

**DEPARTMENT OF THE INTERIOR**

Mining Enforcement and Safety  
Administration

[ 30 CFR Part 77 ]

**TRAINING AND RETRAINING OF MINERS**

Objections Filed and Hearing Requested

In accordance with the provisions of section 101 of the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 83 Stat. 742, 30 U.S.C. 801) and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, there was published in the FEDERAL REGISTER for July 29, 1976 (41 FR 31556), a notice proposing that Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended by adding a new Subpart U—Training and Retraining of Miners.

Interested persons were afforded a period in excess of 45 days following publication within which to submit to the Administrator, Mining Enforcement and Safety Administration, written comments, suggestions and objections to these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary to publish in the FEDERAL REGISTER, as soon as practicable after the period for filing such objections has expired, a notice specifying proposed mandatory safety standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Administrator, Mining Enforcement and Safety Administration, stating the grounds for objections and requesting a hearing on the proposed §§ 77.2000 through 77.2010.

Pursuant to section 101(g) of the Act, the Secretary will after publication of this notice in the FEDERAL REGISTER, issue notice of the time and place at which a public hearing will be held for the pur-