

between the legitimate and long denied need to return control over ancestral remains and funerary objects to Native people, and the legitimate public interest in the educational, historical and scientific information conveyed by those remains and objects. (25 U.S.C. 3002 (c); 25 U.S.C. 3005 (b))

B. Culturally Unidentifiable Human Remains.

1. Federal agencies and museums must make a decision as to whether all Native American human remains are related to lineal descendants, culturally affiliated with a present day Federally recognized Indian tribe, or are culturally unidentifiable. This determination must be made through a good faith evaluation of all relevant, available documentation and consultation with any appropriate Indian tribe.

2. A determination that human remains are culturally unidentifiable may change as additional information becomes available.

3. Human remains can be identified as "culturally unidentifiable" for different reasons. At present, four categories are recognized:

- a. Those which are culturally affiliated, but with a non-Federally recognized Native American group.
- b. Those which represent a defined past population, but for which no present day Indian tribe exists.
- c. Those for which some evidence exists, but insufficient for a Federal agency or museum to make a determination of cultural affiliation.
- d. Those for which no information exists.

C. Guidelines for the disposition of culturally unidentifiable human remains.

1. Four principles must serve as the foundation for any regulations on the disposition of culturally unidentifiable human remains. They must be:

- a. *Respectful*. Culturally unidentifiable human remains are no less deserving of respect than those for which cultural affiliation can be established. While the Review Committee is aware that the term 'culturally unidentifiable' is inherently offensive to many Native people, it is the term used in the statute.
 - b. *Equitable*. Regulations must be perceived as fair and within the intent of the statute.
 - c. *Doable*. Regulations must propose a process that is possible for Federal agencies, museums, and claimants and worth the effort to implement.
 - d. *Enforceable*. There is no point in making regulations that can not or will not be enforced.
2. Since human remains may be determined to be culturally

unidentifiable for different reasons, there will be more than one appropriate disposition/repatriation solution. Examples:

a. Human remains that are, technically, culturally unidentifiable because the appropriate claimant is not federally recognized [section B(3)(a.) above], may be repatriated once federal recognition has been granted, or if the claimant works with another culturally affiliated, federally recognized Indian tribe (example—the Titicut site / Mashpee case).

b. Human remains for which there is little or no information [section B(3)(c. and d.) above] should be speedily repatriated since they have little educational, historical or scientific value.

3. Documentation.

a. Since documentation is required (25 U.S.C. 3003 (b)(2)), it is appropriate that it be conducted in accordance with defined standards.

b. Documentation should be proportional to the importance of the information conveyed. For example, remains from a defined past population for which no present-day Indian tribe exists [section B(3)(b.) above] are of far greater educational, historical and scientific importance than those for which there is little or no information [section B(3)(c) and (d) above].

c. Appropriate documentation includes non-invasive techniques such as measurement, description and photography.

d. Invasive testing is not required for statutory documentation. Such testing may be performed if agreed upon by the parties in consultation.

e. Documentation prepared for compliance with the statute is a public record.

D. Models for the disposition of culturally unidentifiable human remains.

1. Joint recommendations by institutions, Federal agencies, or states and appropriate claimants. The Review Committee has recommended the repatriation of culturally unidentifiable human remains in those cases where:

- a. All the relevant parties have agreed in writing.
- b. Statutory requirements have been met.
- c. The guidelines listed above have been followed.

These cases have included institutions (University of Nebraska, Lincoln), units of the National Park Service (Carlsbad Caverns NP and Guadalupe Mountains NM), and states (Minnesota and Iowa).

2. Regional consultations

Historical and cultural factors, and therefore issues concerning the

definition and disposition of culturally unidentifiable human remains, vary significantly across the United States. For example, issues in the Southeast, where most Indian tribes were forcibly removed during the 19th century, are very different from those in the Southwest where many Indian tribes remain on their ancestral lands. Similarly, issues in the Northeast and California differ significantly from those in the Great Plains. Therefore, it is reasonable to look for regional solutions that best fit regional circumstances.

The Review Committee recommends a process in which the Federal agencies, institutions and Indian tribes within a region consult together and propose the most appropriate disposition solutions for that region.

As with joint recommendations, any proposed regional disposition must meet both statutory requirements and the guidelines listed above.

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DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Kansas in the Possession of the Department of Anthropology, University of Tennessee, Knoxville, TN

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the Department of Anthropology, University of Tennessee, Knoxville, TN.

A detailed assessment of the human remains was made by Department of Anthropology professional staff in consultation with representatives of the Pawnee Indian Tribe of Oklahoma.

At an unknown date, human remains representing two individuals were recovered from the Kansas Monument site (14RP1), Republic County, KS by person(s) unknown. At an unknown date, these human remains were donated to the Department of Anthropology by person(s) unknown. No known individuals were identified. No associated funerary objects are present.

Based on material culture and village organization, the Kansas Monument site has been identified as an historic Pawnee cemetery and village (c. 1820-1830s AD). Based on this information,

these human remains are believed to be affiliated with the Pawnee Indian Tribe of Oklahoma.

Based on the above mentioned information, officials of the University of Tennessee have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the University of Tennessee have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Pawnee Indian Tribe of Oklahoma.

This notice has been sent to officials of the Pawnee Indian Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Jan Simek, Department of Anthropology, University of Tennessee, Knoxville, TN 37996-0720; telephone: (423) 974-4408, before August 30, 1999. Repatriation of the human remains to the Pawnee Indian Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: July 21, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

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DEPARTMENT OF JUSTICE

Logging of Consent Decree Under the Asbestos NESHAP

Under 28 CFR 50.7, notice is hereby given that on July 16, 1999, a proposed Consent Decree in *United States v. American Asbestos Control Company, Inc.*, Civil Action No. 4:99 CV 597, was lodged with the United States District Court for the Northern District of Ohio.

In this action, the United States sought penalties and injunctive relief for claims under the asbestos National Emissions Standard for hazardous Air pollutants ("NESHAP"), 40 CFR Part 61, Subpart M, promulgated under section 112 of the Clean Air Act ("Act"), 42 U.S.C. 7412, for inspection, notice, and work practice violations. The claim arose in connection with American Asbestos Control Company's asbestos renovation projects at WCI Inc.'s steelmaking facilities located in Warren, Ohio, and at North Star Steel, located in Youngstown, Ohio. Under the Consent Decree, American Asbestos Control Company will pay a civil penalty of

\$50,000 in two equal installments, will comply with the Asbestos NESHAP, and will undertake other injunctive actions, including appointing an Asbestos Program Manager, designating a liaison designee, training all supervisors, inspectors, and workers, and ensuring that a thorough inspection has occurred at a facility or part of a facility prior to commencement of any asbestos demolition and/or renovation activity.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. American Asbestos Control Company, Inc.*, D.J. Ref. No. 90-5-2-1-06168.

The Consent Decree may be examined at the Office of the United States Attorney, 208 Fed. Bldg., 2 S. Main St., Akron, Ohio, 44308, at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604-3590, and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005. A copy of the Consent Decree may be obtained in person or by mail from the consent Decree Library, 1120 G Street, NW 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the above-referenced case and enclose a check in the amount of \$5.50 (\$.25 per page reproduction costs) payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*

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DEPARTMENT OF JUSTICE

Extension of Public Comment Period Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that the Department of Justice, in response to a request from an interested party, has decided to extend the public comment period on the proposed consent decree in *United States v. Horsehead Industries, Inc.*, Civil Action No. CV. 98-654, which was lodged on June 10, 1999, with the United States District Court for the Middle District of Pennsylvania. Notice of initiation of a 30-day comment period was published in the **Federal Register** on June 23,

1999. See 64 F.R. 33910. The Department of Justice will receive comments relating to the consent decree until August 25, 1999. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Horsehead Industries, Inc.*, D.J. Ref. 90-11-2-271M.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*

[FR Doc. 99-19411 Filed 7-28-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Joint Employment Verification Pilot (JEVP).

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until September 27, 1999.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of 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 through 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 collection: