

REGISTRATION

19. Section 404.1070 is revised to read as follows:

§ 404.1070 Christian Science practitioners.

If you are a Christian Science practitioner, the services you perform in the exercise of your profession are a trade or business unless you were granted an exemption from coverage under section 1402(e) of the Code, and you did not revoke such exemption in accordance with section 1704(b) of the Tax Reform Act of 1986. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

20. Section 404.1071 is amended by revising paragraph (a) to read as follows:

§ 404.1071 Ministers and members of religious orders.

(a) If you are a duly ordained, commissioned, or licensed minister of a church, or a member of a religious order who has not taken a vow of poverty, the services you perform in the exercise of your ministry or in the exercise of duties required by the order (§ 404.1023(c) and (e)) are a trade or business unless you filed for and were granted an exemption from coverage under section 1402(e) of the Code, and you did not revoke such exemption in accordance with section 1704(b) of the Tax Reform Act of 1986. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 122

Management of Osage Judgment Funds for Education and Socioeconomic Programs

February 3, 1988

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: At the request of the Osage Tribe of Indians on October 30, 1984, Pub. L. 98-605 was enacted to eliminate the socioeconomic provision under Part 122 of 25 CFR, Management of Osage Judgment Funds for Education and Socioeconomic Programs. This amendment of Pub. L. 92-586, by Pub. L. 98-605, will eliminate the requests for an interpretation of the socioeconomic

provision along with ensuring additional financial assistance for postsecondary education for Osage Indian college students. Part 122 is also proposed to be retitled "Management of Osage Judgment Funds for Education."

DATES: Comments must be received on or before August 29, 1988.

ADDRESSES: Mail or hand carry written comments to: Mr. Wilson E. Babby, Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs), Main Interior Building Room 3512, Code 500, 18th & C Streets NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Dr. Virgil Akins, Bureau of Indian Affairs, Office of Indian Education Programs, Main Interior Building, Mail Stop Room 3512, 18th & C Streets NW., Washington, DC 20240, (202) 343-4871.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

On October 30, 1984, Pub. L. 98-605 was enacted to clarify to make technical amendments to the various acts pertaining to the Osage Indians. The amendment strikes out all references to the "socioeconomic" provisions.

Because of the time expended by the Osage Tribal Education Committee (OTEC) to resolve the numerous complaints and requests for interpretation of the "socioeconomic" provision, along with the limited availability of funds for both the "socioeconomic" programs and the educational demands of tribal members, the "socioeconomic" provision in § 122.7 of 25 CFR Part 122, Management of Osage Judgment Funds for Education and Socioeconomic Programs, is proposed to be removed. This proposed removal will provide the Osage Tribal Education Committee the opportunity to direct its energies and monies for educational considerations which the Osage Tribal members have established as their principle priority. Further, be advised that for the regulations of this Part to more readily serve the everchanging societal needs of the Osage Tribe, other deletions were incorporated; however, the Osage Tribal Education Committee is minimally obligated to obtain approval from the Assistant Secretary of the Interior for Indian Affairs for proposed budget expenditures and for the overall program plan of operation.

The policy of the Department of the Interior is 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 rules to the location identified in the Addresses section of this preamble.

The Department of the Interior has determined that this document is not a major rule and does not require regulatory analysis under Executive Order 12291. This rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969. The proposed regulation does not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The proposed regulations will not have an impact on small entities as defined in the Act.

The primary author of this document is Dr. Virgil Akins, Education Specialist, Postsecondary Education, Office of Indian Education Programs, Bureau of Indian Affairs, (202) 343-4871.

Information Collection Statement

The information collection requirement(s) contained in §§ 122.6 and 122.9 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1078-0098 and 1076-0106, respectively.

List of Subjects in 25 CFR Part 122:

Indian—claims, Indian-education, and Indian-judgment funds.

For the reasons set out in the preamble, Title 25, Chapter I, Part 122 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 122—MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION

Sec.

- 122.1 Purpose and scope.
- 122.2 Definitions.
- 122.3 Information collection.
- 122.4 Establishment of the Osage Tribal Education Committee.
- 122.5 Selection/nomination process for committee members.
- 122.6 Duties of the Osage Tribal Education Committee.
- 122.7 Budget.
- 122.8 Administrative costs for management of the fund.
- 122.9 Annual report.
- 122.10 Appeal.
- 122.11 Applicability.

Authority: 86 Stat. 1295, 98 Stat. 3163 (25 U.S.C. 331 note)

§ 122.1 Purpose and scope.

(a) The purpose of the regulation in this part is to set forth procedures and

guidelines to govern the use of authorized funds in education programs for the benefit of Osage Tribal members along with application requirements and procedures used by those eligible persons.

(b) The Osage Tribe by act of Congress, October 27, 1972 (25 U.S.C. 883, Stat. 1295), as amended by Pub. L. 98-605 on October 30, 1984, provides that \$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 of benefit to the Osage Tribe of Indians of Oklahoma, with said program to be administered as authorized by the Secretary of the Interior.

§ 122.2 Definitions.

(a) "Act" means Osage Tribe by Act of Congress, October 27, 1972 (25 U.S.C. 883, 86 Stat. 1295), as amended by Pub. L. 98-605.

(b) "Allottee" means a person whose name appears on the roll of 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).

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

(d) "Osage Tribal Education Committee" means the committee selected to administer the provisions of this part as specified by § 122.6.

(e) "Point system" means a set of specific conditions appropriate to application for educational assistance for which a specified number of points is awarded for rating and for ranking all applications for use of funds under this part.

(f) "Ranking application" 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.

(g) "Rating application" means the method, or procedure, by which all applications are individually evaluated with the point system to determine conditions met and consequently points earned by each applicant.

(h) "Reverted funds" means the unpaid portions of the per capita distribution fund, as provided by the Act, which were not distributed because the funds 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 to be used along with the earned interest from the \$1 million fund for an education program of benefit to the Osage Tribe.

(i) "Secretary" means the Secretary of the Department of the Interior or his/her authorized representative.

§ 122.3 Information collection.

The information collection requirements contained in §§ 122.6 and 122.9 have been approved by the Office of Management and Budget under U.S.C. 3501 *et seq.* and assigned clearance numbers 1076-0098 and 1076-0106, respectively. The information collected in § 122.6 determines the eligibility of Osage Indian student grant applicants for the awarding of educational assistance grants to eligible Osage Indian students. The information collected in § 122.9 provides summative review for program evaluation and program planning. Response to the information collections is required to obtain a benefit.

§ 122.4 Establishment of the Osage Tribal Education Committee.

(a) The Osage Tribe to maintain its right of Tribal autonomy shall, at the direction of the Interior for Indian Affairs, establish the Osage Tribal Education Committee to perform the responsibilities and provisions of this part or as set out in § 122.6 of this part.

(b) This committee shall be composed of seven (7) members. Five (5) of the members shall be of Osage blood or descendant of Osage, and two (2) from the education staff of the Bureau of Indian Affairs.

(1) Of the five Osage members, at least three shall be legal residents and/or live within a 20-mile radius of one of the three Osage Indian villages. Of these, at least one member shall reside within the specified radius of the Pawhuska Indian village; at least one member shall reside within the specified radius of the Hominy Indian village; and at least one member shall reside within the specified radius of the Greyhorse Indian village.

(2) The two remaining Osage committee members will be members at large.

§ 122.5 Selection/nomination process for committee members.

(a) Selection of the five (5) OTEC members shall be made by the Assistant Secretary in accordance with the following:

(1) Any adult person of Osage Indian Blood who is an allottee, or a descendant of an allottee is eligible to serve on the Osage Tribal Education committee.

(2) Nominees for committee membership shall include a brief statement of interest for serving on the committee and qualifications.

(3) Nominations may be made by any Osage organization including the Osage village communities of Greyhorse, Hominy, and Pawhuska by requesting its candidates to follow procedures outlined in paragraph (a)(2) of this section.

(b) Nominations shall be delivered by registered mail to the following address: Osage Tribal Education Committee, c/o Area Education Programs Administrator, Bureau of Indian Affairs, Muskogee Area Office—Room 152, 5th & W. Okmulgee, Muskogee, Oklahoma 74401, Telephone: (918) 687-2306.

(c) The Nominee Selection Committee composed of OTEC members so designated by the Assistant Secretary will review all nominations. Upon completion of this process the Nominee Selection Committee will nominate those successful candidates along with the committee recommendation for final consideration to the Assistant Secretary.

(d) The Assistant Secretary may, until a vacancy is filled, appoint an individual to serve a temporary period of time not to exceed 120 days.

(e) Each member shall be sworn in for a four year term. At the discretion of the Assistant Secretary, members may succeed themselves with a recommendation for reappointment from the Nominee Selection Committee.

§ 122.6 Duties of the Osage Tribal Education Committee.

(a) For the purpose of providing financial assistance to eligible Osage applicants for educational expenditures, the Osage Tribal Education Committee shall maintain an office and retain all official record at the Bureau of Indian Affairs offices located at the Federal Building, Muskogee, Oklahoma.

(b) The Osage Tribal Education Committee shall be responsible for implementing an overall plan of operation consistent with the policy of Indian self-determination and which incorporates a systematic sequential process whereby all student applications for financial aid are rated and ranked simultaneously to enable a fair distribution of available funds.

(1) All applicants shall be rated by a point system. After all applications are rated, the Osage Tribal Education Committee will rank the applications in a descending order for award purposes. No awards shall be made until all applications are rated against the point system.

(2) Monetary awards shall be for fixed amounts as determined by the Osage Tribal Education Committee. The fixed amounts shall be itemized in the committee's annual budgetary request,

and the monetary award amounts shall be consistent with the fixed amounts itemized in the approved budget.

(3) Payment of the monetary awards shall be made directly to the student with half of the amount payable on or before September 15 and the second half payable on or before February 15, provided the student is successfully enrolled in an accredited institution of higher education (learning) and meeting the institution's requirement for passing work.

(4) No student will be funded beyond 10 semesters or five academic years, not to include summer sessions, nor shall any student with a baccalaureate degree be funded for an additional undergraduate degree.

§ 122.7 Budget.

(a) Each year by August 1, the Osage Tribal Education Committee will submit a proposed budget to the Assistant Secretary or to his/her designated representative for formal approval. Unless the Assistant Secretary or his/her designated representative informs the committee in writing of budget restriction(s) by September 1, the proposed budget is considered to be accepted.

(b) The investment principal, composed of the one million dollars and reverted funds, must be invested in a federally insured banking or savings institution or invested in obligations of the federal government. There are no provisions in this part which shall limit the right of the Osage Tribal Education Committee to withdraw interest earned from the investment principal; however, expenditures shall be made against only the interest generated from investment principal and reverted funds.

(c) All funds deposited will accumulate interest at a rate not less than that generally available for similar funds deposited at the same banking or savings institution or invested in the same obligations of the United States Government for the same period of time.

§ 122.8 Administrative costs for management of the fund.

Funds available for expenditures may be used by the Osage Tribal Education Committee in the performance of its duties and responsibilities. Record keeping is required and proposed expenditures are to be attached with the August 1 proposed annual budget to the Assistant Secretary or his/her designated representative.

§ 122.9 Annual report.

The Osage Tribal Education Committee will be required to submit an annual report to the Assistant Secretary

or his/her designated representative on or before November 1, for each preceding year. Reporting requirements shall be in accordance with OMB approved Form 1076-0106, Higher Education Annual Report.

§ 122.10 Appeal.

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.

§ 122.11 Applicability.

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

W.P. Ragsdale,

Acting Assistant Secretary—Indian Affairs.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3405-3; TN-020]

Approval and Promulgation of Implementation Plans for Tennessee; Chattanooga-Hamilton County Reasonably Available Control Technology for Coke Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: On December 23, 1985 (50 FR 52336), EPA proposed approval of a revision to the Chattanooga-Hamilton County portion of the Tennessee State Implementation Plan (SIP) for Total Suspended Particulates (TSP). Only one source in the Chattanooga-Hamilton County area was affected by the revision, which consisted of amendments to the section for Reasonably Available Control Technology (RACT) for underfire (combustion) stacks in coke plants and visible emission limits for charging coke batteries. That source, Southern Coke Corporation, has since permanently closed. Based on this information about this source, the Agency is withdrawing the proposed approval of the RACT regulations and visible emission limits.

DATE: This action is effective June 30, 1988.

ADDRESSES: Copies of materials submitted by Tennessee may be examined during normal business hours at the following locations:

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407.

Tennessee Department of Health and Environment, Division of Air Pollution Control, 4th Floor, Customs House, 701 Broadway, Nashville, Tennessee 37219-5409.

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION: On October 9, 1981, in the consent decree, *United States of America, et al. v. Chattanooga Coke and Chemical Company, Inc.*, Civil Action No. 1-81-323 in the United States District Court for the Eastern District of Tennessee, Southern Division, Chattanooga Coke and Chemicals Company, Inc. (Chattanooga Coke) agree to undertake a series of remedial actions designed to bring emissions from the facility into compliance with the Tennessee SIP for TSP. This was to be done by repairing and refurbishing production equipment and the construction and operation of emission control systems. The decree required final compliance for emission points by June 1, 1982. To determine compliance of Chattanooga Coke, EPA and the Chattanooga-Hamilton County Air Pollution Control Bureau (CHCAPCB) conducted six inspections from April 26, 1982 to March 21, 1983. Each inspection indicated that Chattanooga Coke had failed to achieve compliance with the emission limits of the consent decree. Civil action was taken against the source and a penalty was levied.

During this time, the Chattanooga area was still designated nonattainment for the primary and secondary TSP standard. In 1984 the area was redesignated to primary attainment based on monitoring data. The TSP primary standard had not been exceeded since before 1981.

In January of 1985 the State of Tennessee submitted a SIP revision for the Chattanooga-Hamilton County portion of the SIP for TSP. The SIP revision consisted of RACT regulations for coke plants and visible emission limits for charging coke batteries, which were the same limits agreed to by Chattanooga Coke in the 1981 consent decree. As mentioned earlier, Chattanooga Coke had not achieved and demonstrated compliance with the consent decree limits, but EPA proposed approval of the SIP revision on December 23, 1985 (FR 52336), based on the 1984 TSP redesignation. Since Chattanooga Coke was not meeting the