

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

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

For the reasons stated in the preamble, the Department of the Interior proposes to amend 43 CFR subtitle A as follows:

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

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

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

2. Section 10.13 is added to read as follows:

**§ 10.13 Future applicability.**

(a) *General.* This section sets forth the applicability of the Act to museums and Federal agencies after expiration of the statutory deadlines for completion of summaries and inventories.

(b) *New collections.* (1) Any museum or Federal agency that, after completion of the summaries and inventories required pursuant to § 10.8 and § 10.9 of these regulations, receives a new collection or locates a previously unreported current collection that may include human remains, funerary objects, sacred objects or objects of cultural patrimony, must:

(i) Within six months of receiving a new collection or locating a previously unreported current collection, provide a summary of the collection pursuant to § 10.8 of these regulations to any Indian tribe or Native Hawaiian organization that is, or is likely to be, culturally affiliated with the collection; and

(ii) Within two years of receiving a new collection or locating a previously unreported current collection, prepare, in consultation with any culturally affiliated Indian tribe or Native Hawaiian organization, an inventory pursuant to § 10.9 of these regulations.

(2) Additional pieces or fragments of previously repatriated human remains, funerary objects, sacred objects and objects of cultural patrimony may be returned to the appropriate Indian tribe or Native Hawaiian organization without publication of a notice in the **Federal Register**, as otherwise required under § 10.8(f) and § 10.9(e), if they do not constitute a substantive change in the notice published at the time of the original repatriation. For example, repatriation of newly found sherds from a previously repatriated funerary bowl would not require a new **Federal Register** notice, while another

previously unreported ceramic vessel from the same burial site would require a new **Federal Register** notice prior to repatriation.

(c) *New Indian tribes.* (1) Any museum or Federal agency that has possession or control of human remains, funerary objects, sacred objects, or objects of cultural patrimony that are, or are likely to be, culturally affiliated with a previously non-Federally recognized Native American group, must:

(i) Within six months of the publication in the **Federal Register** of the Native American group's placement on the list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, provide a summary of the collection pursuant to § 10.8 of these regulations to that Indian tribe; and

(ii) Within two years of the publication in the **Federal Register** of the Native American group's placement on the list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, prepare, in consultation with the newly recognized culturally affiliated Indian tribe an inventory pursuant to § 10.9 of these regulations.

(2) The list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs is published in the **Federal Register** pursuant to provisions of the Federally Recognized Indian Tribe List Act of 1994 [Pub. L. 103-454, 108 Stat. 4791].

(d) *New Federal funds.* Any museum that has possession or control of human remains, funerary objects, sacred objects, or objects of cultural patrimony and receives Federal funds for the first time after expiration of the statutory deadlines for completion of summaries and inventories must:

(1) Within three years of the date of receipt of Federal funds, provide a summary of the collection pursuant to § 10.8 of these regulations to any Indian tribe or Native Hawaiian organization that is, or is likely to be, culturally affiliated with the collections; and

(2) Within five years of the date of receipt of Federal funds, prepare, in consultation with any culturally affiliated Indian tribe or Native Hawaiian organization, an inventory pursuant to § 10.9 of these regulations.

(e) *Amendment of previous decision.* (1) Any museum or Federal agency that has previously published a notice in the **Federal Register** regarding the intent to repatriate unassociated funerary objects, sacred objects, and objects of cultural patrimony pursuant to § 10.8(f), or the completion of an inventory of Native American human remains and

associated funerary objects pursuant to § 10.9(e), must publish an amendment to that notice if, based on subsequent information, the museum or Federal agency revises its decision in a way that changes the number or cultural affiliation of the cultural items listed.

(2) Repatriation may not occur until at least thirty (30) days after publication of the amended notice in the **Federal Register**.

(f) All actions taken pursuant to this section must also comply with all other relevant sections of 43 CFR 10.

Dated: September 24, 2004.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 04-23179 Filed 10-19-04; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 04-3172; MB Docket No. 04-388, RM-11089; MB Docket No. 04-389, RM-11090; MB Docket No. 04-390, RM-11091; MB Docket No. 04-391, RM-11092]

**Radio Broadcasting Services; Blythe, CA; Boyce, LA; Celoron, NY; and Wells, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document sets forth four proposals to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Linda A. Davidson. Petitioner proposes the allotment of Channel 239B at Blythe, California, as a second local FM allotment. Channel 239B can be allotted at Blythe in compliance with the Commission's minimum distance separation requirements without site restriction at center city coordinates. The proposed coordinates for Channel 239B at Blythe are 33-37-02 North Latitude and 114-35-20 West Longitude. The proposed allotment is located within 320 kilometers (199 miles) of the United States-Mexico border, so it will be necessary to obtain concurrence in the allotment from the Government of Mexico. See Supplementary Information *infra*.

**DATES:** Comments must be filed on or before November 29, 2004, and reply comments on or before December 14, 2004.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners as follows: Linda A. Davidson, 2134 Oak Street, Unit C, Santa Monica, California 90405; Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205; and Dana J. Puopolo, 2134 Oak Street, Unit C, Santa Monica, California 90405.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Media Bureau (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 04-388, 04-389, 04-390, 04-391, adopted October 6, 2004, and released October 8, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>.

The Commission further requests comment on a petition filed by Charles Crawford. Petitioner proposes the allotment of Channel 222A at Boyce, Louisiana, as a second local FM allotment. Channel 222A can be allotted at Boyce in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.9 kilometers (8.0 miles) southwest of Boyce. The proposed coordinates for Channel 222A at Boyce are 31-18-54 North Latitude and 92-46-22 West Longitude.

The Commission further requests comment on a petition filed by Dana J. Puopolo. Petitioner proposes the allotment of Channel 237A at Celoron, New York, as a first local FM allotment. Channel 237A can be allotted at Celoron in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.4 kilometers (0.2 miles) southeast of Celoron. The proposed coordinates for Channel 237A at Celoron are 42-06-24 North Latitude and 79-16-53 West Longitude. The proposed allotment is located within 320 kilometers (199 miles) of the United States-Canada border, so it will be necessary to obtain concurrence in the allotment from the Government of Canada.

The Commission further requests comment on a petition filed by Charles

Crawford. Petitioner proposes the allotment of Channel 254A at Wells, Texas, as a second local FM allotment. Channel 254A can be allotted at Wells in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.6 kilometers (1.0 miles) west of Wells. The proposed coordinates for Channel 254A at Wells are 31-29-35 North Latitude and 94-57-20 West Longitude.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 239B at Blythe.

3. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Channel 222A at Boyce.

4. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Celoron, Channel 237A.

5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 254A at Wells.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 04-3174, MB Docket No. 04-386, RM-10817]

##### Radio Broadcasting Services; Leesville and New Llano, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a Petition for Rule Making filed by Charles Crawford requesting the allotment of Channel 252C3 at New Llano, Louisiana, as the community's first local aural transmission service. Channel 252C3 can be allotted to New Llano in compliance with the Commission's rules provided there is a site restriction of 10 kilometers (6.2 miles) north of New Llano. The proposed reference coordinates for Channel 252C3 at New Llano are 31-12-18 North Latitude and 93-16-11 West Longitude. To accommodate this allotment, this document also proposes the substitution of Channel 224A for vacant FM Channel 252A at Leesville, Louisiana. Channel 224A can also be allotted to Leesville in compliance with the Commission's rules provided there is a site restriction of 12.6 kilometers (7.8 miles) east of Leesville. The proposed reference coordinates for Channel 224A at Leesville are 31-07-40 North Latitude and 93-08-03 West Longitude. Channel 224A at Leesville is currently listed in the FM Table of Allotments, however, that channel was substituted for Channel 228C3 at Leesville in MM Docket No. 98-191, and the license of Station KJAE(FM) was modified accordingly. See *Leesville, Louisiana*, 64 FR 31140, published June 10, 1999.

**DATES:** Comments must be filed on or before November 29, 2004, and reply comments on or before October 8, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 04-386, adopted October 6, 2004, and released October 8, 2004. The full text