available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, antibiotic activity is absent in the enzyme preparation when determined by an appropriate validated method such as the method ''Determination of antibiotic activity'' in the Compendium of Food Additive Specifications, vol. 2, Joint FAO/WHO Expert Committee on Food Additives (JECFA), Food and Agriculture Organization of the United Nations, Rome, 1992. Copies are available from Bernan Associates, 4611–F Assembly Dr., Lanham, MD 20706, or from The United Nations Bookshop, General Assembly Bldg., rm. 32, New York, NY 10017, or by inquiries sent to ''http://www.fao.org''. Copies may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as GRAS as a direct food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an enzyme as defined in § 170.3(o)(9) of this chapter to hydrolyze polysaccharides (e.g., starch).

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

3. Section 184.1150 is added to subpart B to read as follows:

§ 184.1150 Bacterially-derived protease enzyme preparation.

(a) Bacterially derived protease enzyme preparation is obtained from the culture filtrate resulting from a pure culture fermentation of a nonpathogenic and nontoxigenic strain of *Bacillus subtilis* or *B. amyloliquefaciens*. The preparation is characterized by the presence of the enzymes subtilisin (EC 3.4.21.62) and neutral proteinase (EC 3.4.24.28), which catalyze the hydrolysis of peptide bonds in proteins.

(b) The ingredient meets the general requirements and additional requirements in the monograph on enzyme preparations in the Food Chemicals Codex, 4th ed. (1996), pp. 128–135, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700 Washington, DC. In addition, antibiotic activity is absent in the enzyme preparation when determined by an appropriate validated method such as the method ''Determination of antibiotic activity'' in the Compendium of Food Additive Specifications, vol. 2, Joint FAO/WHO Expert Committee on Food Additives (JECFA), Food and Agriculture Organization of the United Nations, Rome, 1992. Copies are available from Bernan Associates, 4611–F Assembly Dr., Lanham, MD 20706, or from The United Nations Bookshop, General Assembly Bldg., rm. 32, New York, NY 10017, or by inquiries sent to ''http://www.fao.org''. Copies may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as GRAS as a direct food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an enzyme as defined in § 170.3(o)(9) of this chapter to hydrolyze proteins or polypeptides.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

Dated: March 26, 1999.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–10011 Filed 4–22–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 203 and 204

[Docket No. FR–4288–N–03]

RIN 2502–AH08

Withdrawal of Interim Rule on Builder Warranty for High Ratio FHA-Insured Single Family Mortgages for New Homes

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Withdrawal of interim rule.

SUMMARY: This notice withdraws an interim rule, published on March 25, 1999, that would have permitted FHA insurance for a mortgage on a new home to exceed a 90 percent loan-to-value ratio if the home is covered by a 1-year builder warranty that meets the requirements of HUD regulations. This rule would have replaced a 10-year builder warranty requirement.

DATES: This withdrawal is effective April 23, 1999.

FOR FURTHER INFORMATION CONTACT: Vance Morris, Director, Home Mortgage Insurance Division, Room 9266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 708–2700. (This is not a toll free number.) For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 25, 1999, HUD published an interim rule for public comment. This rule, scheduled to take effect on April 27, 1999, would have permitted FHA insurance for a mortgage on a new home to exceed a 90 percent loan-to-value ratio if the home is covered by a 1-year builder warranty that meets the requirements of HUD regulations. This rule would have eliminated a 10-year builder warranty requirement.

There was favorable reaction to HUD's change in warranty requirements when first announced. However, since publication of the interim rule, some affected parties have expressed concern about the elimination of a 10-year warranty requirement and have requested that HUD further consider the matter before allowing the change in warranty requirements to take effect.

HUD continues to believe, as noted in the interim rule, that the quality of housing and building technology has improved so substantially that a 10-year warranty requirement is excessive, and a comprehensive 1-year builder warranty provides valuable consumer protection and is consistent with current industry practices and requirements. Nevertheless, HUD agrees to further consider this issue.

HUD is therefore withdrawing the March 25, 1999 interim rule. HUD will reissue this rule as a proposed rule and take additional public comment on this subject.

Accordingly, the interim rule to amend 24 CFR parts 203 and 234, published on March 25, 1999, at 64 FR 14572, entitled, Builder Warranty for High Ratio FHA-Insured Single Family Mortgages for New Homes, is hereby withdrawn.

Dated: April 15, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–10137 Filed 4–22–99; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 61

RIN 1076–AD89

Preparation of Rolls of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is amending its regulations governing the compilation of rolls of Indians in order to reopen the enrollment application process for the Sisseton and Wahpeton Mississippi Sioux Tribe. The amendment reopens the enrollment period to comply with a directive of the Eighth Circuit Court of Appeals, and to modify the standards used to verify Sisseton and Wahpeton Mississippi Sioux Tribe ancestry.

DATES: This rule becomes effective on May 24, 1999.

FOR FURTHER INFORMATION CONTACT: Daisy West, 202–208–2475.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Indian Affairs must reopen the enrollment application process authorized under 25 U.S.C. 1300d–3(b) to give individuals another opportunity to file applications to share in the Sisseton and Wahpeton Mississippi Sioux judgment fund distribution. The Eighth Circuit Court of Appeals decision in *Loudner* v. *U.S.*, 108 F. 3d 896 (8th Cir. 1997), held that the Bureau of Indian Affairs did not give proper notice of the application period, and that 5 months was not a sufficient time period within which to file applications, in light of the long delay in distribution of the fund.

This rule reopens the enrollment period to allow adequate time for eligible persons to enroll. It also identifies the specific rolls that we will use to verify Sisseton and Wahpeton Mississippi Sioux Tribe ancestry as required by subsection 7(c) of Pub. L. 105–387.

On July 8, 1998, the Bureau of Indian Affairs (BIA) published a proposed amendment to 25 CFR Part 61 in the **Federal Register** at 63 FR 36866. Since then, three things have happened:

(1) On November 13, 1998, Congress amended the Act of October 25, 1972, Pub. L. 555, 86 Stat. 1168, to include a provision concerning verification of Sisseton and Wahpeton Mississippi Sioux Tribe ancestry.

(2) BIA held a meeting in Sioux Falls, South Dakota with a group of approximately 30 Sisseton and Wahpeton Mississippi Sioux lineal descendants and others to discuss the proposed rule that was published on July 8, 1998.

(3) We have received two public comments on the proposed rule.

In light of these three occurences, we have made several changes to the provisions that we published in the proposed rule. We have explained these changes in the section of this preamble titled ''Changes to the Proposed Rule.''

Review of Public Comments

We received written comments from two individuals. Those comments and our responses are as follows:

1. *Comment:* We take issue with the timing proposed for establishing the application deadline date and object to steps two and three as set forth under the provisions of ''Application Deadline''. Due to the court proceedings in the *Loudner* case, there has already been a great deal of publicity, correspondence, newspaper articles, and published summaries about the rights of lineal descendants since October 1994. There have also been at least three public meetings at the Crow Creek and Yankton Sioux Reservations in South Dakota. For that reason, the lineal descendants who would be entitled to share in the judgment fund distribution already know that judgment funds are available and that they can apply for them. The application period should be set for a fixed period of 60 days.

Response: While there has been publicity in North and South Dakota about the reopening of this enrollment period, there has been little if any publicity about this in other parts of the United States. A flexible application period will allow us to continue accepting applications until the application review process is almost complete without significantly affecting the time required to complete the review process. It will also give the lineal descendants who live away from the Sioux Indian reservations the maximum opportunity to file applications. As mentioned elsewhere in this preamble, we are reducing the number of days specified in step one of the application process from 180 days to 90 days because of the number of applications already on file with the Aberdeen Area Office.

2. *Comment:* If the Bureau of Indian Affairs cannot process the applications within 90 days, the rule should either allow the Federal Court to conduct the review or enable the Secretary to retain an independent commercial agency to do the review.

Response: The approximately 3,000 applications that we have received are mostly undocumented. They do not include copies of birth certificates, marriage certificates, proof of paternity, or, if deceased, death certificates. The applications also do not include family history charts that show each generation between the applicant and an ancestor named on the Sisseton and Wahpeton Mississippi Sioux Tribe rolls specified under 25 U.S.C. 1300d–26(c). If we were to limit the review process to 90 days, we would have to deny most of the applications because they don't include these documents. We would prefer not to do this because most of the applicants are probably Sisseton and Wahpeton Mississippi Sioux lineal descendants. By extending the review process we will have time to review each application and ask the applicant for any information that we cannot find in our records.

We also do not think it is feasible for us to ''allow the Federal Court to conduct the review'' under federal regulations. If the court were to assume jurisdiction of the review, it would probably still leave the review process with us. We would be required to submit several thousand recommendations to the court for determination. Each determination would then be subject to appeal.

If the review is conducted by the Bureau of Indian Affairs, an independent contractor, or under the supervision of the court, the same problem remains—insufficient documentation to verify the applicant's ancestry. If an applicant's ancestry cannot be sufficiently documented, then the application must be denied under 25 U.S.C. 1300d–26(c).

As we've already explained, a 90-day limitation on the review process would force us to deny the many applications that do not include proof of Sisseton and Wahpeton Mississippi Sioux ancestry.

Changes to the Proposed Rule

As a result of the new legislation, we have made the following changes to the rule:

(1) We have added new criteria relating to ancestry in § 61.4(s)(1)(i)(A)–(B). These new criteria replace the