Where a particular permanent program regulation needed to be modified for use in the Tennessee Federal program, a paragraph was added to modify the permanent regulatory program standards applicable in Tennessee or to add requirements or standards. Where more than one standard needed to be modified in any particular permanent program rule, additional paragraphs have been added to the Federal program section. For example, additional performance standards for Tennessee were added to §§ 942.816 and 942.817 as paragraphs (b) through (h) and (b) through (f) respectively. This is one means of implementing the mandate of section 504(a) of SMCRA that in promulgating a Federal program the Secretary take into consideration relevant conditions in the State.

II. Discussion of Amendment

The revegetation performance standards contained in 30 CFR 816.116 (for surface mining) and 817.116 (for underground mining) state that the standards for success and statistically valid sampling techniques for measuring success shall be selected by the regulatory authority and included in an approved regulatory program. Both 30 CFR 816.116(b) and 817.116(b) provide minimum success standards for several types of postmining land uses, including grazing or pasture land in paragraph (b)(1); cropland in paragraph (b)(2); fish and wildlife habitat, recreation, shelterbelts, or forest products in paragraph (b)(3); areas to be developed for industrial, commercial, or residential use in paragraph (b)(4); and areas previously disturbed by mining in paragraph (b)(5). In establishing revegetation success standards for use in the Tennessee Federal program, 30 CFR 942.816(f) stated,

> In lieu of the requirements of section 816.116(b)(1) through (b)(6) of this chapter, the following revegetation success standards and sampling techniques shall be used by [OSMRE].

The paragraph should have read, "In lieu of the requirements of § 816.116(b)(1) through (b)(3) * * *." (Emphasis added.) The same typographical error was made in § 942.817(e) of the Tennessee Federal program rules. The effect of the typographical error was to create the impression that OSMRE had failed to include the standards at 30 CFR 816/817.116 (b)(4) and (b)(5) in the Tennessee Federal program rules. There was no § 816/817.116(b)(6) in the permanent program rules. OSMRE intends that the standards for revegetation success contained in 30 CFR 816/817.116 (b)(4) and (b)(5) apply to the Tennessee Federal program. This rulemaking will correct the typographical error. The correction is considered a technical amendment and no change in the meaning or application of the Tennessee Federal program rules is intended.

III. Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

OSMRE has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because the rule is an administrative correction and has no economic effect on the public. The DOI has also determined that this document will not have a significant economic effect on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act.

National Environmental Policy Act

This rulemaking is not a major Federal action, but an administrative rule covered under previous rulemakings. Therefore, an environmental assessment is not required for this rulemaking which is covered under the environmental assessment and environmental impact statement prepared for the previous rulemaking.

Federal Paperwork Reduction Act

It has been determined that the information collection requirements do not change due to the corrections of this rulemaking and therefore, it is exempt from the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and does not require clearance by the Office of Management and Budget.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting and recordkeeping requirements.

Accordingly, OSMRE is amending 30 CFR Part 942 as set forth below.

Date: December 9, 1987.

James E. Cason,

Deputy Assistant Secretary—Land and Minerals Management.

PART 942—TENNESSEE

1. The authority citation for Part 942 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, as amended.

2. Section 942.816 is amended by revising paragraph (f) as follows:

§ 942.816 Performance Standards—Surface Mining Activities.

* * * * *

(f) In lieu of the requirements of § 816.116 (b)(1) through (b)(3) of this chapter, the following revegetation success standards and sampling techniques shall be used by this Office.

* * * * *

3. Section 942.817 is amended by revising paragraph (e) as follows:

§ 942.817 Performance Standards—Underground Mining Activities.

* * * * *

(e) In lieu of the requirements of § 817.116 (b)(1) through (b)(3) of this chapter, the following revegetation success standards and sampling techniques shall be used by this Office.

* * * * *

[FR Doc. 87-28771 Filed 12-15-87; 8:45 am]
BILLING CODE 4310-05-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1155

Statement of Organization and Procedures

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board at its September 16, 1987, meeting adopted amendments to its Statement of Organization and Procedures, which sets forth the procedures for Board and Board committee meetings. The amendments were adopted to effect changes as a result of the Rehabilitation Act Amendments of 1986 (Pub. L. 99-506) which made several organization changes to Section 502. The amendments to the Statement of Organization and Procedures are being published so that all affected persons will be fully informed about procedures governing the meetings and to implement the act.

EFFECTIVE DATE: September 16, 1987.

FOR FURTHER INFORMATION CONTACT: Nicholas Chiarkas, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, DC, (202) 245-1801 (voice or TDD).

SUPPLEMENTARY INFORMATION: Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (ATBCB or Board) adopted a Statement of Organization and Procedures on September 16, 1975. The Statement was published at 50 FR 1032 (1975) and codified at 36 CFR Part 1155. The Statement was amended by the Board on May 9, 1977; March 14, 1978; May 8, 1978; March 11, 1980; May 10, 1983; and May 12, 1986. On September 16, 1987, it was substantially revised primarily due to the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506) which made several organization changes to Section 502 and passed in the version published here. Some of the major changes in the revised Statement of Organization and Procedures are:

(1) When the Chairperson is a public member, a Federal member will hold the position of Vice-Chairperson and vice-versa; (2) the position of Chairperson will alternate on an annual basis between a Federal member and a public member; (3) a public member whose term has expired may continue to serve until a successor has been appointed; (4) at least six of the members required for a quorum for a *Board* meeting shall be public members; (5) proxies shall not be counted for purposes of establishing a quorum for a meeting of the *Board*; (6) the General Counsel shall be nominated by the Chairperson; and (7) that Board Committee meetings shall be held in accordance with Robert's Rules of Order.

List of Subjects in 36 CFR Part 1155

Authority delegations (Government agencies), handicapped organizations and functions (Government agencies).

For the reasons stated in the preamble, Chapter XI of Title 36, Code of Federal Regulations, is amended by revising Part 1155 to read as follows:

PART 1155—STATEMENT OF ORGANIZATION AND PROCEDURES

Sec.

1155.1 Organization and membership.
1155.2 Board meetings.
1155.3 Committees.
1155.4 General Counsel.
1155.5 Fiscal accountability.
1155.6 Delegations.
1155.7 Amendments to the statement of organization and procedures.
1155.8 Amendments to the authorities and delegations.

Authority: 29 U.S.C. 792

§ 1155.1 Organization and membership.

(a) *Name and organization.* The name of this organization is the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") as provided in section 502 of the Rehabilitation Act of 1973.

(b) *Authorization for the Board.* The statutory authorization for the Board is section 502 of the Rehabilitation Act of 1973, as amended.

(c) *Officers of the Board.* The presiding officers of the Board shall be a Chairperson and in his or her absence or disqualification a Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected by a majority of the fixed membership of the Board and shall serve for terms of one year. When the Chairperson is a member of the general public, the Vice-Chairperson shall be a Federal official; and when the Chairperson is a Federal official, the Vice-Chairperson shall be a member of the general public. Upon the expiration of the term as Chairperson of a member who is a Federal official, the subsequent Chairperson shall be a member of the general public; and vice versa. If no new Chairperson or Vice-Chairperson has been elected at the end of the one-year term, the incumbents shall continue to serve in that capacity until a successor Chairperson or Vice-Chairperson has been elected.

(d) *Membership.* The Board shall be composed of Presidentially appointed public members and the heads of each of the following departments or agencies (or their designees whose positions (or acting positions) are Executive Level IV or higher):

(1) Department of Education;
(2) Department of Health and Human Services;
(3) Department of Transportation;
(4) Department of Housing and Urban Development;
(5) Department of Labor;
(6) Department of Interior;
(7) Department of Defense;
(8) Department of Justice;
(9) General Services Administration;
(10) United States Postal Service; and
(11) Veterans Administration.

(e) *Board vacancies.* (1) If any public member becomes a Federal employee, such member may continue as a member of the Board for not longer than the sixty-day period beginning on the day he or she becomes such an employee.

(2) If any public member is unable to fulfill his or her obligation as a member, the member shall notify the Chairperson and the President.

(3) A public member appointed to fill a vacancy shall serve for the remainder of the term to which that member's predecessor was appointed.

(4) A public member whose term has expired may continue to serve until a successor has been appointed.

§ 1155.2 Board meetings.

Regular meetings of the Board shall ordinarily be held on the Wednesday following the second Tuesday of every other month and shall be planned for four hours duration, except as otherwise provided in paragraphs (a) (2) and (4) of this section. Whenever possible, all business shall be transacted at the regular meeting. The Board may elect to convene in executive sessions.

(a) *Prior notification.* (1) The Chairperson shall provide a written notice of scheduled Board meetings, and an agenda for the meeting, including supporting materials, to each Board member, ten (10) work days prior to the meeting.

(2) The Chairperson may cancel a regular meeting of the Board by giving written notice of the cancellation in place of the written notice of the scheduled Board meeting at least ten (10) work days prior to the meeting.

(3) Special meetings of the Board shall be called by the Chairperson to deal with important matters arising between regular meetings which require urgent action by the Board prior to the next regular meeting. Voting and discussion shall be limited to the subject matter which necessitated the call of the special meeting. All Board members shall be notified of the time, place, and exact purpose of the special meeting a reasonable time in advance.

(4) The Chairperson may reschedule a regular meeting of the Board to another date, no more than one month earlier or later than the regularly scheduled date.

(b) *Attendance.* (1) If a Board member is unable to attend a regularly scheduled meeting, he or she shall notify the Executive Director at his or her earliest convenience.

(2) A list of Board members present and those Board members absent shall become a part of the permanent record through its inclusion in the minutes.

(3) In order to maintain an orderly meeting, discussion shall be among Board members and the Executive Director. Board staff and Federal member staff may participate in the discussion of a specific issue only at the request of a Board member present at the meeting or the Executive Director, and upon recognition by the Chairperson.

(c) *Rules for Board meetings.* (1) Meetings of the Board shall be held in accordance with Robert's Rules of Order, except as otherwise prescribed herein.

(2) The Board shall not suspend the rules in taking an action concerning adoption, amendment or rescission of this Statement of Organization and

Procedures and the Board's Authorities and Delegations.

(d) *Quorum.* (1) A quorum shall be the majority (12) of the fixed membership. At least six of the members required for a quorum shall be public members.

(2) Proxies shall not be counted for purposes of establishing a quorum.

(3) The presiding officer shall not call a meeting to order unless a quorum is present. If at anytime during the meeting the Chairperson or a member notices the absence of a quorum, it shall be his or her duty to declare the fact. However, debate on a question pending may continue after a quorum is no longer present.

(4) In the absence of a quorum the Board members present may move to recess in order to contact absent members and solicit their attendance.

(e) *Voting procedure.* (1) Only Board members or Federal member designees, Executive Level IV or higher, may vote.

(2) Except as otherwise prescribed herein, at a meeting at which there is a quorum a majority vote of the members present in person or by proxy is necessary for action by the Board.

(3) The presiding officer shall have the same right to vote as any other member.

(4) *Proxy voting.* (i) Except as provided in paragraph (d)(2) of this section, proxy voting shall be permitted.

(ii) Any member may give his or her directed or undirected proxy to any other Board member or any Federal member designee, Executive Level IV or higher, present at the meeting.

(iii) Proxies are to be given in writing and submitted to the Chairperson prior to or at the meeting.

(iv) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

(5) A requirement of a ⅔ vote shall mean ⅔ of the members present in person or by proxy, at a meeting at which there is a quorum, except as provided in §§ 1155.6(b), 1155.7 and 1155.8 of this part.

(f) *The order of business.* Except as otherwise prescribed herein, a proposal for Board action cannot be considered by the Board unless it is placed on the agenda by the Executive Committee.

(g) *The basic procedures.* (1) Any member wishing to submit a proposal for Board action will submit it directly to the Executive Committee and all subject matter committees, by delivering copies of the proposal to the Board office, addressed to the chairpersons of the committees. The committees will then handle the preparation of the proposal for Board action.

(2) Upon receipt of a proposal from a Board member, or a proposal originating from within a committee, subject matter committees will review the proposal, including determining whether the proposal is within their jurisdiction, and, if so, identifying the issues involved, and refining the proposal. Committees may request a report from staff or the member submitting the proposal. Each committee taking any action on the proposal will submit it with an accompanying report and recommendations to the Executive Committee.

(3) The Executive Committee may take action on a member's proposal without receiving a report from a subject matter committee when, after reviewing the proposal, it determines that the proposal does not need further development for Board consideration. The Executive Committee's review may include requesting a report from staff or the member submitting the proposal, or calling a meeting of the Executive Committee.

(4) When the Executive Committee receives a recommendation from the subject matter committee, the Executive Committee will review the recommendation and take appropriate action thereon. This may result in placing the recommendation on the next Board agenda or sending it back to the subject matter committee or to another committee, for appropriate action.

(h) *Agenda.* The Executive Committee places items of business on the Board agenda. A written notice of ten (10) work days to the full Board is required for an item to become part of the Board's agenda. The ten (10) days notice requirement may be waived upon a two-thirds vote by the Board to suspend the rules of order.

(i) *Discharge procedure.* Seventy-five (75) days after a proposal is first received by the Executive Committee, any member has a right to discharge the proposal. For purposes of this paragraph, a proposal is received by the Executive Committee the day it is delivered to the Chairperson of the Executive Committee at the Board office. In order to exercise a discharge, the discharging member must provide written notice to the Executive Committee, appropriate subject matter committee(s) and the Executive Director thirty (30) days prior to the next Board meeting. Upon the Executive Committee's receipt of a timely discharge notice, the proposal must be placed on the next regular Board agenda.

(j) *Request for legal opinion from the Department of Justice.* The Board may, by a majority vote, seek legal advice on any matter from the Office of Legal Counsel, United States Department of Justice. The Board shall not be bound by the opinion of the Office of Legal Counsel.

(k) *Corrections, additions, or approval of Board minutes.* (1) The Executive Director shall send draft minutes of the previous meeting to each Board member within fifty (50) days following the meeting. Any corrections shall be submitted in writing at or before the next Board meeting.

(2) The Board will approve the final minutes after all corrections and additions have been incorporated.

§ 1155.3 Committees.

The Board may, by a two-thirds vote, establish or dissolve standing committees, and change the number, size and jurisdiction of standing committees. Meetings of the committees shall be held in accordance with Robert's Rules of Order, except as otherwise prescribed herein. A committee may establish its own additional procedures provided that they do not conflict with the provisions of this Statement, and the Committee informs the Chairperson of the Board in writing of any additional procedures.

(a) *Executive Committee*—(1) *Composition.* The Executive Committee shall be composed of six members, three Federal and three public members, elected by the full Board annually. Its chairperson shall be appointed by the Chairperson of the Board. The six person membership includes the Chairperson and Vice-Chairperson of the Board.

(2) *Quorum.* A quorum in the Executive Committee shall be one-third the actual committee membership, present in person or by proxy, with at least two present in person. In the absence of a quorum, a meeting can be held only for the purpose of discussion and no vote may be taken.

(3) *Voting.* (i) Only members of the committee may vote in the committee meetings. Any other Board member may attend and participate in the meeting, but may not vote.

(ii) Any member may give his/her directed or undirected proxy to any other committee member present at the meeting. Proxies are to be given in writing and submitted to the chairperson of the committee prior to or at the committee meeting.

(iii) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

(b) *Subject matter committees*—(1) *Composition.* The Chairperson of the Board shall appoint an equal number of public and Federal members and a chairperson and a vice-chairperson for each subject matter committee, totalling at least four (4) members on each committee. Each chairperson may appoint an acting chairperson when both the chairperson and vice-chairperson are absent.

(2) *Terms.* The members of each committee will serve a term of one year corresponding to that of the chairperson, and continue their duties until their successors have been appointed.

(3) *Quorum.* A quorum in a subject matter committee shall be one-third of the committee membership, present in person or by proxy, with at least two present in person. In the absence of a quorum, a meeting may be held only for the purpose of discussion.

(4) *Voting.* (i) Only committee members or the member of the committee who holds the absent member's proxy may vote in the committee meetings. Any other Board member agency staff and the Board staff may attend and participate in meetings but may not vote.

(ii) Any member may give his or her directed or undirected proxy to any other committee member present at the meeting. Proxies are to be given in writing and submitted to the chairperson of the committee prior to or at the committee meeting.

(iii) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

(c) *Special committees.* The Chairperson, the Board, or a standing committee may appoint a special committee to carry out a specific task. A special committee shall dissolve upon completion of its task or when dissolved by its creator.

(d) *Minutes.* Each Committee will keep a written record of the proceedings.

§ 1155.4 General Counsel.

(a) The General Counsel is nominated by the Chairperson and confirmed by the Board. He or she is responsible to the Board under the supervision of the Executive Director.

(b) The General Counsel shall attend Board meetings and provide legal counsel when requested or when he or she deems it advisable and upon recognition by the Chairperson.

§ 1155.5 Fiscal accountability.

Board funds shall not substitute for resources an agency should spend for activities under its own research and development or other programmatic or administrative authority. However, the Board may augment current studies by additional funding to insure a focus for particular information on barriers confronting handicapped individuals.

§ 1155.6 Delegations.

(a) The Board may—

(1) By majority vote delegate to the Executive Committee authority to implement its decisions, and

(2) By two-thirds vote delegate to the Executive Committee any other of its authorities, to the extent permitted by law. A separate delegation is necessary for each action the Board desires the Executive Committee to implement.

(b) The Board may, to the extent permitted by law, delegate other duties to its officers, committees, or staff by a vote of two-thirds of the membership of the Board at the time the vote is taken.

(c) Unless so permitted in the original delegation, an officer, committee, or staff person shall not redelegate authority.

§ 1155.7 Amendments to the Statement of Organization and Procedures.

In order to adopt and amend the Statement of Organization and Procedures, a vote of two-thirds of the membership of the Board at the time the vote is taken shall be required.

§ 1155.8 Amendments to the Authorities and Delegations.

In order to adopt and amend the Authorities and Delegations, a vote of two-thirds membership of the Board at the time the vote is taken shall be required.

Thomas E. Harvey,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 87-28764 Filed 12-15-87; 8:45 am]

BILLING CODE 6820-BP-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 7

DEPARTMENT OF AGRICULTURE

36 CFR Part 296

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1312

DEPARTMENT OF DEFENSE

32 CFR Part 229

Protection of Archaeological Resources; Uniform Regulations

AGENCIES: Departments of the Interior, Agriculture, and Defense and Tennessee Valley Authority.

ACTION: Final rule.

SUMMARY: This final rule amends the standards for civil penalty amounts in the final uniform regulations to include determinations of archaeological value. The Archaeological Resources Protection Act of 1979 mandates that the archaeological or commercial value and the cost of restoration and repair of the archaeological resource involved be taken into account in assessing civil penalties for violations of the Act. The purpose of the amendment is to implement this provision of the Act in the final uniform regulations.

EFFECTIVE DATE: March 15, 1988.

FOR FURTHER INFORMATION CONTACT: Bennie C. Keel, National Park Service, Department of the Interior, Washington, DC, 202-343-4101; Lars Hanslin, Office of the Solicitor, Department of the Interior, Washington, DC, 202-343-7957; Evan I. DeBloois, U.S. Forest Service, Department of Agriculture, Washington, DC, 202-382-9425; Christina Ramsey, Office of the Assistant Secretary for Acquisition and Logistics, Department of Defense, Washington, DC, 202-695-7820; or Maxwell D. Ramsey, Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee, 615-632-1585.

SUPPLEMENTARY INFORMATION:

Background

This final rule amends the regulations implementing the provisions for civil penalty amounts in the Archaeological Resource Protection Act of 1979 ("Act"; Pub. L. 96-95; 93 Stat. 721; 16 U.S.C.

470aa–11). It was prepared by representatives of the Secretaries of the Interior, Agriculture, and Defense, and the Chairman of the Board of the Tennessee Valley Authority, as directed in section 10(a) of the Act.

The first purpose of the Act is to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement. As one of the enforcement provisions available to Federal land managers, the Act prescribes civil penalties for unauthorized use of archaeological resources. The civil penalties are to be based on standard determinatons of archaeological or commercial value and the costs of restoration and repair (section 7(2)(A) of the Act).

The final uniform regulations (43 CFR Part 7, 36 CFR Part 296, 32 CFR Part 229, and 18 CFR Part 1312) omit consideration of archaeological value in section—.16 Civil penalty amounts, paragraphs (a) (1) and (2). The amendment in this final rule revises those paragraphs to implement the provisions of the Act. Because consideration of this additional factor in assessing civil penalty amounts is mandated by the Act, no alternative approach is feasible.

The effect of the final rule is to provide consistent, standard enforcement regulations by which Federal land managers can fully exercise their authority pursuant to the Act. It affects persons who make unauthorized use of archaeological resources by providing clear guidance to Federal land managers in assessing civil penalties appropriate to the extent of violations.

Public comment was accepted for a 60-day period following publication of the proposed rule on March 31, 1987 (52 FR 10342). No written comments were received by any of the four agencies which proposed identical amendments to their respective titles of the Code of Federal Regulations. As a result, no changes were made in the final rule.

Statement of Effects

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These determinations are based on findings that the rulemaking is directed toward Federal resource management, with no economic impact on the public.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Amendments Promulgation

The Departments of the Interior, Agriculture, and Defense and the Tennessee Valley Authority are promulgating identical amendments to the uniform regulations for protection of archaeological resources and are codifying these amendments in their respective titles of the Code of Federal Regualtions. Since the regulations are identical, the text of the amendments is set out only once at the end of this document.

TITLE 43—[AMENDED]

List of Subjects in 43 CFR Part 7

Penalties.

PART 7—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 7 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Publ. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 7.16 [Amended]

2. Section 7.16 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

TITLE 36—[AMENDED]

List of Subjects in 36 CFR Part 296

Penalties.

PART 296—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 296 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 296.16 [Amended]

2. Section 296.16 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

George S. Dunlop,

Assistant Secretary for Natural Resources and Environment.

TITLE 32—[AMENDED]

List of Subjects in 32 CFR Part 229

Penalties.

PART 229—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 229 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 229.16 [Amended]

2. Section 229.16 in 32 CFR Part 229 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

Linda M. Bynum

Alternate OSD Federal Register Liaison Officer, Department of Defense.

TITLE 18—[AMENDED]

List of Subjects in 18 CFR Part 1312

Penalties.

PART 1312—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

1. The authority citation for Part 1312 continues to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa–11) (sec. 10(a).) Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

§ 1312.16 [Amended]

2. Section 1312.16 in 18 CFR Part 1312 is amended by revising paragraphs (a)(1) and (a)(2) to read as set forth below.

C. H. Dean,

Chairman, Tennessee Valley Authority.

§ .16 Civil Penalty amounts.

(a) *Maximum amount of penalty.* (1) Where the person being assessed a civil penalty has not committed any previous violation of any prohibition in § .4 or of any term or condition included in a permit issued pursuant to this part, the maximum amount of the penalty shall be the full cost of restoration and repair of archaeological resources damaged plus the archaeological or commercial value of archaeological resources destroyed or not recovered.

(2) Where the person being assessed a civil penalty has committed any previous violation of any prohibition in § .4 or of any term or condition

included in a permit issued pursuant to this part, the maximum amount of the penalty shall be double the cost of restoration and repair plus double the archaeological or commercial value of archaeological resources destroyed or not recovered.

* * * * *

[FR Doc. 87-28886 Filed 12-15-87; 8:45 am]

BILLING CODES 4310-70, 3410-11, 3810-01, 8120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-117; RM-5522]

Radio Broadcasting Services; Cambria, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition filed by E.G. Wallenbrock, this document substitutes Channel 235B1 for Channel 232A at Cambria, California, and modifies the Class A license for Station KOTR(FM), thereby providing that community with its first wide coverage area FM service. With this action, the proceeding is terminated.

EFFECTIVE DATE: January 22, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-117, adopted November 23, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under California, by substituting Channel 235B1 for Channel 232A at Cambria.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28848 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-306; RM-5122, RM-5590 and RM-5627]

Radio Broadcasting Services; Golconda and Metropolis, IL and Reidland, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 288A to Metropolis, Illinois (instead of Channel 286A as proposed in the *Notice*), with a site restriction 3.6 kilometers north of the city, as its second FM service at the request of WMOK, Inc. In response to two counterproposals filed in this proceeding: Channel 286A is allotted to Golconda, Illinois, as a first FM service, with a 1.9 kilometer site restriction, at the request of Golconda Broadcasting; and at the request of Western Kentucky Broadcast Associates Channel 294A is allotted to Reidland, Kentucky, as that community's first FM service, with a transmitter site restriction of a least 3.3 kilometers north of Reidland. The spacing requirements for Channel 294A at Reidland, are met based on a construction permit issued to Station WWYN(FM), McKenzie, Tennessee, to relocate its transmitter to a new site (BPH8605191C), and conditioned on Station WWYN receiving a license for the new site. With this action, this proceeding is terminated.

DATES: Effective January 22, 1988. The window filing dates for Channel 288A at Metropolis, Illinois, and Channel 286A at Golconda, Illinois, will open on January 25, 1988, and close on February 24, 1988. The filing window for Channel 294A Reidland, Kentucky, will be announced at a future date.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-306, adopted November 20, 1987, and released December 9, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), of the Rules is amended for Golconda, Illinois, by adding Channel 286A, for Metropolis, Illinois, by adding Channel 288A, and for Reidland, Kentucky, by adding Channel 294A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-28845 Filed 12-15-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-517; RM-5391 and RM-5881]

Radio Broadcasting Services; Midland and Alpena, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 227C2 for Channel 228A at Midland, Michigan, in response to a petition filed by JOSI Broadcasting Corporation. We shall also modify the license of Station WKQZ(FM) to specify operation on Channel 227C2. There is a site restriction 27.7 kilometers northeast of the community and Canadian concurrence has been obtained for this allotment. In response to a counterproposal filed in this proceeding by WATZ Radio, Inc., we shall allocate Channel 257C2 to Alpena, Michigan. Although there has been no elicitation of other expressions of interest in the Class C2 facility at Alpena, a staff study confirms that there is an additional equivalent channel avilable for such interests. We have also modified the license of Station WATZ-FM, to specify operation on Channel 257C2 in lieu of Channel 228A. Channel 257C2 can be allocated to Alpena, Michigan, at the current site of Station WATZ-FM. Canadian concurrence has been