

(7) Federal Register Notice of Final Determination

- September 26, 1996

N rats exposed to 100, 200, or 400 ppm. There was no evidence of carcinogenic activity of acetonitrile in male or female B6C3F₁ mice exposed to 50, 100, or 200 ppm.

Exposure to acetonitrile by inhalation resulted in increased incidences of hepatic basophilic foci in male rats and of squamous hyperplasia of the forestomach in male and female mice.

Questions or comments about the Technical Report should be directed to Central Data Management at MD E1-02, P.O. Box 12233, Research Triangle Park, NC 27709-2233 or telephone (919) 541-3419.

Copies of *Toxicology and Carcinogenesis Studies of Acetonitrile* (CAS No. 75-05-8) (TR-447) are available without charge from Central Data Management, NIEHS, MD E1-02, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-3419.

Dated: August 21, 1996.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 96-24627 Filed 9-25-96; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4021-N-02]

Office of the Assistant Secretary for Public and Indian Housing; NOFA for Public and Indian Housing Economic Development and Supportive Services (EDSS) Grant: Amendment of Application Availability and Deadline Dates and Announcement of OMB Control Number

AGENCY: Office of the Assistant Secretary for Public and Indian Housing.

ACTION: Amendment of application availability and deadline dates.

SUMMARY: This notice amends the NOFA published in the Federal Register on August 14, 1996 (61 FR 42356) to: (1) revise the application kit availability and extend the application due date to October 29, 1996; and (2) announce the OMB control number issued for the information collection requirements.

FOR FURTHER INFORMATION CONTACT: Marcia Y. Martin, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 7th Street, SW, room 4108, Washington, DC 20410; telephone (202) 708-4233. Hearing- or speech-impaired persons may contact the Federal Information Relay Service on 1-800-877-8339 or 202-708-9300 for information on the program. (With the

exception of the "800" number, the numbers listed above are not toll free numbers).

SUPPLEMENTARY INFORMATION: Because of unforeseen circumstances, the availability of the application kit for the funds announced in this NOFA has been delayed. Therefore, the Department is extending the deadline for applications accordingly. In addition, this amendment publishes the control number assigned by OMB for the information collection requirements associated with this NOFA.

Accordingly, the NOFA for Public and Indian Housing Economic Development and Supportive Services (EDSS) Grants, published at 61 FR 42356 (August 14, 1996, FR Doc. 96-20698) is amended as follows:

1. On page 42356, column 1, the paragraph following the heading "Dates" is revised to read as follows:

Application kits will be available beginning September 27, 1996. The application deadline will be 3:00 p.m., local time on October 29, 1996.

2. On page 42356, column 2, the text following the heading "Paperwork Reduction Act Statement" and preceding the heading "I. Purpose and Substantive Description" is revised to read as follows:

The information collection requirements contained in this notice have been approved by the Office of Management and Budget, under section 3404(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520), and assigned OMB control number 2577-0211.

Dated: September 19, 1996.

Kevin Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 96-24656 Filed 9-25-96; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination Against Federal Acknowledgment of the Golden Hill Paugussett Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final determination.

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs (Assistant Secretary) by 209 DM 8.

Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary declines to acknowledge that

the Golden Hill Paugussett Tribe, P.O. Box 1645, Bridgeport, Connecticut 06601-1645, exists as an Indian tribe within the meaning of Federal law. This notice is based on the determination that the group does not satisfy one of the criteria set forth in 25 CFR 83.7, namely: 83.7(e).

DATES: This determination is final and is effective December 26, 1996, pursuant to 25 CFR 83.10(l)(4), unless a request for reconsideration is filed pursuant to 25 CFR 83.11.

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

A notice of the Proposed Finding to decline to acknowledge the Golden Hill Paugussett Tribe (GHP) was published in the Federal Register on June 8, 1995 (60 FR 30430, June 8, 1995), pursuant to 25 CFR 83.10(e) of the revised Federal acknowledgment regulations, which became effective March 28, 1994. Under 25 CFR 83.10(e), prior to active consideration the Assistant Secretary shall investigate any petitioner whose documented petition and response to the technical assistance review letter indicate that there is little or no evidence that establishes that the group can meet any one of the mandatory criteria in paragraphs (e), (f), or (g) of § 83.7.

The GHP received one obvious deficiency (OD) letter dated August 26, 1993, and a second technical assistance (TA) letter dated October 19, 1994. Both OD/TA letters addressed the issue of the undocumented parentage of William Sherman, the only ancestor through whom the petitioner claimed Golden Hill Paugussett ancestry. They also addressed the problem posed under criterion 83.7(e) of the claimed Indian descent of the present-day GHP membership through one person, William Sherman, rather than descent from a historical tribe. The GHP responded to both TA letters and on November 15, 1994, requested the petition be placed on active consideration. The GHP petition was not placed on active consideration, but on November 21, 1994, was added to the "ready" list of petitioners waiting to be placed on active consideration.

The Assistant Secretary concluded after the responses to the TA letters that there was little or no evidence that the GHP met criterion 83.7(e). Preliminary genealogical analysis by the BIA indicated that there was little or no evidence that the petitioner could establish descent from a historical tribe. Under 25 CFR 83.10(e), the Federal acknowledgment regulations call for

issuance of an expedited Proposed Finding by the Assistant Secretary when there is little or no evidence that the petitioner can meet criterion 83.7(e). Expedited findings may only be done after the petition is complete and before the petition has been placed on active consideration. In the regulations themselves, the time frame and the requirements for issuing an expedited Proposed Finding are clearly delineated:

(e) Prior to active consideration, the Assistant Secretary shall investigate any petitioner whose documented petition and response to the technical assistance review letter indicate that there is little or no evidence that establishes that the group can meet the mandatory criteria in paragraphs (e), (f) or (g) of § 83.7 (83.10(e)).

The standard under which the Proposed Finding is made is stated as follows:

83.10(e)(1) If this review finds that the evidence clearly establishes that the group does not meet the mandatory criteria in paragraphs (e), (f) or (g) of § 83.7, a full consideration of the documented petition under all seven of the mandatory criteria will not be undertaken pursuant to paragraph (a) of this section. Rather, the Assistant Secretary shall instead decline to acknowledge that the petitioner is an Indian tribe and publish a Proposed Finding to that effect in the Federal Register. The periods for receipt of comments on the Proposed Finding from petitioners, interested parties and informed parties, for consideration of comments received, and for publication of a final determination regarding the petitioner's status shall follow the timetables established in paragraphs (h) through (l) of this section (83.10(e)(1)).

The Proposed Finding was issued in accord with 83.10(e), which requires a conclusion that the petitioner clearly does not meet the requirements of criterion 83.7(e). To make a Proposed Finding under 83.10(e), the burden of proof is on the government to show that the petitioner clearly does not meet the criterion. The Proposed Finding demonstrated that the GHP clearly did not meet criterion 83.7(e), descent from a historical tribe, meeting the burden of proof required of the government for making a proposed finding under 83.10(e).

Once a Proposed Finding has been issued, however, the burden of proof shifts to the petitioner for rebuttal. The standard of proof which must be met in the petitioner's response to the Proposed Finding is a lesser one, the "reasonable likelihood of the validity of the facts" standard described in section 83.6, the same standard used for all acknowledgment determinations. If, in its response to the Proposed Finding, the petitioner can show that it meets the criterion under which the expedited

negative Proposed Finding was issued under the "reasonable likelihood of the validity of the facts" standard, then the BIA will undertake a review of the petition under all seven mandatory criteria before the Assistant Secretary issues the Final Determination. The petitioner's response to the Proposed Finding did not establish under the "reasonable likelihood of the validity of the facts" standard that the GHP met criterion 83.7(e). No new evidence was submitted or found which rebutted the conclusions of the Proposed Finding. Therefore, the GHP response did not trigger a BIA evaluation of the GHP petition under all seven mandatory criteria.

The Associate Solicitor has responded to the petitioners concerning legal issues raised by their attorney about the acknowledgment process as it operated in this matter and to inquiries from the state of Connecticut pertaining to post-comment period meetings between the petitioners and their attorney with him and with the Assistant Secretary—Indian Affairs.

This Final Determination is based upon a new analysis of all the information in the record. This includes the information available for the Proposed Finding, the information submitted by the petitioner in its response to the Proposed Finding, evidence and documentation submitted by interested and informed parties during the comment period, the petitioner's response to the third party comments, and new evidence and documentation collected by the BIA staff for evaluation purposes. None of the evidence submitted by the petitioner, submitted by interested parties, or located by the BIA during the acknowledgment process demonstrated that William Sherman was of Paugussett or other Indian ancestry.

The petitioner continued to claim ancestry from the historic Paugussett tribe through a single individual, William Sherman, a common ancestor of the entire present membership. Extensive research by the petitioner, third parties, and the BIA has failed to document, using acceptable genealogical methods, that William Sherman was Paugussett or Indian. The evidence submitted in the GHP Response focussed on William Sherman's ancestry. No document was submitted or located for the Final Determination that identified the parents of William Sherman. No document was submitted or found for the Final Determination that provided sufficient evidence acceptable to the Secretary that William Sherman was descended from a historical Indian tribe.

Considerable circumstantial evidence was submitted and located to indicate that William Sherman did not live in tribal relations during his lifetime (ca.1825–1886).

There was insufficient documentation to demonstrate who William Sherman's mother was, and thus his maternal lineage remains undocumented. William Sherman's paternal lineage is unknown. There was no evidence concerning who his father was, nor his earlier ancestors on his father's side. The petitioner did not claim that William Sherman was Indian, or Paugussett, through his father's family. It was not documented that he was the descendant of either Ruby Mansfield or of Nancy Sharpe, alias Pease, who were identified in historical records as Golden Hill Paugussett Indians and whom the petitioner claims were the ancestors of William Sherman.

By most accounts, William Sherman, the GHP ancestor, was born in New York in 1825. On Federal census records, his age varied somewhat. He apparently spent his youth as a sailor on whaling ships, and first appeared in records relating to Trumbull, Connecticut, in 1857. While documentation pertaining to William Sherman's ethnicity in Federal census records and state vital records was inconsistent, he was not identified as Indian until 1870 or later, nor were his children identified as Indian in records predating the 1870 Federal census. The documents do not indicate that he interacted with known Paugussett descendants who lived elsewhere in Connecticut during the 19th century. Most accounts of his supposed Paugussett ancestry have depended upon internally inconsistent descriptions provided in books published by two local historians, D. Hamilton Hurd in 1881 and Samuel Orcutt in 1886.

For purposes of this determination, evidence has also been examined to determine if the group's membership otherwise meets the requirements of criterion 83.7(e) of descent from a historic tribe. The present-day membership of the GHP descends from two of William Sherman's nine children. Neither William Sherman nor his children married Paugussett Indians or other Indians; therefore, the membership does not have Indian ancestry through any other possible Indian ancestors.

A substantial body of documentation was available about the petitioning entity and its ancestors. None of the documentation demonstrated descent from the historic Paugussett tribe or from any other tribe for the GHP. The

available documentation did not demonstrate any American Indian descent, regardless of tribal affiliation. Even if Paugussett or other Indian ancestry could be determined for William Sherman, descent through one person with Indian ancestry does not meet the requirements of criterion 83.7(e) for tribal descent.

The Golden Hill Paugussett Tribe has not demonstrated that its membership is descended from a historic tribe, or tribes that combined and functioned as a single autonomous political entity. Therefore, the Golden Hill Paugussett Tribe does not meet criterion 83.7(c).

This determination is final and will become effective 90 days from the date of publication, unless a request for reconsideration is filed pursuant to § 83.11. The petitioner or any interested party may file a request for reconsideration of this determination with the Interior Board of Appeals (§ 83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after publication of the Assistant Secretary's determination in the Federal Register (§ 83.11(a)(2)).

Dated: September 16, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-24688 Filed 9-25-96; 8:45 am]

BILLING CODE 4310-02-P

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-819943

Applicant: Jack Sites, Brigham Young University, Provo, UT.

The applicant request a permit to import and re-export tartaruga (*Podocnemis expansa*) liver tissue samples collected by the Centro Nacional dos Quelonios da Amazonia, Brazil) for scientific research.

PRT-819813

Applicant: Gary Dean Willis, Mesa, AZ.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa.

for the purpose of enhancement of the survival of the species.

PRT-819755

Applicant: Michael Kiedrowski, Phoenix, AZ.

The applicant requests a permit to acquire through interstate commerce one male and one female San Esteban Island chuckwalla (*Sauromalus varius*) for enhancement of the species through captive propagation.

PRT-817945

Applicant: Zoological Society of San Diego, San Diego, CA.

The applicant request a permit to export one female Pygmy chimpanzee (*Pan paniscus*) born in captivity from Zoological Society of San Diego to Apenheul Primate Park, The Netherlands, for enhancement of the species through captive propagation.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: September 20, 1996.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96-24633 Filed 9-25-96; 8:45 am]

BILLING CODE 4310-55-P

Emergency Exemption: Issuance

On September 13, 1996, the U.S. Fish and Wildlife Service (Service) issued a permit (PRT-819183) to Denver Zoological Gardens, City Park, Denver, to import a captive born black rhinoceros (*Diceros bicornis*) from the Tennoji Zoological Garden, Osaka, Japan. The 30-day public comment period required by section 10(c) of the Endangered Species Act was waived. The Service determined that an emergency affecting the survival of the rhino existed and that no reasonable alternative was available to the

applicant. Due to limited space, the juvenile rhino was at risk of potentially fatal injury from attacks by the adult rhinos brought on by the recent birth of another offspring.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: September 20, 1996.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96-24634 Filed 9-25-96; 8:45 am]

BILLING CODE 4310-55-P

Notice of Decision and Availability of Decision Documents on the Issuance of Permits for Incidental Take of Threatened and Endangered Species

AGENCY: Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: This notice advises the public that a decision has been made, incidental take permits have been issued, and decision documents are available, upon request, for 11 applications for permits to incidentally take threatened and endangered species, pursuant to the Endangered Species Act of 1973, as amended. Take would occur incidental to otherwise lawful land use activities (planned urban growth and associated infrastructure) within the planning area of the Natural Community Conservation Plan/Habitat Conservation Plan for the Central and Coastal Subregion of Orange County, California. ADDRESSES: Individuals wishing copies of the Record of Decision, Biological/Conference Opinion, or Findings and Recommendations should contact the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Mr. Gail Kobetich, Field Supervisor, at the