

Dated: July 22, 1997.

**James Jones,**  
Acting Director, Registration Division, Office of Pesticide Programs.  
Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.  
2. By adding § 180.512 to read as follows:

**§ 180.512. Fludioxonil; tolerances for residues.**  
(a) *General*. [Reserved]  
(b) *Section 18 emergency exemptions.*  
A time-limited tolerance is established for residues of the fungicide fludioxonil in connection with use of the pesticide

under section 18 emergency exemptions granted by EPA. The tolerance will expire and is revoked on the date specified in the following table.

Commodity	Parts per million	Expiration/Revocation Date
Potatoes .....	0.02	August 1, 1998

(c) *Tolerances with regional registrations.* [Reserved]  
(d) *Indirect or inadvertent residues.* [Reserved]  
[FR Doc. 97-20360 Filed 7-31-97; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**  
[FRL-5866-8]

**National Oil and Hazardous Substances Contingency Plan; National Priorities List Update**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Deletion of the Agate Lake Scrap Yard Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Agate Lake Scrap Yard Superfund Site in Minnesota from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Minnesota, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** August 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Gladys Beard at (312) 886-7253, Associate Remedial Project Manager,

Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Brainerd Public Library, 416 South 5th South Street, Brainerd, MN 56401. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Agate Lake Scrap Yard Superfund Site located in Fairview Township, Cass County, Minnesota. A Notice of Intent to Delete for this site was published June 23, 1997 (62 FR 33789). The closing date for comments on the Notice of Intent to Delete was July 22, 1997. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 23, 1997.

**Michelle D. Jordan,**  
Acting Regional Administrator, U.S. EPA, Region V.

40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

**Appendix B [Amended]**

2. Table 1 of Appendix B to part 300 is amended by removing the Site "Agate Lake Scrapyard, Fairview Township, Minnesota".

[FR Doc. 97-20174 Filed 7-31-97; 8:45 am]  
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**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**43 CFR Part 10**

**RIN 1024-AC07**

**Native American Graves Protection and Repatriation Act Regulations**

**AGENCY:** Department of the Interior

**ACTION:** Correcting amendments to final regulations

**SUMMARY:** This document contains corrections to the final regulations which were published in the **Federal Register** of Monday, December 4, 1995

(60 FR 62134). These regulations established definitions and procedures for lineal descendants, Indian tribes, Native Hawaiian organizations, museums, and Federal agencies to carry out the Native American Graves Protection and Repatriation Act of 1990. EFFECTIVE DATE: January 3, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Francis P. McManamon, Departmental Consulting Archeologist, Archeology and Ethnography Program, National Park Service, Mailstop 2275, 1859 C Street NW, Washington DC 20240. Telephone: (202) 343-4101. Fax: (202) 523-1547.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 16, 1990, President George Bush signed into law the Native American Graves Protection and Repatriation Act, hereafter referred to as the Act. The Act addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated. Section 13 of the Act requires the Secretary of the Interior to publish regulations to carry out provisions of the Act.

**Need for Correction:**

As published, the final rule contains several typographical, grammatical, and other errors which may prove to be misleading and are in need of correction.

**Correction of Publication:**

All the following correcting amendments refer to rule document FR Doc. 95-29418, Final Regulations for the Native American Graves Protection and Repatriation Act as appearing in the issue of Monday, December 4, 1995, (60 FR 62134).

**List of Subjects in 43 CFR Part 10**

Administrative practice and procedure, Graves, Hawaiian Natives, Historic preservation, Indians—claims, Indians—lands, Museums, Public lands, Reporting and recordkeeping requirements.

Accordingly, 43 CFR part 10 is corrected by making the following correcting amendments:

**PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT REGULATIONS**

1. The authority citation for part 10 continues to read as follows:

Authority: 25 U.S.C. 3001 *et seq.*

2. In § 10.1, revise the first sentence of paragraph (b)(3) to read as follows:

**§10.1 Purpose and applicability.**

\* \* \* \* \*

(b) \* \* \*

(3) Throughout these regulations are decision points which determine their applicability in particular circumstances, e.g., a decision as to whether a museum “controls” human remains and cultural objects within the meaning of the regulations, or, a decision as to whether an object is a “human remain,” “funerary object,” “sacred object,” or “object of cultural patrimony” within the meaning of the regulations.\* \* \*

\* \* \* \* \*

3. In § 10.2, revise paragraph (a)(5), the last sentence of paragraph (d) introductory text, the first sentence of paragraph (d)(1), the third sentence of paragraph (d)(2) introductory text, and the heading of paragraph (f), to read as follows:

**§ 10.2 Definitions.**

\* \* \* \* \*

(a) \* \* \*

(5) *Person* means an individual, partnership, corporation, trust, institution, association, or any other private entity, or, any official, employee, agent, department, or instrumentality of the United States, or of any Indian tribe or Native Hawaiian organization, or of any State or political subdivision thereof that discovers or discovered human remains, funerary objects, sacred objects or objects of cultural patrimony on Federal or tribal lands after November 16, 1990.

\* \* \* \* \*

(d) \* \* \*

The term *Native American* means of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.

(1) *Human remains* means the physical remains of the body of a person of Native American ancestry.\* \* \*

(2) \* \* \* The term *burial site* means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which, as part of the death rite or ceremony of a culture, individual human remains were deposited, and includes rock cairns or pyres which do not fall within the ordinary definition of gravesite.\* \* \*

\* \* \* \* \*

(f) \* \* \*

*What types of lands do the excavation and discovery provisions of these regulations apply to?*

\* \* \* \* \*

4. In § 10.4, revise the last sentence of paragraph (d)(2) to read as follows:

**§ 10.4 Inadvertent discoveries.**

\* \* \* \* \*

(d) \* \* \*

(2) \* \* \* The disposition of all human remains, funerary objects, sacred objects, or objects of cultural patrimony must be carried out following § 10.6.

\* \* \* \* \*

5. In § 10.5, revise paragraph (e)(9) and the first sentence of paragraph (f) to read as follows:

**§ 10.5 Consultation.**

\* \* \* \* \*

(e) \* \* \*

(9) The planned disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony following § 10.6.

(f) *Comprehensive agreements.* Whenever possible, Federal Agencies should enter into comprehensive agreements with Indian tribes or Native Hawaiian organizations that are affiliated with human remains, funerary objects, sacred objects, or objects of cultural patrimony and have claimed, or are likely to claim, those human remains, funerary objects, sacred objects, or objects of cultural patrimony excavated intentionally or discovered inadvertently on Federal lands.\* \* \*

\* \* \* \* \*

**§ 10.6 [Amended]**

6. Amend § 10.6 as follows:

a. In paragraph (a) introductory text, in the first sentence, remove the word “on” before the words “Federal or tribal lands” and add, in its place, the word “in”; and

b. In paragraphs (a)(2)(i), (a)(2)(iii) introductory text, and (a)(2)(iii)(A), add “excavated intentionally or” before “discovered inadvertently”.

7. In § 10.8, redesignate paragraphs (d)(1)(A), (d)(1)(B), and (d)(1)(C) as paragraphs (d)(1)(i), (d)(1)(ii), and (d)(1)(iii); and revise the last sentence of paragraph (d)(3) and paragraph (d)(4)(iii) to read as follows:

**§ 10.8 Summaries.**

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \* Access to this information may be requested at any time and must be provided in a reasonable manner to be agreed upon by all parties. The Review committee also must be provided access to such materials.

(4) \* \* \*

(iii) Kinds of cultural items that the Indian tribe or Native Hawaiian organization considers to be funerary objects, sacred objects, or objects of cultural patrimony.

\* \* \* \* \*

**§ 10.9 [Amended]**

8. Amend § 10.9 as follows:

a. In paragraph (b)(4)(iii), remove the word “cultural” after “Kinds of”; and

b. In paragraph (e)(1) add the words "and associated funerary objects" after "inventory of culturally affiliated human remains" and before ", including all information".

9. In § 10.10, revise paragraphs (a)(1)(i), (a)(3) and (b)(1)(i) as follows:

§ 10.10 Repatriation.

- (a) \* \* \*
- (1) \* \* \*

(i) The object meets the definitions established in § 10.2 (d)(2)(ii), (d)(3), or (d)(4); and

\* \* \* \* \*

(3) *Notification.* Repatriation must take place within ninety (90) days of receipt of a written request for repatriation that satisfies the requirements of paragraph (a)(1) of this section from a lineal descendent or culturally affiliated Indian tribe or Native Hawaiian organization, provided that the repatriation may not occur until at least thirty (30) days after publication of the notice of intent to repatriate in the **Federal Register** as described in § 10.8.

- (b) \* \* \*
- (1) \* \* \*

(i) The human remains or associated funerary object meets the definitions established in § 10.2 (d)(1) or (d)(2)(i); and

\* \* \* \* \*

§ 10.15 [Amended]

10. Amend § 10.15 as follows:

a. In the section heading, remove "Repatriation limitations" and add, in its place, "Limitations"; and

b. In paragraph (a)(1), remove the word "transfer" and add, in its place, "disposition"; and c. In paragraph (a)(2), remove the words "having custody", "has custody" and "in the custody" and add, in their place, "in possession", "is in custody" and "in the possession", respectively.

Dated: July 18, 1997.

**Donald J. Barry,**

*Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 97- 20319 Filed 7-31-97; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 54 and 69**

[CC Docket No. 96-45; 97-21; FCC 97-253]

**Changes to the Board of Directors of the National Exchange Carrier Association, Inc. and Federal-State Board on Universal Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Report and Order released July 18, 1997, promulgates rules directing the National Exchange Carrier Association, Inc. (NECA) to create an independently functioning not-for-profit subsidiary through which it will administer temporarily certain portions of the federal universal service support mechanisms. We also direct that NECA create an unaffiliated, not-for-profit corporation to manage the application and other processes relating to administering the schools and libraries program. We further direct that NECA create another unaffiliated, not-for-profit corporation to manage specified portions of the rural health care program. To ensure continuity in, and efficient administration of, the schools and libraries and rural health care programs, we also conclude that these corporations should continue to perform their designated functions even after the date on which the permanent administrator is appointed. We also direct NECA's independent subsidiary to create a special committee of that subsidiary's Board of Directors with the power and authority to make binding decisions on designated issues relating to the universal service support mechanisms for high cost areas and low-income consumers. Finally, in this Order we establish requirements by which the temporary and permanent administrators will calculate, and the Commission will approve, the quarterly universal service contribution factors.

**EFFECTIVE DATES:** August 1, 1997 except for §§ 54.709, 54.711, 54.713, and 69.614(c) which are effective September 2, 1997.

**FOR FURTHER INFORMATION CONTACT:** Valerie Yates, Legal Counsel, Common Carrier Bureau, (202) 418-1500, or Sheryl Todd, Common Carrier Bureau, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order adopted July 17, 1997, and released July 18, 1997. The full text of the Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., NW, Washington, DC. Pursuant to the Telecommunications Act of 1996, the Commission released a Notice of Proposed Rulemaking and Order Establishing a Joint Board, Federal-State Board on Universal Service, CC Docket 96-45, on March 8, 1996 (61 FR 10499 (March 14, 1996)), a Recommended Decision on November 8, 1996 (61 FR 63778 (December 2, 1996)), a Public Notice on November 18, 1996 (61 FR

63778 (December 2, 1996)) seeking comment on rules to implement sections 254 and 214(e) of the Act relating to universal service, and a Notice of Proposed Rulemaking, CC Docket 97-21, on January 10, 1997 (62 FR 2636 (January 17, 1997)). As required by the Regulatory Flexibility Act (RFA), the Report and Order contains a Final Regulatory Flexibility Analysis. Pursuant to section 604 of the RFA, the Commission performed a comprehensive analysis of the Report and Order with regard to small entities and small incumbent local exchange carriers.

**Summary of Report and Order:**

*A. Appointment of NECA as Temporary Administrator*

1. *Appointment of NECA as Temporary Administrator.* In the Universal Service Order, we adopted the Joint Board's recommendation to appoint NECA the temporary administrator of the universal service support mechanisms, subject to the condition that NECA make certain changes to its governance that would make it more representative of non-ILEC interests.

2. *Adoption of the January 10th Proposal.* We conclude that, as modified below, NECA's January 10th proposal to establish a subsidiary with a separate board of directors will satisfy the condition established in the Universal Service Order that NECA must comply with the Joint Board's directive to provide "significant, meaningful representation" for non-ILEC interests in the temporary administration of the new universal service support mechanisms. We direct NECA to establish USAC in such a way that USAC will be permitted to advocate positions before the Commission and its staff only on administrative matters relating to the universal service support mechanisms. We further conclude that, until January 1, 1998, NECA will continue to administer the current universal service, Lifeline Assistance, and LTS programs. USAC shall prepare for and administer the revised low-income and high cost programs. We therefore direct NECA to establish USAC, in accordance with the January 10 proposal as modified by the specific requirements of this Order, to administer temporarily the universal service support mechanisms for high cost areas and low-income consumers, as well as to perform certain designated functions pertaining to the universal service support mechanisms for schools and libraries and rural health care providers. We direct that USAC be