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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Availability of Director's Order Concerning Relationships Between the National Park Service and Cooperating Associations

AGENCY: National Park Service, Interior.

ACTION: Public Notice.

**SUMMARY:** The National Park Service (NPS) is converting and updating its current system of internal instructions to a three-level system consisting of: (1) NPS Management Policies; (2) Director's Orders; and (3) Reference Manuals/ Handbooks and other helpful information. When these documents contain new policy or procedural requirements that may affect parties outside the NPS, this information is being made available for public comment. Director's Order #32 establishes operational policies and procedural guidance concerning relationships between the NPS and Cooperating Associations. Cooperating Associations are private, nonprofit organizations that provide educational services in many areas of the National Park System.

**DATES:** Written comments will be accepted until November 3, 1997.

**ADDRESSES:** Send comments to Glenn Clark, Servicewide Cooperating Association Coordinator, Room 7312, National Park Service, 1849 C Street NW, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Glenn Clark at 202-565-1058.

#### SUPPLEMENTARY INFORMATION:

#### Director's Order, #32: Cooperating Associations

##### 1. Purpose and objective

Cooperating Associations (Associations) are private nonprofit corporations established under state law. They support the educational, scientific, historical, and interpretive activities of the National Park Service (Service) in a variety of ways, under the provisions of formal agreements with the Service. For many years, Associations have been among the Service's most effective supporters. This Director's Order is intended to help

ensure the success of the relationship between the Service and Associations by specifying operational policies and procedural requirements governing relationships between the Service and Associations. In combination with Reference Manual #32, it supersedes and replaces the Cooperating Associations Guideline (NPS-32) and instructional memoranda that have been issued in years past.

This "Level 2" Director's Order is not intended to document all the NPS's policies, procedures, practices and requirements applicable to relationships with Associations. For a comprehensive compilation of those materials, employees must refer to the "Level 3" Cooperating Association Reference Manual issued by the Associate Director, Park Operations and Education. The "Level 1" NPS Management Policies remain applicable and serve as the basic foundation for the Level 2 and Level 3 documents.

##### 2. Authorities

16 U.S.C. Sec 1-3, 6, 17j-2(e).

##### 3. Policies/Instructions/Requirements

3.1 The Associate Director, Park Operations and Education is delegated the responsibility to issue a reference manual outlining specific procedures that support policy, mandatory requirements and operational procedures.

3.2 Authority to designate associations. Where an Association serves one or more park areas within a region, authority to designate an Association is delegated to the regional director and may not be redelegated to superintendents. When an Association serves park areas in more than one region, designation authority resides with the Director, National Park Service.

3.3 Tax exempt status. Associations must obtain and maintain recognition by the Internal Revenue Service of tax exemption under Section 501(c)(3) of the Internal Revenue Code to operate in areas of the National Park System.

3.4 Service employee's role.

3.4.1 Ethical conduct. In dealing with Associations, all Service staff must comply with 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch."

3.4.2 Relation to boards. 3.4.2a Service employees may not serve on Association boards, even in an ex-officio capacity, and may not participate in Association Decisions concerning the relationship of the Association to the Service, or represent the Association in business transactions or operations. However, as authorized by Public Law

79-633, Service employees may assist Association operations.

3.4.2b Service representatives may attend Association meetings in an advisory, non-voting capacity, but may not participate in executive sessions of an Association board unless invited.

3.5 The Associate Director, Park Operations and Education will develop a standard, non-negotiable Cooperating Association Agreement. This agreement will incorporate the policy and procedural requirements set forth in this Director's Order, the provisions listed below, and any additional requirements imposed by higher authorities or by the Associate Director, Park Operations and Education, where specifically authorized by this Director's Order. Service related activities performed by Associations not addressed in the Agreement must be addressed in supplemental agreements.

3.5.1 Association responsibilities.

3.5.1a Association boards of directors will notify the Service of board meetings and will invite appropriate Service representatives to board meetings and to appropriate committee meetings.

3.5.1b Association employees are not authorized to undertake any government function or activity on behalf of the Service beyond routine visitor information services or other activities authorized by the Cooperating Association Agreement, supplements to the agreement, or agreements for voluntary services.

3.5.1c If Association employees perform functions normally carried out by Service employees other than under 3.5.1b, they must do so as Service volunteers (VIPs).

3.5.1d Associations may not use the "Agreement for Voluntary Services" to circumvent any requirements for insurance coverage included in the Cooperating Association Agreement or in this Order.

3.5.1e Association employees may not engage in activities that would lead the public to reasonably conclude that they are government employees. Association employees who engage in public contact must wear some readily identifiable indication of Association affiliation, but Association employees may not wear Service or other government uniforms.

3.5.2 Sales activities.

3.5.2.1 General Requirements.

3.5.2.1a Sales must support the purposes of Associations as stated in their articles of incorporation.

3.5.2.1b Associations must display a sign that identifies the sales outlet as a nonprofit activity of the officially approved Association for the site.

3.5.3 Sales item approval.

3.5.3a Items sold in park areas, through mail order catalogs, and at off-site sales outlets (excluding those sales outlets operated by an Association in partnership with other government entities) must be approved in advance by the superintendent for price, quality, interpretive value, and accuracy.

3.5.3b The sales of visitor convenience items must be conducted under the authority of the Concessions Policy Act and must be managed in the same manner as concession permits/contracts issued to concessioners. However, Associations must relinquish any preferential right to the renewal of those permits.

3.5.3c Associations may not sell material that violates conservation principles of the Service.

The sale of original prehistoric or historic artifacts or paleontological specimens is prohibited. Replicas of such artifacts and specimens must be clearly labeled as such.

3.5.3d Craft items represented as being Indian-made shall be sold in accordance with the Indian Arts and Crafts Act of 1990 (Pub. L. 101-644 [104 Stat. 4662], November 29, 1990).

3.5.3e Paid advertising in sales items (i.e., journals with advertising) must be incidental to the interpretive value or message of an item. Advertising or vendor information may not imply endorsement by the Service.

3.5.4 Off-site sales operations.

3.5.4.a Associations must obtain Service approval before commencing business operations in off-site sales outlets that do not serve other government entities.

3.5.4.b An Association must consult with the Service when considering operating an off-site sales outlet for another government entity.

3.5.4.c The superintendent will periodically review the off-site sales activities of Associations to ensure that Service interests are protected.

3.5.5 Interpretive activities.

3.5.5a Interpretive activities conducted by Associations in parks must be approved in advance by the Service.

3.5.5b The Association and the superintendent of the affected park area will establish standard operating procedures for conducting interpretive programs and activities.

3.5.5c All interpretive programs conducted by Associations on behalf of the Service will be audited by the Service for content, accuracy, and effective delivery.

3.5.5d The Service will assist the Association in providing training to Association staff appropriate to their interpretive activities.

3.5.5e Any fees charged must first be approved by the park superintendent.

3.5.5f Collections of fees for fee interpretation must meet Service standards for accountability and security of funds.

3.5.6 Facilities and equipment.

3.5.6a The Service will provide Associations with suitable sales areas and other facilities to conduct business. The Service reserves the right to relocate or withdraw any such facilities (upon reasonable notice) in order to meet the needs of the Service.

3.5.6b The Service will reserve the right to conduct inspections of provided facilities whenever it deems necessary.

3.5.6c The Service will provide Associations with routine maintenance and repair services and utilities such as water, electricity, heat, and air conditioning at each assigned facility, to the extent these services and utilities are required for the operation of the building for governmental purposes. Other maintenance and repair services and utilities will be provided by the Association or provided to the Association by the Service on a reimbursable basis.

3.5.6d The Service and Association will negotiate a maintenance and operations plan for those facilities governed by a supplemental agreement.

3.5.6e All Association plans for construction, redesign, or renovation of in-park facilities must be approved in advance by the Service, and must be implemented in accordance with the Service's normal design and construction procedures.

3.5.6f If buildings are constructed on Service property by Associations, the buildings must be the property of the Service.

3.5.6g When the Service designs and constructs new facilities that will house Association activities, the Association will be included in the planning and design and will be given the opportunity to review and comment on preliminary and final design plans.

3.5.6h With prior approval from the superintendent, Associations are permitted incidental use of government-owned or leased vehicles, provided that the use is solely for work authorized under the Cooperating Association Agreement or associated supplemental agreements.

3.5.7 Postage.

Associations may not use government postage.

3.5.8 Administrative requirements.

3.5.8a Audit.

A financial statement audit is required for Associations with annual gross revenue of \$1,000,000 or more; a financial statement review is required

for Associations with gross revenue of \$250,000 to \$1,000,000. For additional information refer to RM-32.

3.5.8b Annual Report.

Each Association must submit an annual financial report consisting of the NPS Form 10-40, IRS Form 990 (or 990EZ and 990T, if appropriate), a copy of the year's audited or reviewed financial statement, and a brief narrative of the year's activities and accomplishments.

3.5.8c Insurance.

Each Association must carry adequate liability insurance with a minimum of \$100,000.00 protection unless more is prescribed by the Service. In addition, The United States of America will be named as an additional insured on all such policies.

3.6 Future cooperating association agreements

The following provisions are effective immediately, and will be incorporated into the standard Cooperating Association Agreement when it is revised in 1999:

3.61 Donations to associations.

3.6.1a Donations will be governed by Director's Order #21—Donations and Fundraising.

3.6.1b Associations will accept donations only for the purposes described in their articles of incorporation.

3.6.1c When an Association accepts a donation on behalf of the Service, the Association is accountable to the donor for the use of the funds.

3.6.2 Donations from associations.

3.6.2a The level of aid to the Service appropriate to each Association must be determined jointly by the Association and the NPS based upon the nature and extent of the Association's activities and the needs of the Service.

3.6.2b Regional Directors are delegated the authority and responsibility to approve donations in the following categories before they are accepted:

1. Major research projects
2. Land acquisitions
3. Interpretive/educational facilities
4. Historic preservation/restoration projects

3.6.2c Service managers will not accept donations from Associations to fund any government personnel salaries.

3.6.2d When the Service accepts a donation from an Association, timely completion of the funded project and fund accountability are required, and a report made to the Association upon request.

3.6.3 Fundraising by cooperating associations.

3.6.3a Fundraising by Associations will be governed by Director's Order #21—Donations and Fundraising.

**Bob Huggins,**

*Acting Program Manager, Interpretation and Education Division.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the Coconino National Forest, United States Forest Service, Flagstaff, AZ**

**AGENCY:** National Park Service.

**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human remains and associated funerary objects in the control of the Coconino National Forest, United States Forest Service, Flagstaff, AZ.

A detailed assessment of the human remains was made by U.S. Forest Service, Arizona State Museum, Arizona State University, Museum of Northern Arizona, Northern Arizona University, Peabody Museum of Archaeology and Ethnology (Harvard University), the Southwest Museum, and University of Illinois Urbana-Champaign professional staff in consultation with representatives of the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe.

In 1916, human remains representing one individual were removed without permit from Chavez Pass Ruin, Coconino National Forest by Mrs. Blanche Dougan, who donated the remains to the Southwest Museum. No known individual was identified. No associated funerary objects are present.

Prior to 1934, human remains representing four individuals were removed from Chavez Pass Ruin by George Woodbury and Gila Pueblo staff and donated in 1934 to the Peabody Museum of Archaeology and Ethnology, Harvard University. Gila Pueblo was an archeological research facility located in Globe, AZ. No known individuals were identified. No associated funerary objects are present.

In 1967, human remains representing a minimum of two individuals were recovered from a portion of Chavez Pass

Ruin during legally authorized collections by Dr. John Wilson of the Museum of Northern Arizona following the disturbance of this portion by pothunters. No known individuals were identified. No associated funerary objects are present.

In 1976, human remains representing two individuals were recovered from the surface of Chavez Pass Ruin by Northern Arizona University staff following vandalism. No known individuals were identified. No associated funerary objects are present.

Between 1977 and 1981, human remains representing a minimum of 1,930 individuals were recovered from Chavez Pass Ruin during legally authorized excavations by Dr. Fred Plog of Arizona State University. No known individuals were identified. The 810 associated funerary objects include pottery bowls, jars and sherds; shell beads and ornaments; manos and metates; stone tools; projectile points; fiber matting and basketry; seeds; charcoal; and animal bones.

Chavez Pass Ruin has been identified as two large northern Sinagua masonry pueblos occupied between 1250-1400 A.D. based on ceramic seriation and radiocarbon dating.

Between 1940 and 1960, human remains representing three individuals were recovered from the Pollock site (NA 4317) during legally authorized excavations conducted by Dr. John C. McGregor of the University of Illinois Urbana-Champaign. No known individuals were identified. No associated funerary objects are present.

The Pollock site has been identified as a large northern Sinagua masonry pueblo occupied between 1200-1325 A.D. based on material culture, architecture, and site organization.

During 1953-1955, human remains representing seven individuals were removed from the Pollock site (NA 4317) during legally authorized excavations conducted by Dr. John McGregor of the University of Illinois and presently curated at the Museum of Northern Arizona. No known individuals were identified. The 317 associated funerary objects include pottery bowls and jars, shell bracelets, turquoise mosaics, copper bells, shell beads and pendants, yucca fiber, and grinding stones.

This portion of the Pollock site has been identified as a northern Sinagua masonry pueblo occupied between 1325-1400 A.D. based on material culture, architecture, and site organization.

In 1940, human remains representing seven individuals were recovered from Kinikinick Ruin (NA 1629) during

legally authorized excavations conducted by Milton Wetherill of the Museum of Northern Arizona. No known individuals were identified. No associated funerary objects are present.

Between 1940 and 1960, human remains representing two individuals were recovered from Kinikinick Ruin (NA 1629) during legally authorized excavations conducted by Dr. John C. McGregor of the University of Illinois Urbana-Champaign. No known individuals were identified. The ten associated funerary objects include shell beads.

Kinikinick Ruin has been identified as two northern Sinagua masonry pueblos occupied between 1250-1350 A.D. based on material culture, architecture, and site organization.

Continuities of ethnographic materials, technology, architecture, and published oral traditions indicate the affiliation of Chavez Pass Ruin, Kinikinick Ruin, and the Pollock site with both the Hopi Tribe and Pueblo of Zuni. Oral traditions presented by representatives of the Hopi Tribe and Pueblo of Zuni further support this affiliation with the northern Sinagua sites of Chavez Pass Ruin, Kinikinick Ruin, and the Pollock site.

In 1927, human remains representing one individual were purchased by Gila Pueblo and transferred to the Arizona State Museum in 1950. Collection information indicates this individual was removed site AR-03-04-02-1892 without a permit by an unknown person. No known individual was identified. The one associated funerary object is a Sosi pitcher in which the cremated human remains had been placed.

Site AR-03-04-02-1892 has been identified as a small Sinagua-period pueblo occupied between 1006-1300 A.D. based on material culture and site organization.

In 1927, human remains representing eight individuals were removed from Turkey Hills Pueblo during legally authorized excavations by the Arizona State Museum. No known individuals were identified. The two associated funerary objects include pottery bowl and jars.

Turkey Hills Pueblo has been identified as a large two-story pueblo with a large open court containing small structures. The site appears to have been occupied during the Sinagua elden-Turkey Hill phase, between 1100-1225 A.D. based on material culture, site organization, and architecture.

In 1980 and 1985, human remains representing six individuals were recovered from the Townsend Divide Site by University of Arizona staff