

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NAGPRA–11687; 2200–1100–665]

Native American Graves Protection and Repatriation Review Committee Findings Related to the Identity and Return of Cultural Items in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA**AGENCY:** National Park Service, Interior.**ACTION:** Native American Graves Protection and Repatriation Review Committee: Findings.

This notice is published as part of the National Park Service's administrative responsibilities pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(g)). The recommendations, findings and actions of the Review Committee associated with this dispute are advisory only and not binding on any person. These advisory findings and recommendations do not necessarily represent the views of the National Park Service or Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

SUMMARY: The Native American Graves Protection and Repatriation Review Committee (Review Committee) was established by Section 8 of the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 3006), and is an advisory body governed by the Federal Advisory Committee Act (5 App. U.S.C. 1–16). At its November 17–19, 2010 public meeting in Washington, DC, and acting pursuant to its statutory responsibility to convene the parties to a dispute relating to the identity and return of cultural items, and to facilitate the resolution of such a dispute, the Review Committee heard a dispute between the Hoonah Indian Association, joined by the Huna Totem Corporation, and the University of Pennsylvania Museum of Archaeology and Anthropology. The issues before the Review Committee were (1) whether, in their request for the repatriation of 38 catalogued objects deriving from the Snail House and one catalogued object deriving from the Eagle's Nest House that are in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology, the requestors proved that all the requested objects are both "sacred objects" and objects of "cultural patrimony," as these terms are defined in NAGPRA; and (2) whether, in response to the request for

the repatriation of the 39 catalogued objects, the University of Pennsylvania Museum of Archaeology and Anthropology presented evidence proving that the Museum has a "right of possession" to any of the objects, as this term is defined in the NAGPRA regulations. The Review Committee found that all of the requested objects are both sacred objects and objects of cultural patrimony, and that the University of Pennsylvania Museum of Archaeology and Anthropology does not have a right of possession to any of those cultural items. The Review Committee meeting transcript containing the dispute proceedings and Review Committee deliberation and findings is available from the National NAGPRA Program upon request (NAGPRA_Info@nps.gov).

SUPPLEMENTARY INFORMATION: Since 1924, thirty-eight catalogued objects deriving from the *Táx' Hit*, or Snail House (Snail House), of the T'akdeintaan Clan of Tlingit Indians from Hoonah, Alaska have been in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology. The Snail House is also known as *Tsalxáan Hit*, or the Mt. Fairweather House. In addition, since 1918, a *Shakee.át*, or Marmot Frontlet (Frontlet) deriving from the Eagle's Nest House of the T'akdeintaan Clan of Tlingit Indians also has been in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology. Between 1995 and 2006, the Huna Totem Corporation and (since 2000) Hoonah Indian Association, an Alaska Native village, provided information to the University of Pennsylvania Museum of Archaeology and Anthropology that, taken together, constituted a joint request for the repatriation of the 39 catalogued objects in question. The request identified each of the objects in question as a "sacred object" and an object of "cultural patrimony," as these terms are defined in NAGPRA (25 U.S.C. 3001(3)(C) and (D)). In its June 19, 2009 response to this request, the University of Pennsylvania Museum of Archaeology and Anthropology acknowledged that one of the objects is a sacred object and an object of cultural patrimony; six of the objects are sacred objects, but are not objects of cultural patrimony; and one of the objects is an object of cultural patrimony, but is not a sacred object. The University of Pennsylvania Museum of Archaeology and Anthropology also stated that, while it had a "right of possession" to these eight cultural items, as defined in the NAGPRA regulations (43 CFR

10.10(a)(2)), nonetheless, it would elect not to assert its right of possession. The June 19, 2009 response also stated that the other 31 catalogued objects "do not meet the specific NAGPRA definitions for cultural patrimony or sacred objects" and, additionally, asserted the University of Pennsylvania Museum of Archaeology and Anthropology's right of possession to those 31 objects.

Disputing the University of Pennsylvania Museum of Archaeology and Anthropology's determination that only one of the 39 catalogued objects was both a sacred object and an object of cultural patrimony, as well as the Museum's claim of right of possession to the 39 catalogued objects and assertion of that right with respect to 31 of the objects, the Hoonah Indian Association and the Huna Totem Corporation joined in asking the Review Committee to facilitate the resolution of the dispute between themselves and the University of Pennsylvania Museum of Archaeology and Anthropology. The Designated Federal Official for the Review Committee agreed to the request.

At its November 17–19, 2010 meeting, the Review Committee considered the dispute. The issues before the Review Committee were (1) whether, in their request for the repatriation of the 39 catalogued objects in question, the requestors proved by a preponderance of the evidence that all the objects are "sacred objects" and objects of "cultural patrimony," as these terms are defined in NAGPRA; and (2) whether, in response to the request for repatriation, the University of Pennsylvania Museum of Archaeology and Anthropology presented evidence proving, by a preponderance of the evidence, that the Museum has a "right of possession" to the objects. As defined in the NAGPRA regulations, "'right of possession' means possession obtained with the voluntary consent of an individual or group that had authority of alienation."

Findings of Fact: Six Review Committee members participated in the fact finding. One member was self-recused. By a vote of six to zero, the Review Committee found that all 39 of the requested catalogued objects are both sacred objects and objects of cultural patrimony, and that the University of Pennsylvania Museum of Archaeology and Anthropology does not have a right of possession to any of the requested cultural items.

Dated: November 7, 2012.

Mervin Wright, Jr.,

*Acting Chair, Native American Graves
Protection and Repatriation Review
Committee.*

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DEPARTMENT OF JUSTICE

[OMB Number 1110-0026]

Agency Information Collection Activities; Existing Collection, Comments Requested; Federal Firearms Licensee (FFL) Enrollment/ National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the NICS Form

ACTION: 30 Day notice.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 199, page 62534, on October 15, 2012, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until January 17, 2013. This process is conducted in accordance with Title 5, Code of Federal Regulations (CFR), Section 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to the OMB via facsimile to (202) 395-7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's/component's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) *Type of Information Collection:* Approval of an Existing Collection

(2) *Title of the Forms:* Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities under the National Instant Criminal Background Check System (NICS) Form.

(3) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:* Form Number: 1110-0026. Sponsor: Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Any Federal Firearms Licensee (FFL) or State Point of Contact (POC) requesting access to conduct National Instant Criminal Background Check System (NICS) checks telephonically or by the Internet through the NICS E-Check.

Brief Abstract: The Brady Handgun Violence Prevention Act of 1993 required the United States Attorney General to establish a national instant criminal background check system that any FFL may contact, by telephone or by other electronic means for information to be supplied immediately, on whether receipt of a firearm to a prospective purchaser would violate state or federal law. Information pertaining to licensees who may contact the NICS is being collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and also to ensure the privacy

and security of NICS information. <http://www.fbi.gov/programs/nics/index.htm>.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 250 FFLs enroll with the NICS per month for a total of 3,000 enrollments per year. The average response time for reading the directions for the Federal Bureau of Investigation National Instant Criminal Background Check System (NICS) Federal Firearms Licensee (FFL) Enrollment/NICS E-Check Enrollment Form is estimated to be two minutes; time to complete the form is estimated to be three minutes; and the time it takes to assemble, mail, or fax the form to the FBI is estimated to be three minutes, for a total of eight minutes. The average hour burden for this specific form is $3,000 \times 8 \text{ minutes}/60 = 400$ hours.

The Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the National Instant Criminal Background Check System (NICS) Form takes approximately three minutes to read the responsibilities and two minutes to complete the form, for a total of five minutes. The average hour burden for this specific form is $3,000 \times 5 \text{ minutes}/60 = 250$ hours.

The letter mailed to each new FFL takes an additional two minutes to read which would be $3,000 \times 2 \text{ minutes}/60 = 100$ hours.

The entire process of reading the letter and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the accompanying letter would be $3,000 \times 15/60 = 750$ hours.

An estimate of the total public burden (in hours) associated with the collection: The entire process of reading the letter and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the accompanying letter would be $3,000 \times 15/60 = 750$ hours.

If additional information is required, contact: Mrs. Lynn Murray, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: December 13, 2012.

Jerri Murray,

*Department Clearance Officer for PRA,
United States Department of Justice.*

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