

to govern the application and selection process for tribes/consortia to begin their participation in the tribal self-governance program in fiscal year 1998 and calendar year 1998. Applicants should be guided by the requirements in 25 CFR Parts 1001.1 to 1001.5 in preparing their applications. Copies of the interim rules published in the Federal Register on February 15, 1995, may be obtained from the information contact person identified in this notice.

Tribes/consortia wishing to be considered for participation in the tribal self-governance program in fiscal year 1998 or calendar year 1998 must respond to this notice, except for those which are (1) currently involved with negotiations with the Department; (2) one of the 62 tribal entities with signed agreements; or (3) one of the tribal entities already included in the applicant pool as of the date of this notice.

The Director's decision on the actual number of tribes that will enter negotiations will be made at a later date. Tribes already in the applicant pool will retain their existing ranking with tribes entering the applicant pool under these rules receiving a lower ranking. Being in the applicant pool will not guarantee that a tribe will actually be provided the opportunity to negotiate in any given year. However, it does mean that a tribe will not be passed over by a tribe with a lower ranking in the applicant pool or by a tribe not in the applicant pool, with the exception of a tribe already in the negotiation process.

For example, if the Department determines that five tribes will be afforded the opportunity to negotiate self-governance agreements for fiscal year 1998 and calendar year 1998, the five tribes with the highest rankings would be notified and negotiations would be scheduled. The tribe ranked sixth on the list would then have the highest ranking to negotiate a self-governance agreement for 1999 or might enter negotiations for 1998 if one of the first five tribes discontinued negotiations. In such a case, the tribe that discontinued negotiations would remain in the application pool with its original ranking and would be the first to be selected in 1998 for negotiating agreements commencing in 1999.

Dated: January 6, 1997.

William A. Sinclair,  
Director, Office of Self-Governance.  
[FR Doc. 97-561 Filed 1-9-97; 8:45 am]  
BILLING CODE 4310-02-M

## 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.*):

*Applicant:* Harold L. Ahlberg, Irving, TX, PRT-823758.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) from Namibia for the purpose of enhancement of the survival of the species.

*Applicant:* Patricia L. Zerbin, Williston, FL, PRT-823609.

The applicant requests a permit to reexport one Asian elephant (*Elephas maximus*) born in captivity to accompany applicant to Circus Krone, Munchen, Germany for the purpose of enhancement of the survival of the species. The elephant is not being exported for exhibition purposes.

*Applicant:* McCarthy's Wildlife Center, Inc., West Palm Beach, FL, PRT-822008.

The applicant has requested a permit to import two male and two female captive-born cheetah (*Acinonyx jubatus*), from the De Wildt Cheetah Centre, South Africa, for the purpose of enhancement of the species through captive propagation and education.

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.

The public is invited to comment on the following application(s) for permits to conduct certain activities with marine mammals. The application(s) was/were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

*Applicant:* Sea World, Inc., Orlando, FL, PRT-823561.

*Type of Permit:* Import for public display.

*Name and Number of Animals:* Polar Bear (*Ursus maritimus*), 1.

*Summary of Activity to be Authorized:* The applicant has requested a permit to import to Sea World of California for the purpose of public display one male captive-born polar bear for the purposes of public display.

*Source of Marine Mammals for Public Display:* Hagenbeck Zoo, Germany.

*Period of Activity:* Up to five years from issuance of a permit, if issued.

*Applicant:* Sea World, Inc., Orlando, FL, PRT-823560.

*Type of Permit:* Import for public display.

*Name and Number of Animals:* Polar Bear (*Ursus maritimus*), 1.

*Summary of Activity to be Authorized:* The applicant has requested a permit to import to Sea World of California one female captive-born polar bear for the purposes of public display.

*Source of Marine Mammals for Public Display:* Wuppertal Zoo, Germany.

*Period of Activity:* Up to five years from issuance of permit, if issued.

Concurrent with the publication of this notice in the Federal Register, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

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 within 30 days of the date of publication of this notice at the above address.

Dated: January 7, 1997.

Mary Ellen Amtower,  
Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 97-652 Filed 1-9-97; 8:45 am]

BILLING CODE 4310-55-P

## Bureau of Indian Affairs

### Distribution of Fiscal Year 1997 Contract Support Funds

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

**ACTION:** Notice of method for distribution and use of Fiscal Year (FY) 1997 contract support funds (CSF).

**SUMMARY:** The purpose of this Announcement is to issue the Bureau of

Indian Affairs (BIA) administrative instructions for the implementation of Public Law (Pub. L.) 93-638 as amended by Pub. L. 103-413, the Indian Self-Determination Act Amendments of 1994 (the Act). These administrative instructions are designed to provide BIA personnel with assistance in carrying out their responsibilities when distributing CSF. These instructions are not regulations establishing program requirements.

**DATES:** The CSF Needs Report for ongoing/existing contracts and annual funding agreements are due on July 15, 1997. The CSF Needs Reports for new and expanded contracts and annual funding agreements are due periodically throughout the year as the need arises. All new and expanded contracts and annual funding agreements starting between October 1, 1996, and January 1, 1997, will be considered to have a January 1, 1997, start date.

**ADDRESSES:** Bureau of Indian Affairs, Division of Self-Determination Services, 1849 C Street, N.W., MS-4603-MIB, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Jim Thomas, Chief, Division of Self-Determination Services, (202) 208-5727.

**SUPPLEMENTARY INFORMATION:** A total of \$95,829,000 is available for contract support requirements (excluding construction requirements) during FY 1997. Congressional language sets a ceiling on the amount of CSF available in FY 1997. Of this amount \$90,829,000 is available for contract support requirements associated with FY 1997 costs of ongoing self-determination and self-governance awards for programs under contract prior to FY 1997. The balance of \$5,000,000 is provided to continue the Indian Self-Determination (ISD) Fund to provide contract support for new and expanded contracts and annual funding agreements first entered into in FY 1997. Each BIA Area Office and the Office of Self-Governance (hereinafter office) has the responsibility for tribes located within their respective area to work with the tribes in identifying new and expanded contracts and annual funding agreements and reporting this information to the Division of Self-Determination Services as specified in this announcement. CSF shall be added to awards made under Sec. 102 and Title IV of the Indian Self-Determination and Education Assistance Act, as amended. Awards made under the authority of Sec. 103 of this Act shall not receive CSF to meet indirect costs, as contract support provisions do not apply to Sec. 103 grants.

#### Basis for Payment of CSF

BIA will utilize tribal indirect cost rates to determine the amount of CSF to be paid to eligible contracting tribes and tribal organizations and eligible self-governance tribes and tribal consortia. In determining legitimate indirect cost requirements each area and self-governance director should fund only those contracting or compacting tribal organizations that have an approved indirect cost rate for either FY 1995, 1996 or 1997 or indirect cost proposal currently under consideration by the Office of Inspector General. In those instances where a tribe or tribal organization has more than one approved rate or a current proposal under consideration by the Office of the Inspector General, the director should use the most current rate or pending proposal in determining the amount to award. For those tribes who are unable for good cause to negotiate an indirect cost rate, area contract officers may negotiate reasonable lump sum amounts with these tribes.

#### Ongoing/Existing Contracts/Annual Funding Agreements—Method of Distribution

Each area office will submit CSF need reports to the Central Office for ongoing contracts and annual funding agreements by July 15, 1997. A final distribution of contract support will be made on or about July 31, 1997. CSF will be provided to each office from the remaining available \$90,829,000 based on these reports. If these reports indicate that \$90,829,000 will not be sufficient to cover the entire need, this amount will be distributed pro rata, so that all contractors and compactors receive the same percentage of their reported need.

Should the amount provided for these existing contracts and annual funding agreements prove insufficient, a tribe or group of tribes may wish to reprogram funds to make up deficiencies necessary to recover full indirect costs. This tribal reprogramming authority is limited to funds for programs located in the Tribal Priority Allocation (TPA) portion of the tribal budget. Congressional language does not provide authority for the Bureau to reprogram funds from other Bureau programs to meet any CSF shortfalls.

For programs other than TPA, tribes are not constrained from recovering full indirect costs from within the overall program and contract support funds awarded for each program.

Each office will be suballotted 75 percent of the total amount which was provided in FY 1996, as soon as

possible. Accordingly, each office should then award 75 percent of required contract support to each contract/compact meeting the criteria established below.

All contractors and self-governance tribes/consortia with either a FY 1995, 1996, or 1997 approved indirect cost rate, current indirect cost proposal, or FY 1997 approved lump sum amount are eligible for 75 percent of the appropriate total amount to be paid with the first allotment of CSF in FY 1997. After the second allotment of CSF is made (approximately July 31, 1997) all contractors and self-governance tribes/consortia should again receive their pro rata share of CSF, based on the amount provided at that time.

An ongoing/existing contract or annual funding agreement is defined as a BIA program operated by the tribal contractor on an ongoing basis which has been entered into prior to the current fiscal year. An increase or decrease in the level of funding from year to year for such contracts or annual funding agreements would not affect the designation of such contracts or annual funding agreements as being ongoing. An assumption of additional BIA program responsibilities would be required to trigger a change in designation.

#### Method of Distribution for New and Expanded Contracts/Annual Funding Agreements

Each office will submit CSF need reports to the Central Office for new and expanded contracts and annual funding agreements periodically throughout the year as new contracts or annual funding agreements are awarded or existing contracts or annual funding agreements are expanded. Funds will be provided to the offices as these reports are received and will be taken from the \$5,000,000 ISD Fund. These funds will be distributed on a first-come-first-serve basis at 100 percent of need using the office reports.

In the event the \$5,000,000 is depleted, new or expanded contracts or annual funding agreements awarded after this fund has been exhausted will not be provided any CSF during this fiscal year. Requests received after this fund has been exhausted will be considered first for funding in the following year, from funds appropriated for this purpose. It should be noted that there were a number of FY 1996 new and expanded contracts and annual funding agreements which were not funded during FY 1996, and, in line with the process outlined herein, they will be given priority for funding over

FY 1997 new and expanded contracts and annual funding agreements.

#### Priority of Funding for New and Expanded Contracts/Annual Funding Agreements

Contract support will be awarded from the ISD fund to all new and expanded contracts/annual funding agreements based on the start date of the award, and the application date, on a first-come-first-serve basis. An Indian Self-Determination Fund "applicant roster" shall be maintained, which shall list, in order of priority, the name of the tribe or tribal organization, the name of the program, the start date, the application date, the amount of program funds, the program cost code(s), the amount of contract support funds required, and the date of approved Indirect Cost Rate agreement or lump sum agreement.

"Start date" means the date or commencement of operation of the new or expanded portion of the contract or annual funding agreement by the tribe/consortium or tribal organization. However, because the Self-Determination Act provides that contracts/annual funding agreements will be on a calendar year basis unless otherwise provided by the tribe, any start date on or prior to January 1 of each year shall be considered a January 1 start date.

"Application date" shall be the date of the request by the tribe which includes: (1) a tribal resolution requesting a contract or annual funding agreement; (2) a summary of the program or portion thereof to be operated by the Tribe/consortium or Tribal organization; and (3) a summary identifying the source and amount of program or services funds to be contracted or included in an annual funding agreement and contract support requirements. In the event that two tribes or tribal organizations have the same start date and application date, then the next date for determination of priority shall be the date the fully complete application was received by the BIA.

If all of the above are equal, and if funds remaining in the ISD fund are not adequate to fill the entire amount of each award's contract support requirement, then each will be awarded a proportionate share of its requirement and shall remain on the Indian Self-Determination Fund Roster in appropriate order of priority for future distributions.

New contract/annual funding agreement is defined as the initial transfer of a program, previously

operated by the BIA to the tribe/consortium or tribal organization.

An expanded contract/annual funding agreement is defined as a contract/annual funding agreement which has become enlarged, during the current fiscal year through the assumption of additional programs previously operated by the BIA.

#### Criteria for Determining CSF Need for New and Expanded Contracts/Annual Funding Agreements

CSF for new and expanded contracts/annual funding agreements will be determined using the following criteria:

1. All contracts/annual funding agreements initially entered into in FY 1997 that transfer the operation of a program that was operated by the BIA in the previous fiscal year to the tribe. (TPA programs started or expanded in FY 1997 that are a result of a change in priorities from other already contracted programs are not considered new or expanded.)

2. All expansions of existing contracts/annual funding agreements that call for the tribe to assume more or additional programs previously operated by the BIA.

3. New and expanded program assumptions under Self-Governance annual funding agreements.

#### Criteria for Determining CSF Need for Ongoing/Existing Contracts/Annual Funding Agreements

CSF for ongoing and existing contracts/annual funding agreements will be determined using the following criteria:

1. All TPA contracted programs or those programs included in annual funding agreements in FY 1996 and continued in FY 1997, including contracted or annual funding agreement programs moved to TPA in FY 1997, such as New Tribes, HIP, and Road Maintenance.

2. Direct program funding increases due to inflation adjustments and general budget increases.

3. TPA programs started or expanded in FY 1997 that are a result of a change in priorities from other already contracted/annual funding agreement programs.

4. CSF differentials associated with tribally-operated schools that receive indirect costs through the application of the administrative cost grant formula. These differentials are to be calculated in accordance with the criteria prescribed in the Choctaw decision dated September 18, 1992, issued by the Contracting Officer, Eastern Area Office. Copies of this decision can be obtained by calling the telephone number

provided in this announcement. Tribes that received differential funding under this category in FY 1996 are eligible to receive funding from this account in FY 1997. Tribes that did not receive differential funding under this category in FY 1996 are eligible for funding from the ISD fund.

5. CSF will be distributed to the Office of Self-Governance for ongoing annual funding agreements, on the same basis as area offices. All additional CSF requirements will be met from the ISD fund in accordance with the criteria established above.

6. Funds available for Indian Child Welfare Act (ICWA) programs or reprogrammed from ICWA to other programs will be considered ongoing for the purposes of payment of contract support costs.

7. The use of CSF to pay prior year shortfalls is not authorized.

8. Programs funded from sources other than those listed above that were contracted in FY 1996 and are to be contracted in FY 1997 are considered as ongoing.

Dated: December 31, 1996.

Elizabeth L. Homer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-573 Filed 1-9-97; 8:45 am]

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#### Receipt of Petition for Reassumption of Jurisdiction From the Chevak Traditional Council of Chevak, Alaska

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

**ACTION:** Notice.

**SUMMARY:** This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 (Pub. L. 95-608) provide, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

In accordance with 25 CFR Part 13, this is notice that a petition has been received by the Secretary from the Chevak Traditional Council of Chevak, Alaska, for the tribal reassumption of jurisdiction over Indian child custody proceedings in the State of Alaska. The petition is under review and may be inspected or copied at the Bureau of Indian Affairs, Office of Tribal Services, 1849 C St., NW., room 4603 MIB, Washington, DC 20240.