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The Department of the Interior today announced proposed new procedures applicable to probating of Indian estates. The new procedures would apply where a tribe holds a statutory option to buy the interests of designated beneficiaries. The new procedures are being published in the Federal Register as proposed and interested parties are given 30 days to comment.

These statutory options arise from the Yakima Act of December 31, 1970 (P.L. 91-267), the Warm Springs Act of August 10, 1972 (P.L. 92- 377), and the Nez Perce Act of September 29, 1972 (P.L. 92-443). These acts provide that tribes of each reservation are given an option to buy the beneficial land interests passing upon death to individual heirs and devisees when such individuals are not enrolled in or lack the specified blood quantum of the tribe on the reservation where the land is located. Each act requires that the tribe pay the "fair market value" for the land and contains the proviso that a surviving spouse may retain a life interest in a one-half of the inherited share. Both the "fair market value" and the rights of the surviving spouse under the Act are determined by the Secretary of the Interior in probate hearings conducted by Administrative Law Judges.

Because the proposed regulations detail additional responsibilities in the probating of estates, they are incorporated into existing Indian probate procedures contained in Part 4 of Title 43 Code of Federal Regulations. Under the proposed procedures, hearings in probate before Administrative Law Judges will cover in addition to the previous issues pertaining to heirship, approval of wills, allowance of claims, etc., the determination of the tribe's option to buy, the fair market value to be paid, and the rights of the surviving spouse, if any. Thereafter, persons aggrieved by the Judge's decision may take an appeal to the Board of Indian Appeals.

Written comments, suggestions or objections concerning the proposed regulations should be submitted on or before July 11, 1973.

They should be addressed to the Director, Office of Hearings and Appeals (Attention: Board of Indian Appeals), 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the proposed regulations are also available at that address.