State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Hildago	Edcouch, city of	H 480337A 01	Texas Water Development Board, Capitol Station, P.O. Box 13087, Austin, Tex. 78711. Texas Insurance Dept., 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, 206 Hill St., P.O. Box 86, City Hall, Edcouch, Tex. 78538.	May 10, 1974. Mar. 19, 1976.
Do	Comanche	Gustine, town of	H 480153A 01	do	Mayor, Town Hall, Gustine, Tex. 76455.	Aug. 2, 1974. Mar. 19, 1976.
Do	Cooke	Lindsay, town of	H 480766 01	do	Mayor, Town Hall, P.O. Box 102, Lindsay, Tex. 76250.	May 14, 1976.
Do	Young	Olney, city of	H 480686A 01	do	Mayor, City Hall, 119 South Grand, Olney, Tex. 76374.	Apr. 12, 1974. Mar. 19, 1976.
Do	Motley	Roaring Springs, city of.	H 480496A 01	do	Mayor, City Hall, 209 Broadway, Roaring Springs, Tex. 79256.	Nov. 8, 1974. Mar. 19, 1976.
Do	Hockley	Sundown, city of	H 480355A 01	do	Mayor, 909 Slaughter, City Hall, Sundown, Tex. 79372.	Apr. 12, 1974. Mar. 19, 1976.
Do	Lynn	Tahoka, city of	H 480454A 01 through H 480454A 02	do	Mayor, City Hall, 1616 Lockwood St., Tahoka, Tex. 79373.	May 10, 1974. Mar. 19, 1976.
Utah	Davis	Centerville, city of.	H 490040A 01 through H 490040A 04	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Centerville, Utah 84014.	June 28, 1974. Mar. 19, 1976.
Virginia	Rockingham	Elkton, town of	H 510137A 01 through H 510137A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, 173 West Spotswood, Elkton, Va. 22827.	June 28, 1974.
Do		Galax, city of	H 510066A 01 through H 510066A 03	do	Mayor, 123 North Main, Galax, Va. 24333.	Aug. 2, 1974. Mar. 19, 1976.
Do	Alleghany	Iron Gate, town of	H 510220A 01	do	Mayor, Box 8, Iron Gate, Va. 24448	Aug. 30, 1974. Mar. 19, 1976.
Do	Brunswick	Lawrenceville, town of.	H 510023A 01 through H 510023A 02	do	Mayor, 101 East Church St., Lawrenceville, Va. 23868.	May 24, 1974.
Do	Frederick	Stephens City, city of.	H 510064A 01	do	Mayor, P.O. Box 52, Stephens City, Va. 22655.	June 28, 1974.
Washington	Whitman	Albion, town of	H 530206A 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town Hall, Albion, Wash. 99102.	May 24, 1974. Mar. 19, 1976.
Do	Spokane	Deer Park, city of.	H 530176A 01	do	Mayor, City Hall, East 53 Crawford, Deer Park, Wash. 99006.	Apr. 5, 1974.
Do	Grays Harbor	Hoquiam, city of	H 530061A 01 through H 530061A 06	do	City Engineer, Office of City Engineer, 603 8th St., Hoquiam, Wash. 98550.	June 14, 1974. Mar. 19, 1976.
Do	Yakima	Mabton, town of	H 530221 01	do	Mayor, Town Hall, Box 655, Mabton, Wash. 98935.	May 14, 1976.
Do	Kitsap	Port Orchard, city of.	H 530094A 01 through H 530094A 02	do	Mayor, City Hall, 216 Prospect St., Port Orchard, Wash. 98366.	June 21, 1974. Mar. 19, 1976.
Do	Mason	Shelton, city of	H 530116A 01 through H 530116A 04 H 5301161A 04	do	Mayor, City Hall, 2d & Franklin St., Shelton, Wash. 98584.	June 14, 1974. Mar. 19, 1976.
West Virginia	Grant	Bayard, town	H 540240A 01	Office of Federal-State Relations, Division of Planning & Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, Bldg. No. 3, Room 643, 1800 Washington St., Charleston, W. Va. 25305.	Mayor, Town Hall, Bayard, W. Va. 26707.	Nov. 22, 1974. Mar. 19, 1976.
Wisconsin	Clark	Colby, city of	H 550049A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Mayor, West Adam St., Colby, Wis. 54421.	May 31, 1974.
Do	Rusk	Conrath, village of.	H 550371A 01	do	Village President, Village Hall, Conrath, Wis. 54731.	Aug. 30, 1974. Mar. 19, 1976.
Do	Shawano	Eland, village of	H 550417A 01	do	Village President, Box 25, Eland, Wis. 54427.	Aug. 23, 1974. Mar. 19, 1976.
Do	St. Croix	Glenwood City, city of.	H 550381 01 through H 550381 02	do	Mayor, City Hall, Glenwood City, Wis. 54013.	May 14, 1976.
Do	Jackson	Hixton, village of	H 550187A 01	do	Village President, Village Hall, Hixton, Wis. 54635.	May 17, 1974. Mar. 19, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 12, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-8649 Filed 3-29-76;8:45 am]

[Docket No. R-76-365]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Revision

The purpose of this notice is to amend Part 1915 of Title 24 of the Code of Federal Regulations to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968, (Pub. L. 90-448) as amended; and the Flood Disaster Protection Act of 1973 (Pub. L. 92-234, December 31, 1973), 42 U.S.C. 4001-4128, was suspended, and to provide guidance to communities when changes occur in flood conditions within that community. This latter change complies with a recommendation of the Comptroller General and the General Accounting Office with respect to administration of the program.

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the program.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities, and does not apply to the purchase of previously occupied residential dwellings prior to March 1, 1976.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et. seq.).

As the purpose of this revision is for the convenience of the public, notice and public procedure are unnecessary, and good cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. The table of contents of present Part 1915 is revised to read as follows:

AUTHORITY: Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d), sec. 1360, 82 Stat. 587, 42 U.S.C. 4101.

2. A new § 1915.5 is added to read as follows:

§ 1915.5 Requirement To Submit New Technical Data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. Within six months of the date that such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this section.

(a) The Chief Executive Officer (CEO) of a community participating in the Program shall submit to the Administrator technical or scientific information indicating that the base flood elevations on the community's FIRM do not accurately reflect flood risks as they currently exist. Such information shall include, but not necessarily be limited to:

(1) A topographic map exhibiting ground elevation contours in greater detail than maps available at the time of the flood insurance study, or exhibiting topographic or ground elevation changes since the flood insurance study was performed; or

(2) Hydrologic data which has become available since the flood insurance study was performed, such as a flood study or information developed by an appropriate authoritative source, such as a Federal or State agency, a County Water Control District, and a County, City or private registered professional engineer. Hydrological information shall be of sufficient detail so that the hydrologic computations may be evaluated by the Administrator; or

(3) Information about flood control projects, such as stream channelization, construction of new dams, reservoirs, artificial canals, private levees, or flood protection systems. Such information shall:

(i) Be submitted at least six months prior to the expected completion date of the project, and

(ii) Include a complete plan of the project with cross sections and dimensions, together with a detailed map of the affected area indicating changes in base flood elevations caused by construction of the project, and

(iii) Be reflected on the community's FIRM only after the project has been completed, except as may be provided in this subchapter.

(b) The technical and scientific information indicating changes in base flood elevations shall be submitted to:

Engineering and Hydrology Division, Federal Insurance Administration, U.S. Dept. of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

(c) Upon receipt of the scientific or technical data, the Administrator shall (1) mail an acknowledgement to the CEO, and (2) notify the CEO within 90 days that:

(i) The base flood elevations on the effective FIRM are correct and shall not be modified; or

(ii) The flood elevations on the effective FIRM shall be modified, and new base flood elevations shall be established under the provisions of Part 1917 of this subchapter; or

(iii) An additional 90 days is required to evaluate the scientific or technical data submitted.

3. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's)*. The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 5149, 40 FR 17015, 40 FR 20798, 40 FR 46102, 40 FR 53579, 40 FR 56672, 41 FR 1478, 41 FR 5090, 41 FR 13351.

(b) *Flood Insurance Rate Maps (FIRM's)*. The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 17015, 41 FR 1478.

4. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6:

State	County	Location	Map No. and FEDERAL REGISTER citation	Effective date of withdrawal
California	Los Angeles	Inglewood, city of [1]	H 065036 01; vol. 39, No. 152, p. 28251	Dec. 24, 1975
Ohio	Jefferson	Unincorporated areas [2]	H 390294 01; vol. 40, No. 7, p. 2187	Jan. 2, 1976
Do	Lucas	Washington, township of [3]	H 39025 5320 01; vol. 38, No. 182, p. 26368.	Dec. 24, 1975

REASONS FOR RESCINDMENT

[1] The community appealed its flood-prone designation and FIA determined the community would not be inundated by a flood having a 1-pct chance of occurrence in any given year.

[2] The FHBM (flood hazard boundary map) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.

[3] The community lacked enabling authority over the special flood hazard areas.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

MARCH 22, 1976.

[FR Doc.76-8804 Filed 3-29-76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Procedural Rules for Disenrollment of Alaska Natives

On September 10, 1975, there was published in the FEDERAL REGISTER (40 FR 42020) a notice of proposed rulemaking with proposed amendments to 25 CFR Part 43h and 43 CFR Part 4. The purpose of these amendments is to provide procedures in accordance with due process of law for disenrollment of persons on the roll of Alaska Natives who are found to be ineligible under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601–1624. In the notice of proposed rulemaking the Department invited interested persons to submit written comments, suggestions, views and arguments. It was indicated that all comments received on or before October 10, 1975, would be considered by the Department before taking action on the final regulations.

Each comment was carefully considered and the regulations were re-examined in light of the comments. As a result of these efforts, the disenrollment regulations as published herein contain a number of changes from the proposed rulemaking published on September 10, 1975. The changes briefly are discussed below.

Section 1604 of Title 43 U.S.C. provides

(a) The Secretary shall prepare within two years from December 18, 1971, a roll of all Natives who were born on or before, and who are living on, December 18, 1971. Any decision of the Secretary regarding eligibility for enrollment shall be final.

Under this section the decision of the Secretary on eligibility is final (nonreviewable by any other authority). This section does not, however, limit the authority of the Secretary to correct the rolls where persons have been erroneously or fraudulently enrolled.

A number of comments made the point that at some time there should be finality to the roll; at some point the roll and individual Natives should no longer be subject to contest. It is reasonable that stability and certainty as to the roll of Alaska Natives at some point becomes more important than absolute purity of the rolls. Accordingly, in revising the regulations for final publication, a provision is being included as § 43h.15(c) which establishes a time after which contest proceedings can no longer be initiated. Several factors were considered in deciding on this time period. Sufficient time had to be allowed for information to reach the coordinator and for the coordinator to conduct necessary investigations in various parts of the state and perhaps beyond. Yet the interests of Natives in finality mandated that the date not be too remote in time. A separate provision is included to apply to enrollments pursuant to the Act of January 2, 1976 (Pub. L. 94–204).

The comment has been made that the regulations as proposed lack standards by which the enrollment coordinator can determine ineligibility for enrollment. The purpose of these regulations is to establish procedures for disenrollment. The substantive provisions, including standards for enrollment, are included elsewhere in this part.

In consideration of the foregoing, Title 25, Part 43h CFR is amended as set forth below:

In Chapter I of Title 25 of the Code of Federal Regulations, Part 43h is amended by adding a new § 43h.15 as follows:

§ 43h.15 Disenrollment.

(a) Where it appears to the coordinator, based upon review of records within the office of the Area Director and the office of the Enrollment Coordinator, or based upon information otherwise available to him, that a person who has been placed on the roll of Alaska Natives may be ineligible under the provisions of section 5, Alaska Native Claims Settlement Act and this part for inclusion on the roll, the coordinator shall cause to be made such investigation as is necessary to determine whether the person is eligible to be on the roll of Alaska Natives.

(b) Where the coordinator concludes that the enrollment of a person as an Alaska Native was improper under the provisions of section 5, Alaska Native Claims Settlement Act and this part he shall initiate a contest by filing a complaint with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. The procedures governing disenrollment contests are contained in 43 CFR, Part 4, Subpart K.

(c) With respect to any enrollment pursuant to section 5 of the Alaska Native Claims Settlement Act of 1971, Pub. L. 92–203, no contest may be initiated by the coordinator after July 31, 1977. With respect to any enrollment pursuant to the Alaska Native Claims Settlement Act as amended on January 2, 1976, (Pub. L. 94–204), to provide for the late enrollment of certain Natives, no contest may be initiated by the coordinator after January 2, 1978.

Effective date: These amendments to 25 CFR Part 43h are effective June 1, 1976.

Dated: March 22, 1976.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.76-8863 Filed 3-29-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Industrial Slings; Deletion of Requirement Prohibiting Knots and Wire Rope Clips

On June 27, 1975, an occupational safety and health standard covering the use of slings in general industry was promulgated as 29 CFR 1910.184, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655). The standard was published at 40 FR 27368. Within the 60-day period that section 6(f) of the Act provides for filing a petition for judicial review, Bethlehem Steel Corporation filed suit in the United States Court of Appeals for the Third Circuit challenging the validity of paragraph (f)(6) of § 1910.184 which prohibits the use of knots or wire rope clips to form eyes in wire rope slings. On February 11, 1976, that Court, in the case of "Bethlehem Steel Corporation v. United States Department of Labor et al.", No. 75–1959, pursuant to a joint stipulation of the parties, granted the petition for review, vacated paragraph (f)(6) and remanded it to the Secretary of Labor for further rulemaking in accordance with sections 6(b) and 6(f) of the Act. In order that § 1910.184 properly reflects this order of the Court, paragraph (f)(6) containing the prohibition of knots and wire rope clips is deleted. I find that the reasons stated above constitute good cause for making this change effective immediately. This amendment, therefore, is effective March 30, 1976.

Accordingly, pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600), 29 U.S.C. 655, 657, Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, Part 1910 of title 29 of the Code of Federal Regulations is hereby amended by deleting paragraph (f)(6) from § 1910.184.

(Secs. 6, 8(g), Pub. L. 91-596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911)

Signed at Washington, D.C. this 23rd day of March, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-8990 Filed 3-29-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amendment B-31]

PART 101-11—RECORDS MANAGEMENT

Machine-Readable Records

Section 101-11.210 is amended to provide for proper storage of machine-readable media and for inventories and documentation of ADP records. The objectives of ADP records management are to provide proper environmental conditions for records stored outside of computer rooms, to establish proper maintenance procedures to ensure long-term readability of ADP records, and to define adequate documentation for ADP files.

Section 101-11.305 is amended to include machine-readable information.

Section 101-11.411 is amended to provide for transfer and subsequent use of ADP records for transferring computer tapes to the National Archives.

The Office of Records Management, the Office of Federal Records Centers, and the Office of the National Archives in the National Archives and Records Service and several Federal agencies have expressed concern about the control and preservation of machine-readable records in the Federal government; specifically that such records and their supporting documentation are being lost because Federal agencies do not fully understand proper procedures for their management, maintenance, storage, and disposition.

In the past decade the use of automated data processing in Federal agencies has increased to the extent that the majority of current Federal records exist in machine-readable form. That fact and the relatively short life cycle of a computerized record make it a matter for concern that the National Archives has received very few unsolicited offers of machine-readable records. The proper management of these costly and important records demands that they be carefully preserved while in agency custody and that their disposition be placed on a regular schedule.

The table of contents for Part 101-11 is amended by the addition of the following new entry:

Subpart 101-11.2—Creation of Records

1. Section 101-11.210-1 is revised to read as follows:

§ 101-11.210-1 ADP records management function.

The objectives of ADP records management are to ensure efficient and economic automatic data processing by: Using proper recording and preservation techniques of machine instructions and operating procedures; establishing standards for proper maintenance, storage, and disposition of machine-readable records; developing optimum procedures for computer rooms and related support areas; and reviewing these recordkeeping practices on a continuing basis to find opportunities for improvement.

2. Section 101-11.210-2 is revised to read as follows:

§ 101-11.210-2 ADP records management defined.

ADP records management includes maintaining a current file-by-file inventory of machine-readable records and the accompanying documentation for each file and maintaining these files in a facility in conformance with § 101-32.1205 while carrying out periodic checks to verify readability. Documentation of ADP records consists of functional and operational flow charts, physical file characteristics, recording mode information including basic coding structure (code books), recording system information, record layouts, printout plans (formats), and basic run instructions (run books).

3. Section 101-11.210-4 is revised to read as follows:

§ 101-11.210-4 Program implementation.

Each agency shall establish standards for ADP records management and issue instructions and guidelines in the form of handbooks or manuals in accordance with appropriate standards. Specifically, these standards shall include:

(a) Identifying ADP records through classification and labeling;

(b) Filing and controlling methods for finding machine-readable records;

(c) Preserving machine-readable records through the use of disposition schedules, proper media storage facilities, and maintenance techniques;

(d) Scheduling the disposition of the records used in ADP records management;

(e) Issuing forms and formats for recording machine programs (instructions), functional and operational flow charts, record layouts, record coding structure (code books), printout plans, and basic machine run instructions (run books).

Subpart 101-11.3—Organization, Maintenance, and Use of Current Records

Section 101-11.305-2 is revised to read as follows:

§ 101-11.305-2 Files defined.

A file is basically a paper or folder of papers, but the term is used to denote papers, photographs, photographic copies, maps, machine-readable information, or other recorded information regardless of physical form or characteristics, accumulated or maintained in filing equipment, boxes, or machine-readable media, or on shelves, and occupying office or storage space. Stocks of publications and blank forms are excluded.

Subpart 101-11.4—Disposition of Federal Records

1. Section 101-11.411-3 is amended to revise paragraphs (f) and (g) and add paragraph (h) as follows:

§ 101-11.411-3 Direct transfers.

* * * * *

(f) Machine-readable records (with appropriate documentation).

(g) Series of records of unquestionable value that are not susceptible to screening or other processing (such as microfilming) to reduce their bulk.

(h) Records that have been in existence 25 or more years and that are considered to have enduring value.

2. Section 101-11.411-5 is amended to add paragraph (b)(4) as follows:

§ 101-11.411-5 Use of records transferred to the National Archives.

* * * * *

(b) * * *

(4) Each official who borrows computer magnetic tapes shall assume responsibility for proper care and handling of the tapes.

3. Section 101-11.411-9 is added as follows:

§ 101-11.411-9 Transfer of machine-readable records.

The following policies shall govern the transfer of machine-readable records to the National Archives:

(a) *Magnetic tape.* Computer magnetic tape is a fragile medium, highly susceptible to the generation of errors by improper care and handling. To ensure that permanently valuable information stored on magnetic tape is preserved. Federal agencies should schedule files for disposition as soon as possible after the tapes are written. When the National Archives and Records Service has determined that a file is worthy of preservation, the agency should transfer the file to the National Archives as soon as it becomes inactive or whenever the agency cannot provide proper care and handling of the tapes (see § 101-32.12) to guarantee the preservation of the information they contain.

(b) *Other magnetic media.* When a machine-readable file that has been designated for preservation by the National Archives and Records Service is maintained on a direct access storage device, the file should be copied on tape and the tape copy should be transferred to the National Archives.

(c) *Documentation.* Documentation adequate for servicing machine-readable records that have been designated for preservation by the National Archives and Records Service shall be transferred with them. This documentation shall include, but not necessarily be limited to, completed GSA Form 7036, Magnetic Tape Record Inventory, and GSA Form 7091, Data Archives/Inventory, or their equivalents. These forms as well as guidelines for determining the adequacy of documentation may be obtained from the Office of the National Archives (NNR), National Archives and Records Service, General Services Administration, Washington, DC 20408.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective March 30, 1976.

Dated: March 18, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-8859 Filed 3-29-76;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Procedural Rules for Disenrollment of Alaska Natives

On September 10, 1975, there was published in the FEDERAL REGISTER (40 FR 42020) a notice of proposed rulemaking with proposed amendments to 25 CFR Part 43h and 43 CFR Part 4. The purpose of these amendments is to provide procedures in accordance with due process of law for disenrollment of persons on the roll of Alaska Natives who are found to be ineligible under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601-1624. In the notice of proposed rulemaking the Department invited interested persons to submit written comments, suggestions, views and arguments. It was indicated that all comments received on or before October 10, 1975, would be considered by the Department before taking action on the final regulations.

Each comment was carefully considered and the regulations were re-examined in light of the comments. As a result of these efforts, the disenrollment regulations as published herein contain a number of changes from the proposed rulemaking published on September 10, 1975. The changes briefly are discussed below.

Concern was expressed in various comments that the action of the Secretary to disenroll Natives should not have any further retroactive effect on actions taken and rights vested based upon the roll as of December 17, 1973. Disenrollment on a subsequent date should not deprive an Alaska Native Corporation of vested rights and should not affect established land entitlements and past fund distributions pursuant to the Alaska Native Claims Settlement Act. Accordingly, and consistent with the Act of January 2, 1976, amending the Alaska Native Claims Settlement Act, a new section (§ 4.1011) has been added to clarify that the effect of disenrollment proceedings will be thus limited.

With respect to § 4.1002(c)(1)(ii), the comment was made that many "residents of the Village" may lack knowledge as to the whereabouts of a contestee, and therefore, that the class of possible affiants should be narrowed to persons who would ordinarily be expected to have such knowledge. This suggestion has been adopted in the final rulemaking.

The comment was made with respect to § 4.1002(c)(3) that the term "permanent resident" is not defined for purposes of these regulations. Since publication is intended to give actual notice, such publication should take place in the area where the contestee is thought actually to reside. A provision incorporating this idea is included in the final regulations

In response to a comment, § 4.1002(a)(4)(ii) has been amended to require that the proof of posting of the notice be by the person who does the posting.

Section 4.1002(d) has been amended to apply to Native groups as it would to village and regional corporations.

It has been noted that the enrollment number is of importance in the filing systems of certain of the regional corporations. Accordingly, § 4.1003(a) has been amended to require the inclusion of the enrollment number in the complaint.

With regard to § 4.1006(c), one commentator noted that the section should be revised to clarify that "good cause shown" is used broadly to include such factors as would facilitate the convenience of the bulk of the witnesses. The preamble to the proposed rulemaking was not intended to be so limiting. It stated that "hearings should be conducted in a location as convenient as possible for the contestee." Convenience for the contestee would naturally include consideration of the place where the bulk of the witnesses are located, if such be different from the place where the contestee resides.

The comment has been made with respect to § 4.1007 that the proposed procedures are somewhat formal and legalistic. The regulations have thus been revised to the effect that in any case where the contestee opposes removal from the roll, the contestant will have the burden of proving all material allegations in the complaint. This proposal is consistent with the objective of achieving substantial due process.

The same line of comment has been made as to § 4.1008, that even when a contestee fails to respond to a prehearing order, the contestant should be required to make out a *prima facie* case for disenrollment. It is reasonable and consistent with due process to provide that where there is a failure to answer or to respond to a prehearing order, the contest may be decided based on the pleadings in a manner similar to a motion for summary judgment. Accordingly, where there is failure of response by one party, under the regulations as published, the Administrative Law Judge may issue an order to show cause why the case should not be decided against the party. The Administrative Law Judge would then be authorized to decide the case based on the pleadings and any responses to the show cause order. Under this revision the contestant would not be required to present a *prima facie* case, but, for purposes of such decision, the Administrative Law Judge would decide the case based upon the pleadings viewed in a light most favorable to the party against whom summary judgment is sought; in this case, the party who has failed to file complete pleadings. Thus, to consider an example, if an Alaska Native files incomplete pleadings, the Administrative Law Judge would issue an order to show cause why the case should not be decided in favor of the contestant. While the contestant would not be required to submit evidence to establish a *prima facie* case, the decision would be based on the pleadings viewed in a light most favorable to the contestee.

Where, however, the prehearing stages have been completed and a party fails to appear at a hearing, as suggested in one of the comments, it is reasonable to require the contestant to make out a *prima facie* case before deciding the case against the contestee. The final regulations include a revision consistent with this suggestion.

Section 4.1009-1 has been amended, in response to a cautionary comment, to clarify that prehearing conferences will normally be held at a location to suit the convenience of the contestee or his counsel.

The suggestion has been made that § 4.1009-8(b) include a requirement that the Administrative Law Judge make a finding identifying official records affected by the decision and issue an order that such records be corrected within a specified time period. By the nature of the proceeding it would appear that any order for disenrollment would require such action and, therefore, no specific provision is in the regulations.

Counsel for the Metlakatla Indian Community has forwarded comments, including a resolution of the Community, supporting its proposed regulations for disenrollment which would pertain to the Metlakatla Indian Community. The regulations proposed by the Metlakatla Indian Community would provide specific standards for enrollment, or disenrollment, of members of the Metlakatla Indian Community. The present regulations are intended merely to establish procedures consistent with due process of law for disenrollment and not to provide substantive standards for disenrollment.

In consideration of the foregoing, Title 43, Part 4 CFR is amended as set forth below:

1. In Subtitle A Title 43 of the Code of Federal Regulations, Part 4, the table of sections is amended by adding the following items:

Subpart K—Special Procedural Rules Applicable To Contest Proceedings to Disenroll Alaska Natives