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**(5) Federal Register Notice of Proposed Finding**

**- October 24, 1995**

Recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Louis Blank, Room C2-26-17, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: October 13, 1995.

**Kathleen B. Larson,**

*Director, Management Planning and Analysis Staff, Office of Financial and Human Resources.*

[FR Doc. 95-26294 Filed 10-23-95; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Proposed Finding Against Federal Acknowledgment of the Yuchi Tribal Organization

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of proposed finding.

**SUMMARY:** Pursuant to 25 CFR 83.10(e) of the revised Federal acknowledgment regulations, which became effective March 28, 1994, notice is hereby given that the Assistant Secretary-Indian Affairs (Assistant Secretary) proposes to decline to acknowledge that the Yuchi Tribal Organization, c/o Melvin George, P.O. Box 1990, Sapulpa, Oklahoma 74067, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Yuchi Tribal Organization does not meet one of the seven mandatory criteria set forth in 25 CFR 83.7, specifically, criterion 83.7(f). Therefore, the Yuchi Tribal Organization does not meet the requirements necessary for a government-to-government relationship with the United States.

**DATES:** As provided by 25 CFR 83.10(e)(1) and 83.10(h) through 83.10(i), any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut or support the evidence relied upon. This material must be submitted within 180 calendar days from the date of publication of this notice.

**ADDRESSES:** Comments on the proposed finding and/or requests for a copy of the report summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision should be addressed to the Office of the

Assistant Secretary, 1849 C Street, N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB.

**FOR FURTHER INFORMATION CONTACT:** Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

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

This proposed finding against acknowledgment of the Yuchi Tribal Organization has been prepared under section 83.10(e) of the acknowledgment regulations. Section 83.10(e) provides for an expedited finding on a single criterion where there is clear evidence, based on the preliminary review, that the petitioner could not meet the requirements of criteria 83.7 (e), (f), or (g).

There was clear evidence, based on the preliminary technical assistance review, that the Yuchi Tribal Organization did not meet the criterion in section 83.7(f). Section 83.7(f), in brief, requires that a petitioner not be principally composed of members of another, already acknowledged tribe. This section also describes conditions which would provide for an exception to this requirement in rare instances. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with an acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.

The requirement to not be maintaining a bilateral political relationship with a recognized tribe and to have historically been a separate and autonomous Indian tribal entity embody the intent of the regulations to only acknowledge as tribes groups that are in fact politically autonomous of other Indian tribes. In so doing, criterion (f) "allows for acknowledgment of rare cases where the petitioner has been regarded, erroneously, as part of or associated with another tribe, but has been a separate, autonomous group throughout history," while the criterion "prohibits use of the regulations to acknowledge portions of already recognized tribes" (59 FR 9289).

The membership roll of the Yuchi Tribal Organization contains 165 names. Of these individuals, 151, or 92 percent, were confirmed to be members of the Muscogee Creek Nation of Oklahoma, a

federally recognized tribe. Thus, they are principally members of a recognized tribe.

The Yuchi Tribal Organization members did not meet the requirements for an exception to 83.7(f). Members of the Yuchi Tribal Organization, including its leaders, have consistently participated in the political process of the Muscogee Creek Nation of Oklahoma from 1962 to the present. The group is, therefore, not autonomous within the meaning of the regulations. The conditions of enrollment in the Muscogee Creek Nation require affirmative consent by the enrolled as well as specific action by the Citizenship Board, an independent commission within the Muscogee Creek Nation government. This roll, therefore, demonstrates a bilateral political relationship between those enrolled and the Muscogee Creek Nation. Finally, almost none of the members of the Yuchi Tribal Organization have provided written confirmation that they consent to be members of the Yuchi Tribal Organization.

Based on these facts and determinations, we conclude that the Yuchi Tribal Organization does not meet the requirements of criterion 83.7(f) and should not be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.10(h) of the revised regulations, a report summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision will be provided to the petitioner and interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report should be addressed to the Office of the Assistant Secretary, Bureau of Indian Affairs, 1849 C Street, N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB. Commenters may comment on any aspect of the finding or the history and character of the Yuchi Tribal Organization. Third parties must simultaneously supply copies of their comments to the petitioner in order for them to be considered by the Department of the Interior.

During the response period, the Assistant Secretary shall provide technical advice concerning the proposed finding and shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law (83.10(j)(1)). In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party,

hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final determination (83.10(j)(2)).

If third party submissions are received during the regular response period, the petitioner shall have a minimum of 60 days to respond to these submissions. This period may be extended at the Assistant Secretary's discretion if warranted by the nature and extent of the comments (83.10(k)).

At the end of the response periods for comment on this proposed finding, the Assistant Secretary shall consider the written arguments and evidence submitted during the response periods and issue a final determination. The Assistant Secretary shall consult with the petitioner and interested parties to determine an equitable time frame for preparation of the final determination and notify the petitioner and interested parties of the date such consideration begins (83.10(l)). The Assistant Secretary may conduct any necessary additional research and may request additional information from the petitioner and commenting parties (83.10(l)(1)). A summary of the final determination will be published in the Federal Register within 60 days from the date on which the consideration of the written arguments and evidence

rebutting or supporting the proposed finding begins, as provided in 25 CFR 83.10(l)(2).

Dated: October 6, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-26158 Filed 10-23-95; 8:45 am]

BILLING CODE 4310-02-M

**Power Rate Adjustment: Mission Valley Power Utility, Montana; Notice of Rate Increase**

**SUMMARY:** The Bureau of Indian Affairs is increasing the cost of electric power (energy) to customers of Mission Valley Power (MVP), the entity operating the power facility of the Flathead Indian Irrigation Project of the Flathead Reservation. The Bureau of Indian Affairs (BIA) has been informed that the Montana Power Company (MPC), which sells electric power to MVP, has raised its wholesale power rates by approximately 2.0 percent. The MPC increase went into effect on September 5, 1995, and is based on adjustments in the Consumer Price Index pursuant to the Federal Energy Regulatory Commission license for MPC's Kerr Dam Hydroelectric Facility. Accordingly, the BIA is adjusting the local retail power rates charged by MVP to reflect the increased cost of purchased power.

**FOR FURTHER INFORMATION CONTACT:** Area Director, Bureau of Indian Affairs, Portland Area Office, 911 N.E. 11th Avenue, Portland, Oregon 97232-4169, telephone (503) 231-6702; or, General

Manager, Mission Valley Power, P.O. Box 890, Polson, Montana 59860-0890. Telephone (406) 883-5361 or 1-800-823-3758 (in-State Watts).

**DATES:** This rate increase is effective October 24, 1995.

**SUPPLEMENTARY INFORMATION:** The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301; the Act of August 7, 1946, c. 802, Section 3 (60 Stat. 895; 25 U.S.C. 385c); the Act of May 25, 1948 (62 Stat. 269); and the Act of December 23, 1981, section 112 (95 Stat. 1404). The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs pursuant to part 209 Departmental Manual, Chapter 8, 1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices. The approximate 2.0 percent MPC increase causes the BIA to raise its retail rates to recover \$28,000 which is the approximate annual financial impact of that increase. This adjustment is the result of an increase in the electric power rates charged by MPC, one of three sources of electric power marketed by MVP. The MPC increase, which went into effect on September 5, 1995, is based on adjustments in the Consumer Price Index pursuant to the Federal Energy Regulatory Commission license for MPC's Kerr Dam Hydroelectric Facility. The following table illustrates the financial impact of the new retail rates on each rate class:

Rate class	Present rate	New rate
<b>Residential:</b>		
Basic Charge	\$11.00/mo. (includes 125kwh)	No change.
Energy Charge	\$0.04817/kwh (over 122 kwh)	\$0.04828.
<b>#2 General:</b>		
Basic Charge	\$11.00/mo. (includes 107 kwh)	No change.
Energy Charge	\$0.05604/kwh (over 107 kwh)	\$0.05615.
<b>Irrigation:</b>		
Horsepower Charge	\$11.25/HP	\$11.30/HP.
Energy Charge	\$0.03638/kwh	\$0.03642.
Minimum Seasonal Charge	\$132.00 or \$6.00/HP, whichever is greater	No change.
<b>Small &amp; Large Commercial:</b>		
Basic Charge	None	No change.
Monthly Minimum	\$38.00	No change.
Demand Rate	\$4.50/KW of billing demand	\$4.51/KW.
Energy Rate	\$0.04305/kwh—First 18,000 kwh	\$0.04345.
	\$0.03588/kwh—Over 18,000 kwh	\$0.03592.
<b>Area Lights:</b>		
Area light installed on existing pole or structure:		
7,000 lumen unit, M.V.*	\$7.00	\$7.00.
20,000 lumen unit, M.V.*	\$10.00	\$10.00.
9,000 lumen unit, H.P.S.	\$6.50	\$6.50.
22,000 lumen unit, H.P.S.	\$8.75	\$8.75.
Area light installed with new pole:		
7,000 lumen unit, M.V.*	\$8.75	\$8.75.
20,000 lumen unit, M.V.*	\$11.50	\$11.50.
9,000 lumen unit, M.V.*	\$8.25	\$8.25.
22,000 lumen unit, H.P.S.*	\$10.50	\$10.50.