

cannot be served within seventy-two hours, a temporary order of protection may be issued;

(5) If notice of hearing cannot be served within 10 days, the temporary order of protection shall be automatically extended for ten days; and,

(6) If after the 10-day extension notice to appear cannot be served, the temporary order of protection shall expire.

(f) *Order of protection.* Following a hearing and finding that a family violence act occurred, the court may enter an order of protection that specifically describes in clear language, understandable to the person who committed the family violence act, the behavior the court has ordered he or she do or refrain from doing. In any order of protection, the court:

(1) May order the person who committed the family violence act to refrain from acts or threats of violence against the petitioner or any other household member.

(2) May order that the person who committed the family violence act be removed from the home of the petitioner;

(3) May grant sole possession of the residence or household to the petitioner during the period the order of protection is effective, or order the person who has committed a family violence act to provide temporary suitable alternative housing for the petitioner and other household members to whom the respondent owes a legal obligation of support;

(4) May award temporary custody of any children involved when appropriate and provide for visitation rights, child support, and temporary support for the petitioner on a basis which gives primary consideration to the safety of the petitioner and other household members;

(5) May order that the person who committed a family violence act not initiate contact with the petitioner;

(6) May restrain the parties from transferring, concealing, encumbering, or otherwise disposing of one another's property or the joint property of the parties except in the usual course of business or for the necessities of life; and to account to the court for all such transferring, encumbrances, and expenditures made after the order is served or communicated;

(7) May order other injunctive relief as the court deems necessary for the protection of the petitioner including orders to law enforcement agencies as provided by this subpart;

(8) Shall give notice that violation of any provision of the order of protection

constitutes contempt of court and may result in a fine or imprisonment, or both;

(9) Shall indicate whether the order of protection supersedes or alters prior orders pertaining to family matters between the parties;

(10) Shall not affect the title to any property or allow the petitioner to transfer, conceal, encumber, or otherwise dispose of respondent's property or the joint property of the parties.

(g) *Review hearing.* Either party may request a review hearing to amend or vacate the order of protection.

(h) *Service of the protection order.* An order of protection granted under this subpart shall be filed with the clerk of the court and a copy shall be sent by the clerk of the court to the law enforcement agency with the jurisdiction over the areas of Indian Country in which the court is located. The order shall be personally served upon the respondent, unless the respondent or his or her attorney was present at the time the order was issued. If the court finds the petitioner unable to pay court costs, the order shall be served without cost to the petitioner.

(i) *Duration of order of protection.* An order of protection granted by the court shall be effective for a fixed period of time not to exceed three months. The order may be extended for good cause upon motion of the petitioner for an additional period of time not to exceed three months.

(j) *Contempt of court.* Any willful disobedience or interference with any court order constitutes contempt of court which may result in a fine or imprisonment, or both in accordance with this part.

(k) *Remedies.* The remedies provided in this subpart are in addition to the other civil or criminal remedies available to the petitioner.

(l) *Emergency assistance.* The court shall require the local law enforcement agency to give notice of the availability of emergency assistance. Notice shall include telling all victims of family violence where a shelter or other services are available in the community and giving all victims immediate notice of their legal rights and remedies. The notice must also include furnishing all victims of family violence a copy of the following statement:

IF YOU ARE A VICTIM OF FAMILY VIOLENCE, you can ask the prosecutor to file a criminal complaint. You also have the right to go to court and file a petition requesting an order of protection from family violence. The order may include the following:

(1) an order restraining the person who has committed a family violence act from further acts of family violence;

(2) an order directing the person who has committed a family violence act to leave your household;

(3) an order preventing the person who has committed a family violence act from entering your residence, school, business, or place of employment;

(4) an order awarding you custody of or the other parent visitation with a minor child or children;

(5) an order directing the person who has committed a family violence act to pay support to you and the minor children if the person who has committed an act of family violence has a legal obligation to do so;

(6) an order directing the person who has committed a family violence act to account for your funds or property or to pay restitution for damages resulting from the wrongdoing;

(7) an order directing the appropriate human services agency to deliver protective services and provide the least restrictive alternatives for services, care, treatment, or placement.

Dated: June 6, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-16039 Filed 7-3-96; 8:45 am]

BILLING CODE 4310-02-P

25 CFR Part 12

RIN 1076-AD56

Indian Country Law Enforcement

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed Rule.

SUMMARY: The Bureau of Indian Affairs is proposing to establish standards for Bureau of Indian Affairs (BIA) and tribal law enforcement programs receiving Federal funding or performing duties using a cross commission. These regulations will insure that law enforcement, crime prevention and recidivism reduction programs are implemented and maintained in a constitutionally sound manner and comply with the Indian Law Enforcement Reform Act of 1990, Pub. L. 101-379 (25 U.S.C. 2801 *et seq.*).

DATES: Comments must be received on or before September 3, 1996.

Comments will be available for inspection at the address below from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately July 19, 1996.

ADDRESSES: Mail comments to Theodore R. Quasula, Director of Law Enforcement Services, Bureau of Indian Affairs, 1849 C Street, NW, Mail Stop 4443, Washington, D.C., 20240; OR, hand deliver them to Room 4443 at the above address.

FOR FURTHER INFORMATION CONTACT: Theodore R. Quasula, Director of Law

Enforcement Services, Bureau of Indian Affairs, Telephone: 202-208-5786.

SUPPLEMENTARY INFORMATION:

Background

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

What has provided Law Enforcement rules and standards for Bureau of Indian Affairs and tribal programs in the past?

Indian Police and Detention Standards regulations were published in 1975 and 1976, respectively, and have not been updated. See 25 U.S.C. Part 12. In 1990, the Indian Law Enforcement Reform Act (Pub. L. 101-379, 25 U.S.C. 2801 *et seq.*) specified changes for the Bureau of Indian Affairs and tribal law enforcement and detention programs that need to be implemented as rules of the Secretary of the Interior who was given the overall responsibility for providing, or assisting in the provision of law enforcement services in Indian country (as defined in 18 U.S.C. 1151). The law enforcement revision will be assigned to Part 12, and Detention and Rehabilitation will be found in Part 10, Chapter I of Title 25 Code of Federal Regulations.

The Office of Law Enforcement Services, Bureau of Indian Affairs, is updating and revising the *Bureau of Indian Affairs Manual (BIAM)*, and accompanying operational handbooks that will provide policy, procedures, guidelines and standards for all law enforcement programs. This manual and accompanying handbooks will be available for the program managers and supervisors, the public, other agencies, and law enforcement officers or investigators. Self-governance tribes with compacts or other tribal entities with enforcement jurisdiction other than the Bureau of Indian Affairs or contracts, are encouraged to use the manuals and handbooks for guidance in developing or maintaining their own programs. The Indian Country Detention Facilities and Programs manuals and handbooks may be found in Chapter 69 *Bureau of Indian Affairs Manual (BIAM)* including an inmate handbook for all individuals who are incarcerated in a BIA or tribal detention facility.

Evaluation and Certification

Executive Order 12988

The Department has determined that this proposed rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866.

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 of 1995

This proposed 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

This rule has been examined under the Paperwork Reduction Act of 1995 and has been found to contain no information collection requirements.

Drafting Information

The primary author of this document is Mark Mullins, Bureau of Indian Affairs, Office of Law Enforcement Services.

List of Subjects in 25 CFR Part 12

Indians—residential and holding facilities, Law enforcement.

For the reasons given in the preamble, Part 12, Chapter I of Title 25 of the Code of Federal Regulations is proposed to be revised as set forth below:

PART 12—INDIAN COUNTRY LAW ENFORCEMENT

Subpart A—Responsibilities

Sec.

- 12.1 Who is responsible for the Bureau of Indian Affairs law enforcement function?
- 12.2 What is the role of the Bureau of Indian Affairs Director of Law Enforcement Services?
- 12.3 Who supervises Bureau of Indian Affairs criminal investigators?
- 12.4 Who Supervises the Bureau of Indian Affairs uniformed police, detention and conservation enforcement functions?

Subpart B—Policies and Standards

Sec.

- 12.11 Do I have to follow these regulations?
- 12.12 What about self-determination?
- 12.13 What happens if I do not follow the rules in this part?
- 12.14 Where can I find specific policies and standards for law enforcement functions in Indian country?

Subpart C—Authority and Jurisdiction

Sec.

- 12.21 What authority is given to Indian country law enforcement officers to perform their duties?
- 12.22 Can Bureau of Indian Affairs law enforcement officers enforce tribal laws?
- 12.23 What are the jurisdictional limits in Indian country?

Subpart D—Qualifications and Training Requirements

Sec.

- 12.31 Are there any minimum employment standards for Indian country law enforcement personnel?
- 12.32 Do minimum employment standards include a background investigation?
- 12.33 Are Indian country law enforcement officers paid less than other law enforcement officers?
- 12.34 Do minimum salaries and position classifications apply to a tribe that has contracted or compacted law enforcement under self-determination?
- 12.35 Do Indian country law enforcement officers complete any special training?
- 12.36 Does other law enforcement training count?

Subpart E—Records and Information

Sec.

- 12.41 Who keeps statistics for Indian country law enforcement activities?
- 12.42 Do Indian country law enforcement programs share information with their own communities or other agencies?

Subpart F—Conduct

Sec.

- 12.51 Must Indian country law enforcement officers follow a code of conduct?
- 12.52 How do I report misconduct?
- 12.53 Who investigates officer misconduct?
- 12.54 What can I do if I believe my civil rights have been violated?
- 12.55 Are there any limits on how much force an officer can use when performing law enforcement duties?

Subpart G—Support Functions

Sec.

- 12.61 Can I be paid for information that helps solve a crime?
- 12.62 Who decides what uniform an Indian country law enforcement officer can wear and who pays for it?
- 12.63 Do Indian country law enforcement officers perform other duties as well?
- Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 2417, 2453, and 2802.

Subpart A—Responsibilities**§ 12.1 Who is responsible for the Bureau of Indian Affairs law enforcement function?**

The Deputy Commissioner of Indian Affairs is responsible for Bureau of Indian Affairs operated and contracted law enforcement programs, and for overall policy development and implementation of the Indian Law Enforcement Reform Act, Public Law 101–379 (25 U.S.C. 2801 *et seq.*).

§ 12.2 What is the role of the Bureau of Indian Affairs Director of Law Enforcement Service?

The Director of the Office of Law Enforcement Services for the Bureau of Indian Affairs (Director) has been designed as the single individual responsible for the overall law enforcement and detention policies and standards, and management of all Bureau of Indian Affairs criminal investigations, drug enforcement, training, internal affairs, inspection and evaluation, emergency response forces, and other national level Indian country law enforcement initiatives. The Director publishes these policies and standards in law enforcement manuals and handbooks. The Director is also directly responsible for developing crime prevention and outreach programs within Indian country law enforcement.

§ 12.3 Who supervises Bureau of Indian Affairs criminal investigators?

All Bureau of Indian Affairs criminal investigators are supervised by other criminal investigators within the Office of Law Enforcement Services.

§ 12.4 Who supervises the Bureau of Indian Affairs uniformed police, detention and conservation enforcement functions?

The agency superintendent is directly responsible for the operation and management of Bureau of Indian Affairs uniformed police operations, detention facilities, and conservation enforcement operations at any agency having these programs. The agency superintendent must also ensure technical support is provided to any agency contracting the law enforcement and/or detention program.

Subpart B—Policies and Standards**§ 12.11 Do I have to follow these regulations?**

You must follow the minimum standards outlined in the regulations in this part if you are part of a Bureau of Indian Affairs or tribal law enforcement program receiving Federal funding or operating under a Bureau of Indian Affairs law enforcement commission.

§ 12.12 What about self-determination?

The regulations in this part are not intended to discourage contracting of Indian country law enforcement programs under the Indian Self-determination and Education Assistance Act (Public Law 93–638, as amended, 25 U.S.C. 450). The Deputy Commissioner of Indian Affairs will ensure minimum standards are maintained in high risk activities where the Federal government retains liability and the responsibility for settling tort claims arising from contracted law enforcement programs. It is not fair to law abiding citizens of Indian country to have anything less than a professional law enforcement program in their community. Indian country law enforcement programs that receive Federal funding and/or commissioning will be subject to a periodic inspection or evaluation to provide technical assistance, to insure compliance with minimum Federal standards, and to identify necessary changes or improvements to Bureau of Indian Affairs policies.

§ 12.13 What happens if I do not follow the rules in this part?

Your Bureau of Indian Affairs law enforcement commission may be revoked, your law enforcement contract may be canceled, and you may no longer be eligible for tribal shares allocated from the law enforcement budget.

§ 12.14 Where can I find specific policies and standards for law enforcement functions in Indian country?

The Bureau of Indian Affairs will ensure that all Indian country law enforcement programs are provided a copy of the most current policy manuals and handbooks. Every Indian country law enforcement program covered by the regulations in this part must maintain an effective and efficient law enforcement program meeting minimal qualitative standards and procedures specified in Chapter 68 *Bureau of Indian Affairs Manual (BIAM)* and the *Law Enforcement Handbook*.

Subpart C—Authority and Jurisdiction**§ 12.21 What authority is given to Indian country law enforcement officers to perform their duties?**

Bureau of Indian Affairs law enforcement officers are commissioned under the authority established in Title 28 U.S.C. 2803. The Bureau of Indian Affairs may issue law enforcement commissions to other Federal, State, local and tribal full-time certified law enforcement officers to obtain active assistance in the enforcement of applicable Federal criminal statutes, including Federal hunting and fishing regulations in Indian country. Any such deputization of personnel not employed by the Bureau of Indian Affairs will only be issued after an agreement is completed between the head of the local government or Federal agency requesting the authority and the Deputy Commissioner of Indian Affairs. Any such agreement will include language that allows the Bureau of Indian Affairs to evaluate the effectiveness of such delegated commissions and to investigate any allegations of misuse of authority involving these commissions. Tribal law enforcement officers operating under a Bureau of Indian Affairs contact or compact are not commissioned Federal officers; however, they may be commissioned on a case-by-case basis.

§ 12.22 Can Bureau of Indian Affairs law enforcement officers enforce tribal laws?

Bureau of Indian Affairs officers will only enforce tribal laws with the permission of the tribe. Local programs are encouraged to make arrangements and agreements with local jurisdictions to facilitate law enforcement objectives.

§ 12.23 What are the jurisdictional limits in Indian country?

The Department of the Interior and the Department of Justice must maintain and periodically review and update a memorandum of understanding describing the relationship between the Federal Bureau of Investigation and the Bureau of Indian Affairs in the investigation and prosecution of major crimes in Indian country. The guidelines in this memorandum of understanding and any local United States Attorney's guidelines for the investigation and prosecution of Federal crimes will be followed by any law enforcement programs performing duties or under the authority of 25 U.S.C. 2803.

Subpart D—Qualifications and Training Requirements

§ 12.31 Are there any minimum employment standards for Indian country law enforcement personnel?

The Director must develop, maintain, and periodically review the qualification standards, including medical qualification standards, for all Bureau of Indian Affairs law enforcement, detention and conservation enforcement occupational series. The standards will be no less stringent than the minimum standards established by the U.S. Office of Personnel Management (OPM) for these occupational series, and may exceed the OPM standards. The Bureau of Indian Affairs standards are available for review at any Bureau of Indian Affairs personnel office. All tribal programs are encouraged to develop standards at least as stringent as those established for Bureau of Indian Affairs officers.

§ 12.32 Do minimum employment standards include a background investigation?

Law enforcement authority is only entrusted to personnel possessing adequate education and/or experience, training, aptitude, and high moral character. All Indian country law enforcement programs receiving Federal funding and/or authority must ensure that all law enforcement officers successfully complete a thorough background investigation no less stringent than required of a Federal officer performing the same duties. The background investigations of applicants and employees must be adjudicated by trained and qualified security professionals. All background investigations must be documented and available for inspection by the Bureau of Indian Affairs.

§ 12.33 Are Indian country law enforcement officers paid less than other law enforcement officers?

The Deputy Commissioner of Indian Affairs must insure that all Bureau of Indian Affairs law enforcement officer positions are established at no lower grade level on the Federal scale than similar Federal law enforcement officer positions in other agencies. No Bureau of Indian Affairs position performing commissioned law enforcement duties will be classified in other than GS 0083, police officer series, for uniformed officers and the GS 1811, criminal investigating series, for criminal investigators.

§ 12.34 Do minimum salaries and position classifications apply to a tribe that has contracted or compacted law enforcement under self-determination?

Any contract or compact with the Bureau of Indian Affairs to provide law enforcement services for an Indian tribe must require a law enforcement officer to be paid at least the same salary as a Bureau of Indian Affairs officer performing the same duties.

§ 12.35 Do Indian country law enforcement officers complete any special training?

Law enforcement personnel of any program funded by the Bureau of Indian Affairs must not perform law enforcement duties until they have successfully completed a basic law enforcement training course prescribed by the Director. The Director will also prescribe mandatory supplemental and in-service training courses.

§ 12.36 Does other law enforcement training count?

All requests for evaluation of equivalent training must be submitted to the Indian Police Academy for review, with final determination made by the Director. Requests for a waiver of training requirements to utilize personnel prior to completing the required courses of instruction must be submitted to the Director and approved or disapproved by the Deputy Commissioner of Indian Affairs. In no case will such a waiver allow personnel to be utilized in any position for more than one year without achieving training standards. Failure to complete basic training requirements will result in removal from a law enforcement position.

Subpart E—Records and Information

§ 12.41 Who keeps statistics for Indian country law enforcement activities?

The Director maintains a criminal justice information system for Indian country. The Director will prescribe the types of data to be collected and the reporting format to be used to collect information and assemble reports on crime reported in Indian country. These reports may be provided to the Department of Justice. Any law enforcement program receiving funding from the Bureau of Indian Affairs must use the same reporting format and submit the same statistical reports to the Office of Law Enforcement Services as prescribed by the Director and as are required of all Bureau of Indian Affairs law enforcement programs.

§ 12.42 Do Indian country law enforcement programs share information with their own communities or other agencies?

At intervals established by the Director, each Bureau of Indian Affairs criminal investigations program, and any investigations program receiving funds from the Bureau of Indian Affairs will consult with local tribal leaders and managers of local patrol and detention programs. They will discuss the quality of the local investigations program and offer feedback and technical assistance. There will be no requirement to disclose confidential investigative information or to compromise on-going investigations during this process.

Subpart F—Conduct

§ 12.51 Must Indian country law enforcement officers follow a code of conduct?

All law enforcement programs receiving Bureau of Indian Affairs funding or commissioning must establish a law enforcement code of conduct which establishes specific guidelines for conduct on and off duty, impartiality and professional conduct in the performance of duty, and acceptance of gifts or favors. Each officer must acknowledge receipt and understanding of this code of conduct in writing and it will remain on file with the law enforcement program manager as long as the officer is employed there. Training will be conducted on this code of conduct and other ethics issues at least once each year.

§ 12.52 How do I report misconduct?

The Director will develop and maintain a reporting system which allows any resident of or visitor to Indian country to report officer misconduct. Each law enforcement program in Indian country will maintain instructions on how to register a complaint. An overview of these steps will be posted for public viewing at each law enforcement facility in Indian country.

§ 12.53 Who investigates officer misconduct?

The Director, Office of Law Enforcement Services maintains an internal affairs program which investigates all allegations of misconduct by Bureau of Indian Affairs officers, and any officer receiving funding and/or authority from the Bureau of Indian Affairs. All allegations of misconduct must be thoroughly investigated and appropriate action taken when warranted. Any person having knowledge of officer misconduct must report that information to the officer's supervisor. The supervisor

must immediately report allegations to the internal affairs unit. Depending upon the severity of the allegation, the matter may be dealt with locally or it will be investigated by the internal affairs unit. Failure of any Bureau of Indian Affairs employee to report known allegations may be considered misconduct in itself. Citizens may report officer misconduct directly to the internal affairs unit if that is more practical.

§ 12.54 What can I do if I believe my civil rights have been violated?

All allegations of civil rights violations must be reported immediately to the internal affairs unit. That office will insure such allegations are immediately reported to the Civil Rights Division of the U. S. Department of Justice through established procedures. The Bureau of Indian Affairs internal affairs unit may also conduct an investigation into the matter and make recommendations for additional action as necessary.

§ 12.55 Are there any limits on how much force an officer can use when performing law enforcement duties?

The Director will develop and maintain the use of force policy for all Bureau of Indian Affairs law enforcement personnel, and for programs receiving Bureau of Indian Affairs funding or authority. Training in the use of force, to include non-lethal measures, will be provided annually. All officers will successfully complete a course of instruction in firearms, to include judgement pistol shooting, approved by the Indian Police Academy prior to carrying a firearm on or off duty.

Subpart G—Support Functions

§ 12.61 Can informants be paid for information that helps solve a crime?

The Director has the authority to expend money for the purchase of evidence or information, or to offer a reward, in the investigation of a crime. This is subject to the availability of funds. This authority may be delegated in writing to supervisory criminal investigators within the Office of Law Enforcement Services in the Bureau of Indian Affairs. The Director must develop policies and procedures for the expenditure, control, and audit of these funds prior to their use.

§ 12.62 Who decides what uniform an Indian country law enforcement officer can wear and who pays for it?

Each local law enforcement program must establish their own uniform requirements for patrol and detention personnel. Uniformed Bureau of Indian

Affairs police officers may be paid an annual uniform allowance not to exceed \$400. Local programs may provide uniforms and related equipment to officers in lieu of this payment. All law enforcement officers must also have their official identification on their person at all times when performing law enforcement duties. Uniforms, when worn, will be plainly distinguishable from the uniforms of any non-law enforcement personnel working on the reservation.

§ 12.63 Do Indian country law enforcement officers perform other duties as well?

Law enforcement commissions will only be issued by the Bureau of Indian Affairs to persons occupying positions as full-time officers. Bureau of Indian Affairs funded or commissioned criminal investigators will not be responsible for supervising or managing any patrol, detention, or other uniformed police programs.

Dated: May 31, 1996.
Ada E. Deer,
Assistant Secretary—Indian Affairs.
[FR Doc. 96-16040 Filed 7-03-96; 8:45 am]
BILLING CODE 4310-02-P

25 CFR Part 171

RIN 1076-AD44

Irrigation Projects and Systems

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is revising its regulations governing irrigation projects. The purpose of the revisions is to make it easier to read and understand for the customers of Indian irrigation projects; provide for consistent administration; establish the process for updating practices, policies, and procedures for the administration, operation, maintenance, and rehabilitation of irrigation projects; and provide uniform accounting and record keeping procedures.

DATES: You may send us written comments. We must receive them by September 3, 1996.

ADDRESSES: You must mail or hand carry your comments to Terrance Virden, Acting Director, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, N.W., MS 4513 MIB, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ross Mooney, Chief, Branch of Irrigation and Power, Division of Water and Land Resources, Bureau of Indian Affairs,

Department of the Interior, 1849 C Street, N.W., Mail Stop 4513 MIB, Washington, D.C. 20240, Phone Number (202) 208-5480.

SUPPLEMENTARY INFORMATION: We are publishing this revised rule by the authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Our policy is to give the public an opportunity to participate in the rule making process by submitting written comments regarding proposed rules. We will consider all comments received during the public comment period. We will determine necessary revisions and issue the final rule. Please refer to this preamble's "ADDRESSES" section for where you must submit your written comments on this proposed rule.

We have determined that these proposed regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a significant rule under Executive Order 12866 and does not require approval by the Office of Management and Budget.

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*.

We determined this proposed rule:
(a) Does not constitute a major Federal action significantly affecting the human environment, and no detailed statement is needed under the Environmental Policy Act of 1969;

(b) Does not have significant takings implications in accordance with Executive Order 12630; and

(c) Does not have significant federalism effects.

Paperwork Reduction Act of 1995

Sections 171.214 and 171.215 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Bureau of Indian Affairs has submitted a copy of these sections to the Office of Management and Budget for its review.

Water users must apply for water delivery. The information to be collected includes: name; watery deliver location; time and date of requested water delivery; duration of water delivery; rate of water flow; number of acres irrigated; crop statistics; and other operational information identified in the local administration manuals. The Bureau needs and uses the information to operate and maintain its irrigation projects and fulfill our reporting requirements.

All information is to be collected annually from each water user. Annual