

Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-051539-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

### Applicants

Steven and Susan Bearry plan to construct a single-family residence, within 5 years, on approximately 0.5 acre of the 22.849-acre Tract 23 in the Cottleown Ranches Subdivision, Bastrop County, Texas. This action will eliminate 0.5 acre or less of Houston toad habitat and result in indirect impacts within the lot. The Applicants propose to compensate for this incidental take of the Houston toad by providing \$3,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and

management within Houston toad habitat.

**Stuart Leon,**

*Acting Regional Director, Region 2.*

[FR Doc. 02-2198 Filed 2-1-02; 8:45 am]

**BILLING CODE 4510-55-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Notice of Fund Availability (NOFA)

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

**ACTION:** Notice of fund availability—tribal courts and Courts of Indian Offenses.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is announcing that \$1.5 million is available for funding to tribal courts (including CFR courts) that assume responsibility of adjudicating matters under 25 CFR part 115. Under part 115, tribal courts are responsible for appointing guardians, determining competency, awarding child support from Indian Individual Money (IIM) accounts, determining paternity, sanctioning adoptions, marriages, and divorces, making presumptions of death, and adjudicating claims involving trust assets. Funds will be awarded under the discretionary authority of section 103 of Public Law 93-638.

**DATES:** Applications are due by March 6, 2002.

**ADDRESSES:** Send applications to Ralph Gonzales, Bureau of Indian Affairs, Office of Tribal Services, Branch of Judicial Services, MS Room 4660-MIB, 1849 C Street, NW, Washington, DC 20240; Fax No. (202) 208-5113.

**FOR FURTHER INFORMATION CONTACT:** Ralph Gonzales, (202) 208-4401.

**SUPPLEMENTARY INFORMATION:** The authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 9, 25 U.S.C. 13, which authorizes appropriations for "Indian judges" (See *Tillett v. Hodel*, 730 F.Supp. 381 (W.D. Okla. 1990), *aff'd* 931 F.2d 636 (10th Cir. 1991) *United States v. Clapox*, 13 Sawy. 349, 35 F. 575 (D.Ore. 1888)), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

There are approximately 225 tribes that contract or compact with the Bureau of Indian Affairs to perform the Secretary's adjudicatory function and 23 Courts of Indian Offenses (also known as CFR courts). It is expected that 45 tribal entities will choose to assume this

responsibility. The \$1.5 million is earmarked to assist tribal courts to perform the increased responsibilities required by 25 CFR part 115. These funds will be distributed on the following formula:

Number of cases times "X".

"X" equals \$1.5 million divided by the Total of Cases that will be disposed of reported by Qualified Applicants.

*Formula Example:* The most recent data available shows there is a total universe of 33,217 Indian minor cases, and 1,667 non-compos mentis cases in the IIM system. The Office of Tribal Services, Division of Social Services, estimates that about 25 percent of these cases will require adjudication by a court of competent jurisdiction.

*Example:* If it is expected there will be approximately 8,721 cases which require adjudication during FY 2002, applying the formula \$172 per case is the result (\$1.5 million divided by 8,721 = \$172). If, for example, your court is expected to handle 35 cases in FY 2002, it is eligible to receive \$6,020 (\$172 × 35 = \$6,020). This example assumes that all cases requiring adjudication will be disposed of. For FY 2002, only cases that a tribal court will "dispose of" will be considered in the case count for funding purposes.

### Program Description

Qualified tribal applicants that assume responsibility over Supervised IIM Accounts under 25 CFR part 115 are eligible to receive funding under this NOFA. Applicants will consider the following sections of part 115 when responding to this NOFA:

115.001, 115.002, 115.100, 115.102, 115.104, 115.107, 115.400, 115.401, 115.413, 115.420, 115.421, 115.425, 115.430, 115.600, 115.601, 115.605, 115.701.

**Note:** An electronic copy of this document may be downloaded from the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg>.

Tribes seeking to apply will be responsible for (1) having codes or ordinances in place, and (2) appointing guardians, determining competency, awarding child support from Indian Individual Money (IIM) accounts, determining paternity, sanctioning adoptions, marriages, and divorces, making presumptions of death, and adjudicating claims involving trust assets as prescribed in the sections cited above. Funds provided under this NOFA are specifically made available to tribal courts that assume additional responsibility under 25 CFR part 115 to adjudicate Supervised IIM Accounts

and are not intended to be used as general operating funds for a judiciary.

#### Definitions

*Qualified Applicant.* A qualified applicant is a tribal government submitting an application for funding for a tribal court meeting the following threshold requirements:

(1) The tribal government has enacted the codes necessary for the tribal justice system to carry out its responsibility under 25 CFR part 115.

(2) The tribal court has adopted and made accessible the court rules setting forth the procedures to adjudicate these cases.

(3) Tribal court personnel have been trained to process these cases and the court is staffed to fulfill the tribal legislative mandate.

(4) The tribal justice system is one that serves as the judicial component of a tribal government which is federally recognized by the United States Government.

*Case Disposed Of.* A case in which a final decision is rendered by the court even though the court may retain jurisdiction to subsequently review the matter on submission of additional relevant facts by an interested party.

*Tribal Courts.* As used in this NOFA, reference to tribal courts includes Courts of Indian Offenses (CFR courts), established by the Department of the Interior under Title 25 part 11 (2001 edition) of the Code of Federal Regulations.

*Application Process:* (1) The tribal government will provide a certification as a response to Item #11 in SF-424 that the threshold requirements are met. (See form attached.)

(2) An SF-424 will be submitted with the number of Supervised IIM Accounts that will be *disposed of* during FY 2002 in Item #11.

(3) Funds will be awarded under the discretionary authority of section 103 of Public Law 93-638 (25 U.S.C. 450h).

#### Application Form

Applications must be submitted on the form entitled "Application For Federal Assistance," identified with the Office of Management and Budget (OMB) Approval No. 0348-0043 (Standard Form 424, Rev. 7-97). The form is attached to this notice. The form may also be downloaded from the Internet at <http://www.gsa.gov>.

#### Deadline

Mail applications to Ralph Gonzales, Bureau of Indian Affairs, Office of Tribal

Services, Branch of Judicial Services, MS Room 4660-MIB, 1849 C Street, NW, Washington, DC 20240; or fax to (202) 208-5113.

Applications are due 30 calendar days after the publication date of this NOFA and must be postmarked by midnight on the deadline date. Applications will be considered as meeting the deadline if they are received on or before the deadline date; or, sent on or before the deadline date. Applicants may hand deliver applications to the address indicated above by close-of-business (5 p.m. EST) on the deadline date. Applications will be accepted by facsimile until the close-of-business (5 p.m. EST) on the deadline date, provided the original application is postmarked by midnight the day after the due date. No applications can be transmitted by e-mail (electronic mail). Applicants are responsible for ensuring proper delivery of the application and are encouraged to contact Ralph Gonzales at (202) 208-4401 to confirm its receipt.

Dated: January 22, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

**BILLING CODE 4310-4J-P**

**APPLICATION FOR  
FEDERAL ASSISTANCE**

<b>1. TYPE OF SUBMISSION:</b> Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b>		Applicant Identifier
		<b>3. DATE RECEIVED BY STATE</b>		State Application Identifier
Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>		Federal Identifier
<b>5. APPLICANT INFORMATION</b>				
Legal Name:			Organizational Unit:	
Address (give city, county, State, and zip code):			Name and telephone number of person to be contacted on matters involving this application (give area code)	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> [ ][ ] - [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]			<b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <input type="checkbox"/>	
<b>8. TYPE OF APPLICATION:</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es)    [ ]    [ ] A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other(specify): _____			A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> [ ][ ] - [ ][ ][ ][ ] TITLE: _____			<b>9. NAME OF FEDERAL AGENCY:</b> _____	
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> _____			<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> _____	
<b>13. PROPOSED PROJECT</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>		
Start Date	Ending Date	a. Applicant		b. Project
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>		
a. Federal	\$	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:		
b. Applicant	\$	DATE _____		
c. State	\$	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372		
d. Local	\$	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
e. Other	\$	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>		
f. Program Income	\$	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No		
g. TOTAL	\$			
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>				
a. Type Name of Authorized Representative		b. Title		c. Telephone Number
d. Signature of Authorized Representative				e. Date Signed

## INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.  
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry:  | Item: | Entry:   |
|-------|---|-------|--|
| 1.    | Self-explanatory.   | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).   | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).   | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.   | 15.   | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.    | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.  | 16.   | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.   | 17.   | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.    | Enter the appropriate letter in the space provided.   | 18.   | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.    | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br><br>-- "New" means a new assistance award.<br><br>-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br><br>-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |       |  |
| 9.    | Name of Federal agency from which assistance is being requested with this application.  |       |  |
| 10.   | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.   |       |  |
| 11.   | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.   |       |  |

[FR Doc. 02-2592 Filed 2-1-02; 8:45 am]

BILLING CODE 4310-4J-C

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before March 21, 2002. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740-6001. Requests also may be transmitted by FAX to 301-713-6852 or by e-mail to [records.mgt@nara.gov](mailto:records.mgt@nara.gov). Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

### FOR FURTHER INFORMATION CONTACT:

Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: (301) 713-7110. E-mail: [records.mgt@nara.gov](mailto:records.mgt@nara.gov).

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

### Schedules Pending

1. Department of Agriculture, Food and Nutrition Service (N1-462-01-3, 1 item, 1 temporary item). Investigative case files pertaining to allegations of wrong doing involving the Food Stamp program. Records pertain to cases closed in fiscal year 1986 that did not attract media or congressional attention or result in substantive changes in agency policies and procedures.

2. Department of the Army, Agency-wide (N1-AU-00-31, 90 items, 90 temporary items). Short term records relating to military and civilian personnel management. Included are records relating to such matters as personnel procurement, the selection and classification of personnel, personnel processing, assignments, details, education, personnel evaluations, personnel absences, separations, and decorations, awards, and other honors. Also included are electronic copies of documents created using electronic mail and word processing. This schedule allows the agency to expedite disposal of these records, which were previously approved for disposal. It also authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

3. Department of the Army, Agency-wide (N1-AU-00-43, 20 items, 20 temporary items). Short term records relating to such matters as audit reporting, stock inventory reconciliations, installation property, and hospital linen inventories. Also included are electronic copies of documents created using electronic mail and word processing. This schedule allows the agency to expedite disposal of these records, which were previously approved for disposal. It also authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

4. Department of the Army, Agency-wide (N1-AU-01-09, 5 items, 5 temporary items). Short term records relating to safety liaison and awareness, target practice safety, system development management, and engineering safety. Also included are electronic copies of documents created using electronic mail and word processing. This schedule allows the agency to expedite disposal of these records, which were previously approved for disposal. It also authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

5. Department of the Army, Agency-wide (N1-AU-01-11, 28 items, 28 temporary items). Short term records