federal register

TUESDAY, OCTOBER 17, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 201

Pages 21895–21980

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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LANDS

Power Projects

OCTOBER 6, 1972.

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 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise § 161.27 of Part 161, Subchapter 0, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301; in the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328); and in the Act of March 4, 1911 (36 Stat. 1253), as amended by the Act of May 27, 1952 (66 Stat. 95; 43 U.S.C. 961).

The purpose of the amendment is to revise 25 CFR 161.27 by deleting the word "lands" from line 8 of paragraph (b); deleting lines 9 and 10 from paragraph (b); and inserting the words "government owned lands shall" after the word "involving" on line 8 of paragraph (b); inserting the words "across government owned land" after the word "line" on line 2 of paragraph (f). This revision will remove applicable requirements of paragraphs (b) and (f), including subparagraphs and subdivisions thereof as they relate to rights-of-way for power projects over trust or restricted Indian-owned lands. They will be required, however, where public lands are concerned. In view of the Secretary of the Interior's trust responsibilities of protecting Indian property rights, it is felt that the requirements of paragraphs (b) and (f) which are applicable to public land and public land reserves should not apply to trust or restricted Indian-owned lands, which for these purposes should be considered the same as privately owned lands.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Economic Development, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 161.27(b)(f) of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 161.27 Power projects.

* * * * *

(b) All applications, other than those made by power-marketing agencies of the Department of the Interior, for authority to survey, locate, or commence construction work on any project for the generation of electric power, or the transmission or distribution of electrical power of 66 kv. or higher involving Government-owned lands shall be referred to the Office of the Assistant Secretary of the Interior for Water and Power Resources or such other agency as may be designated for the area involved, for consideration of the relationship of the proposed project to the power development program of the United States. Where the proposed project will not conflict with the program of the United States, the Secretary, upon notification to the effect, may then proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the project in order to eliminate conflicts with the power development program of the United States, the Secretary shall obtain from the applicant written consent to or compliance with such requirements before taking further action on the application.

* * * * *

(f) An applicant for a right-of-way for a transmission line across Government-owned lands having a voltage of 66 kv. or more must, in addition to the stipulation required by § 161.5, execute and file with its application a stipulation agreeing to accpt the right-of-way grant subject to the following conditions:

* * * * *

LOUIS R. BRUCE,
Commissioner.

[FR Doc.72-17635 Filed 10-16-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Expenses and Rate of Assessment for Fiscal 1972–73

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee, during the period August 1, 1972, through July 31, 1973, will amount to $825,000.

(2) That there be fixed at $0.045 per seven-tenths bushel carton or equivalent quantity of oranges and grapefruit, the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 12, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-17687 Filed 10-16-72;8:51 am]

[7 CFR Part 1106]

[Docket No. AO 210-A34]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Tulsa, Okla., on June 27, 1972, pursuant to notice thereof issued on June 9, 1972 (37 F.R. 11780).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on September 1, 1972 (37 F.R. 18216), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to location adjustments.

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