

quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

List of Subjects in 25 CFR Part 61

Indians, Indians—claims.

Dated: April 14, 1999.

Kevin Gover,

Assistant Secretary for Indian Affairs.

For the reasons given in the preamble, Part 61 of Chapter 1 of Title 25 of the Code of Federal Regulations is amended as follows.

PART 61—PREPARATION OF ROLLS OF INDIANS

1. The authority citation for 25 CFR part 61 is revised to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9, 1300d–3(b), 1300d–26, 1401 *et seq.*

2. In § 61.4, paragraph (s) is revised to read as follows:

§ 61.4 Qualifications for enrollment and the deadline for filing application forms.

* * * * *

(s) *Sisseton and Wahpeton Mississippi Sioux Tribe.* (1) Persons meeting the criteria in this paragraph are entitled to enroll under 25 U.S.C. 1300d–3(b) to share in the distribution of certain funds derived from a judgment awarded to the Mississippi Sioux Indians. To be eligible a person must:

(i) Be a lineal descendent of the Sisseton and Wahpeton Mississippi Sioux Tribe;

(A) Those individuals who applied for enrollment before January 1, 1998, and whose applications were approved by the Aberdeen Area Director before that same date, are deemed to appear in records and rolls acceptable to the Secretary or have a lineal ancestor whose name appears in these records;

(B) Those individuals who apply for enrollment after January 1, 1998, or whose application was not approved by the Aberdeen Area Director before that same date, must be able to trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on:

(1) The 1909 Sisseton and Wahpeton annuity roll;

(2) The list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the “1862 Minnesota Outbreak”;

(3) The list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared under the Act of March 3, 1891 (26 Stat. 989 *et seq.*, Chapter 543); or

(4) Any other Sisseton or Wahpeton payment or census roll that preceded a

roll referred to in paragraphs

(s)(1)(i)(B)(1), (2), or (3) of this section.

(ii) Be living on October 25, 1972;

(iii) Be a citizen of the United States;

(iv) Not be listed on the membership rolls for the following tribes:

(A) The Flandreau Santee Sioux Tribe of South Dakota;

(B) The Santee Sioux Tribe of Nebraska;

(C) The Lower Sioux Indian Community at Morton, Minnesota;

(D) The Prairie Island Indian Community at Welch, Minnesota;

(E) The Shakopee Mdewakanton Sioux Community of Minnesota;

(F) The Spirit Lake Tribe (formerly known as the Devils Lake Sioux of North Dakota);

(G) The Sisseton-Wahpeton Sioux Tribe of South Dakota; or

(H) The Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(v) Not be listed on the roll of Mdewakanton and Wahpakoota lineal descendants prepared under 25 U.S.C. 1300d–1(b).

(2) The initial enrollment application period that closed on November 1, 1973, is reopened as of May 24, 1999. The application period will remain open until further notice.

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DEPARTMENT OF JUSTICE

28 CFR Part 70

Uniform Administrative Requirements for Grants and Agreements (Including Subawards) with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations

CFR Correction

In Title 28 of the Code of Federal Regulations, parts 43 to End, revised as of July 1, 1998, the text appearing on page 339, following page 238, is incorrect and should be removed. The text on page 239 should read as follows:

* * * * *

(b) Except as provided in paragraph (h) of this section, program income earned during the project period must be retained by the recipient and, in accordance with the Department regulations or the terms and conditions of the award, must be used in one or more of the ways listed in the following:

(1) Added to funds committed to the project by the Department and recipient and used to further eligible project or program objectives.

(2) Used to finance the non-Federal share of the project or program.

(3) Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.

(c) When the Department authorizes the disposition of program income as described in paragraphs (b)(1) or (b)(2), of this section, program income in excess of any limits stipulated must be used in accordance with paragraph (b)(3) of this section.

(d) In the event that the Department does not specify in its regulations or the terms and conditions of the award how program income is to be used, paragraph (b)(3), of this section applies automatically to all projects or programs.

(e) Unless the Department's regulations or the terms and conditions of the award provide otherwise, recipients will have no obligation to the Federal Government regarding program income earned after the end of the project period.

(f) If authorized by the terms and conditions of the award, costs incident to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

(g) Proceeds from the sale of property must be handled in accordance with the requirements of the Property Standards (See §§ 70.30 through 70.37).

(h) Unless the terms and conditions of the award provide otherwise, recipients will have no obligation to the Federal Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) apply to inventions made under an experimental, developmental, or research award.

(i) Recipients must account for seized assets from the date of seizure until forfeiture and liquidation of funds occur.

§ 70.25 Revision of budget and program plans.

(a) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon the Department's requirements. It must be related to performance for program evaluation purposes whenever appropriate.

(b) Recipients are required to report deviations from budget and program plans, and request prior approvals for budget and program plan revisions, in accordance with this section.

(c) For nonconstruction awards, recipients must request in writing prior approval from the Department for one or more of the following program or budget related reasons:

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(2) Change in a key person specified in the application or award document.

(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

(4) The need for additional Federal funding.

(5) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa, approval is required by the Department.

(6) The inclusion, unless waived by the Department, of costs that require prior approval in accordance with OMB Circular A-21, "Cost Principles for Institutions of Higher Education," OMB Circular A-122, "Cost Principles for Non-Profit Organizations," or 45 CFR part 74 appendix E, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals," or 48 CFR* * *

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1254

RIN 3095-AA69

Researcher Registration and Research Room Procedures

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule and interim rule.

SUMMARY: This rule will make it easier for students to do research in archival records and will reduce the frequency with which researchers must reapply for researcher cards to do research in NARA facilities. The rule also clarifies research room procedures to address conduct issues, to update the types of equipment that researchers can bring into the research room, and to clarify copying procedures. This rule will affect individuals who wish to use NARA research rooms in the National Archives Building and College Park facility in the Washington, DC, area, regional records services facilities, and Presidential libraries.

We are also revising the criteria and procedures for private microfilming projects to provide more specific criteria as to the types of requests that will be approved and conditions on that approval. These changes will affect organizations that wish to prepare microfilm publications from NARA holdings.

DATES: Effective: May 24, 1999.

Comments on § 1254.20(b) through (d), which is adopted as an interim rule, must be received by June 22, 1999.

Comments will only be accepted on these paragraphs. NARA will issue a final rule confirming or further amending these paragraphs after this comment period closes.

ADDRESSES: Comments must be sent to Regulation Comments Desk (NPOL), Room 4100, Policy and Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. They may be faxed to 301-713-7270.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at telephone number 301-713-7360, ext. 226, or fax number 301-713-7270.

SUPPLEMENTARY INFORMATION: We published a notice of proposed rulemaking on August 11, 1998 (*Federal Register*, Vol. 63, No. 154, at pp. 42776-42782). Two comments were received. One endorsed the lower age limit for students to use the research room. The other respondent, a microfilm publisher, offered comments on certain proposed or existing requirements in Subpart F, Microfilming Archival Records. We have reviewed the respondent's comments and addressed them as discussed later in this **SUPPLEMENTARY INFORMATION** section.

Interim Final Rule Changes

The proposed rule contained three proposed revisions to § 1254.20 relating to revocation and reinstatement of research privileges:

- Modifying the grounds on which a researcher identification card may be revoked to add verbal and physical harassment of other researchers, NARA employees, volunteers, or contractor employees.
- Clarifying the description of unacceptable behavior to read "actions or language."
- Clarifying that the grounds for revoking privileges and for denying probationary reinstatement include danger to either documents or NARA property.

No comments were received on these proposed changes. In the proposed rule, the provisions were organized by the

type of research privilege (researcher identification card and research privileges at research rooms where no card is required), following the format of the then existing regulations. The conditions under which privileges would be revoked, and appeal and reinstatement procedures were identical.

In drafting this final rule we reorganized the provisions to reflect the steps of the process. We believe that the reorganized format is easier to understand. No substantive changes have been made from the proposed rule. We are issuing these provisions (§ 1254.20(b) through (d)) as an interim final rule, however, to allow public comment in case our rewritten provisions inadvertently did make a change or they raise questions of the clarity on the process.

Review of Comments Made on the Proposed Rule

Conditions for Approving Requests To Microfilm Records

In response to the commenter's request that we reduce the time required to review requests for microfilm projects, we have changed the lead time for approval from 6 months to 4 months. We have also added "a limited number of separate series related by provenance or subject" to the definition of "one microfilming project."

The commenter questioned several of the criteria for approving requests in § 1254.94(a). In particular, the commenter was concerned that we intended to deny project proposals based on our assessment of their research value and that we would deny proposals to film series that may have future accessions (additional records). We have clarified § 1254.94(a) to reflect that potential research value is a criterion only when we are evaluating multiple projects and we cannot accommodate all of them at the same time. We have modified paragraph (a)(2) to state that records with future end-of-series accretions may be approved for filming.

The commenter also raised concerns with existing and proposed requirements in § 1254.94(d) relating to materials the micropublisher would furnish to us as a condition of approval. The commenter concurred with our current policy of making preservation and reference copies of the microfilm available for staff and researcher use in NARA facilities during the first seven years after the microfilming is done, but requested that we revise paragraph (d)(1) to prevent the wholesale reel duplication of the microform during this