

available habitat for food, shelter, and reproduction.

The EA considers the environmental consequences of several alternatives for each project. One action proposed for each project is the issuance of the ITP based upon submittal of the HCP as proposed. This alternative provides for restrictions that include placing no habitable structures seaward of the designated ABM critical habitat, establishment of walkover structures across designated critical habitat, a prohibition against housing or keeping pet cats, ABM competitor control and monitoring measures, scavenger-proof garbage containers, creation of educational and information brochures on ABM conservation, and the minimization and control of outdoor lighting. Further, the HCP proposes to provide an endowment to acquire ABM habitat off-site or otherwise perform some other conservation measure for the ABM. The HCPs provide funding sources for these mitigation measures. Another alternative is consideration of different project designs that further minimize permanent loss of ABM habitat. A third alternative is no-action, or the request for authorization to incidentally take the ABM.

As stated above, the Service has made a preliminary determination that the issuance of this ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA and will result in the FONSI. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicants have ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITPs are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITPs are contingent upon the Applicants' compliance with the terms of their permits and all other laws and regulations under the control of State,

local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of either Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue either ITP.

Dated: September 10, 1996.

Jerome M. Butler,

*Acting Regional Director.*

[FR Doc. 96-23849 Filed 9-17-96; 8:45 am]

BILLING CODE 4310-55-P

## Bureau of Indian Affairs

### Cow Creek Band of Umpqua Tribe of Indians Liquor Code

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

**ACTION:** Notice.

**SUMMARY:** This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. § 1161. I certify that by Resolution No. 96-11, the Cow Creek Band of Umpqua Tribe of Indians Liquor Ordinance was duly adopted by the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians on May 8, 1996. The Ordinance provides for the regulation of the sale, possession and consumption of liquor on the Cow Creek Band of Umpqua Indian Reservation and is in conformity with the laws of the State of Oregon.

**DATES:** This Ordinance is effective as of September 18, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Bettie Rushing, Division of Tribal Government Services, 1849 C Street N.W., MS 4603-MIB, Washington, D.C. 20240-4001; telephone (202) 208-3463.

**SUPPLEMENTARY INFORMATION:** The Cow Creek Band of Umpqua Tribe of Indians Liquor Ordinance is to read as follows:

Law and Order Code of the Cow Creek Band of Umpqua Tribe of Indians

Title 12—Liquor Code

12-10 Authorization and Definitions

12-10-010 Authorization and Repeal of Inconsistent Legislation

The Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") is organized under the Indian Reorganization Act of June 18, 1934 (48

Stat. 984) and the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (Pub. L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgement Funds Act of October 26, 1987 (Pub. L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally-supervised constitutional ballot, on July 8, 1991 (the "Tribal Constitution").

Pursuant to Article III, Section 1 of the Tribal Constitution, the Cow Creek Tribal Board of Directors (the "Board") is the governing body of the Tribe. Pursuant to Article VII, Section I (d) of the Tribal Constitution, the Board has the authority to "administer the affairs and assets of the Tribe \* \* \*" Pursuant to Article VII, Section I (i) of the Tribal Constitution, the Board has the power to "enact ordinances and laws governing the conduct of all persons or tribally-owned land; to maintain order and protect the safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations \* \* \*" Pursuant to Article VII, Section I (t) of the Tribe's Constitution, the Board has "such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe."

This Title 12 of the Law and Order Code of the Cow Creek Band of Umpqua Tribe of Indians is established for the purpose of strengthening Tribal self-government and providing for the protection of the members and property of the Tribe. Adoption hereof is an exercise of the inherent sovereignty of the Tribe, and is undertaken by the Tribal Board of Directors pursuant to its constitutional authority to do so. Any prior Tribal law which is inconsistent with the purpose and procedures established by this Title 12 are hereby repealed to the extent of any such inconsistency.

The Tribe has decided to open all lands within its jurisdiction to the possession, consumption, and sale of Liquor by enacting this Title 12 ("Title 12") to the Tribal Law and Order Code. This Title 12 is adopted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161) and shall serve as the "liquor ordinance" referenced therein.

This Title 12 shall govern all Liquor Sales and distribution on the Reservation and will increase the ability of the Tribe to control Reservation Liquor distribution and possession.

Tribal regulation of the Sale, possession, and consumption of Liquor on the Reservation is necessary to protect the health, security, and general welfare of the Tribe, and to address Tribal concerns relating to alcohol use on the Reservation. In order to further these goals, the Tribe has adopted this Title 12, which shall be liberally construed to fulfill the purposes for which it has been adopted.

## 12-20 Definitions

### 12-20-010 Definitions of Words

As used in this Title 12, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) *Alcohol* means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

(b) *Alcoholic Beverage* is synonymous with the term "Liquor" as defined at section 12-20-010(d) hereof.

(c) *Beer* means any beverage obtained by the fermentation or infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in water and which contains not more than four percent of Alcohol by volume.

(d) *Liquor* includes the four varieties of Liquor herein defined (Alcohol, Spirits, Wine, and Malt Liquor), and all fermented, spirituous, vinous, or Malt Liquor or combinations thereof, and mixed Liquor, a part of which is fermented, spirituous, vinous, or Malt Liquor, or otherwise intoxicating. Every liquid or solid or semisolid or other substance, patented or not, containing Alcohol, Spirits, Wine or Malt Liquor, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, containing more than one percent of Alcohol by weight shall be conclusively deemed to be intoxicating.

(e) *Malt Liquor* means Beer, Strong Beer, ale, stout, and porter.

(f) *Package* means any container or receptacle used for holding Liquor.

(g) *Reservation* means all lands of the Tribe and any lands which may in the future come within the jurisdiction of the Tribe by any lawful means.

(h) *Sale* and *Sell* mean exchange, barter, and traffic; and also include the Selling or supplying or distributing, by any means whatsoever, of Liquor, or of any liquid known or described as "beer" or by any name whatsoever commonly

used to describe "malt liquor" or "liquor" or "wine" by any person to any person.

(i) *Spirits* means any beverage which contains Alcohol obtained by distillation, including Wines exceeding seventeen percent of Alcohol by weight.

(j) *Strong Beer* means any beverage obtained by the Alcoholic fermentation or infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in water, including ale, stout, and porter, containing more than four percent of Alcohol by weight.

(k) *Title 12* means this Liquor Code, which shall serve the Tribe as the liquor ordinance referenced at 18 U.S.C. § 1161.

(l) *Tribe* means, and "Tribal" refers to, the Cow Creek Band of Umpqua Tribe of Indians.

(m) *Wine* means any Alcoholic Beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during, or after fermentation, and containing not more than seventeen percent of Alcohol by weight, including sweet Wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of Alcohol by weight.

## 12-30 Sales, Distribution, Possession, Consumption

### 12-30-010 Authorization

The Tribe, its members and other persons including, but not limited to, corporations, partnerships, associations and natural persons are hereby authorized to introduce, Sell, distribute, warehouse, possess and consume Alcoholic Beverages within the Reservation, in accordance with the laws of the State of Oregon (including the Liquor licensing provisions thereof) and this Title 12; provided, however, that the right of any person to introduce, Sell, distribute, warehouse, possess and consume Alcoholic Beverages within the Reservation may be rescinded temporarily or permanently by the Board, by resolution approved by at least eight (8) members of the Board, after notice and a hearing as directed by the Board and a formal finding that the continued introduction, Sale, distribution, warehousing, possession or consumption Alcoholic Beverages within the Reservation by such person is contrary to the best interests or general welfare of the Tribe or Tribal members.

## 12-40 Penalties

### 12-40-010 General

Notwithstanding any other provision of this Title 12, no penalty (i) may be imposed pursuant or related to this Title 12 in contravention or in excess of any limitation imposed by the Indian Civil Rights Act of 1968, 82 Stat. 77, 25 U.S.C.A. § 1301 et seq. ("ICRA") or other applicable law, and (ii) may be imposed without proper notice and a hearing in accordance with applicable law. Any person who violates any part of Section 12-40 of this title 12 may be subject to a civil penalty for a civil infraction in addition to any penalty imposed under applicable Oregon law. Such civil penalty shall not exceed the sum of \$1,000 for each such infraction.

### 12-40-020 Illegal Transportation, Still, or Sale Without Permit

No person shall, within the Reservation, Sell or offer for Sale or transport in any manner any Liquor within the boundaries of the Reservation in violation of this Title 12, or operate or have in his possession any Spirit distillation device or any substance meant or specifically concocted to be distilled into Liquor (not including devices or mash related to the home manufacture of Beer, Strong Beer, or Wine solely for the purpose of personal consumption and not for Sale) except as authorized by this Title 12.

### 12-40-030 Illegal Purchase of Liquor

No person shall buy Liquor within the boundaries of the Reservation other than from an individual or entity properly licensed pursuant to this Title 12.

### 12-40-040 Furnishing Liquor to Minors

Except in the case of Liquor given or administered to a person by his physician or dentist for medicinal purposes, no person under the age of 21 years shall consume, acquire or have in his possession any Alcoholic Beverages except when such beverages are used in connection with religious services. No person shall permit any other person under the age of 21 to consume Liquor on his premises or on any premises under his control except in those situations set out in this section.

### 12-40-050 Unlawful Transfer of Identification

No person shall transfer any identification of age to a minor for the purpose of permitting such minor to obtain Liquor. Corroborative testimony of a witness other than the minor shall be a requirement of conviction under this section.

**12-40-060 Possession of False or Altered Identification**

No person shall attempt to purchase an Alcoholic Beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years.

**12-40-070 Illegal Items Declared Contraband**

Alcoholic Beverages which are possessed contrary to the terms of this Title 12 are hereby declared to be contraband. Any officer who shall make an arrest under this section shall seize all contraband which he shall have the authority to seize consistent with the Tribal Constitution, the Tribal Law and Order Code, the ICRA and any other applicable law.

**12-40-080 Non-Indian Violations**

Nothing in this Title 12 shall be construed to require or authorize the criminal trial and punishment by the Tribe of any non-Indian except to the extent otherwise allowed under applicable law. In general, when any provision of this Title 12 is violated by a non-Indian, he or she shall be referred to state and/or federal authorities for prosecution under applicable law while remaining liable for any civil penalty imposed under Tribal law. It is the expressed intent of the Tribe that any non-Indian referred to state and/or federal authorities pursuant to this Section 12-40-080 be prosecuted to the furthest extent of applicable law.

**12-50 Severability and Effective Date****12-50-010 Severability**

If any section, or any part thereof, of this Title 12 or the application thereof to any party, person or entity in any circumstances shall be held invalid for any reason whatsoever by a court of competent jurisdiction or by federal legislative enactment, the remainder of the section or part of this Title 12 shall not be affected thereby and shall remain in full force and effect as though no section or part thereof has been declared to be invalid.

**12-50-020 Effective Date**

This Title 12 becomes effective, as a matter of Tribal law, upon adoption hereof by Resolution approved by no less than eight (8) members of the Board by roll call vote, and effective as a matter of federal law on such date as the Secretary of the Interior certifies and publishes the same in the Federal Register.

**12-50-030 Application of 18 U.S.C. § 1161**

All acts and transactions under this Title 12 shall be in conformity with the laws of the State of Oregon to the extent required under 18 U.S.C. § 1161.

**12-50-040 Jurisdiction and Sovereign Immunity**

Nothing in this Title 12 shall be construed to limit the jurisdiction of the Tribe and nothing herein shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities and agents.

**12-50-050 Amendment or Repeal of Title 12**

After this Title 12 becomes effective, neither this Title 12, nor any section, part or word hereof, or any resolution adopted by the Board pursuant to the terms hereof, may be amended or repealed other than by Board resolution approved by unanimous roll-call vote of the entire Board at a special meeting of the Board which meeting may only be convened upon receipt by the Tribal Secretary of a petition signed by at least eight (8) members of the Board.

Dated: September 11, 1996.

Ada E. Deer,

*Assistant Secretary - Indian Affairs.*

[FR Doc. 96-23903 Filed 9-17-96; 8:45 am]

BILLING CODE 4310-02-P

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**INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**


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**Agency for International Development****Submission for OMB Review; Comment Request**

**SUMMARY:** U.S. Agency for International Development (USAID) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for AID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Copies of submission may be obtained by calling (202) 736-4743.

**SUPPLEMENTARY INFORMATION:**

*Title:* USAID Acquisition Regulations (AIDAR)—Information Collection Elements.

*Form No.:* AID 1450-17, Contractor Employee Biographical Data Sheet.

OMB No.: 0412-0520.

*Type of Submission:* Revision of a currently approved collection.

*Abstract:* USAID is authorized to make contracts with any corporation, international organization, or other body of persons in or outside of the United States in furtherance of the purposes and within limitations of the Foreign Assistance Act (FAA). The information collection requirements placed on the public are published in 48 CFR Chapter 7, and include such items as the Contractor Employee Biographical Data Sheet and Performance & Progress Reports (AIDAR 752.7026). These are all USAID unique procurement requirements. The preaward requirements are based on a need for prudent management in the determination that an offeror either has or can obtain the ability to competently manage development assistance programs utilizing public funds. The requirements for information collection requirements during the post-award period are based on the need to administer public funds prudently.

**Annual Reporting Burden:**

Number of Respondents: 3526.

Average hours per response: 92250.

Total annual responses: 314,014.

Dated: September 3, 1996.

Genease E. Pettigrew,

*Chief, Information Support Services Division, Office of Administrative Services, Bureau of Management.*

[FR Doc. 96-23826 Filed 9-17-96; 8:45 am]

BILLING CODE 6116-01-M

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**INTERNATIONAL TRADE COMMISSION**


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[Investigation No. 337-TA-315]

**Certain Plastic, Encapsulated Integrated Circuits; Enforcement Proceeding, Notice of Decision Not To Review Recommended Determinations Terminating Texas Instruments as a Party and Granting Motion To Terminate Enforcement Proceeding, and To Refer Matter to the Department of Justice for Possible Further Proceedings Under 18 U.S.C. § 1001**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to adopt the recommended determinations (RDs) issued on May 8, 1995, by the presiding administrative law judge (ALJ) in the above-captioned enforcement proceeding.