- a series of regional cemeteries or mausoleums can be established on protected lands where these unidentified individuals can be reburied and protected forever. Other alternatives to regional cemeteries for the disposition of unidentifiable Native American remains may also be worked out by the regional associations.
- 5. Several groups have stepped forward and made explicit claims for all those Native American remains for which there are no identifiable cultural descendants. The sentiment of these groups expressed in this public commentary is that such remains should not be left unattended in museums, but should be returned for reconsecration in the earth. The exact cultural affiliation of these individuals is not as important as the fact that they were removed from their final resting places without consent. There is diverse opinion in the Native American community about the treatment of individuals without cultural affiliation. The conditions outlined above for individuals without specific tribal affiliations should be applied for all so-called 'unidentifiable'' individuals.
- 6. The continuance of a Review Committee is integral to the long-term resolution of issues and problems related to the ultimate disposition of culturally unidentified human remains and associated funerary objects.
- 7. The Review Committee recognizes that many Native American tribes and groups have already developed regional and cultural associations to address the issue of culturally unidentified remains. These existing associations provide good models for repatriating and caring for culturally "unidentified" remains (as defined by the Act) in an expeditious and respectful manner. The guidelines outlined above are explicitly intended to facilitate and encourage the efforts of these existing associations.
- 8. As a means of stimulating discussion, the Review Committee would like to offer some suggestions about possible alternative procedures for repatriating unidentifiable human remains. These are suggestions only and not intended in any way as proposed regulations. The Committee offers more than one option for resolving several procedural issues and would like to solicit comments about the relative desirability of these or other options.

Draft for Comment Only

Possible procedures for deciding the disposition of unidentified remains Procedures for identification of potential claimants

Option 1

- (1) NPS compiles map of groups and tribes who may be related to all lands across time in the United States.
- (2) NPS sends inventories of unidentifiable remains to groups with historical or cultural ties to the area from which the remains were taken, or where they currently reside if their original location is unknown.
- (3) Interested Native American groups determine if there is evidence of a direct biological or cultural affinity between them and the remains.
- (4) In the absence of such evidence, groups may use geographical and chronological information to establish an affinity to the remains.

Option 2

- (1) NPS prepares abstracts of the complete national inventories and sends copies of these abstracts to every tribe and potentially descendant Native American group in the United States.
- (2) Interested Native American groups review information on remains from areas where they maintain cultural and historical affinities.
- (3) Interested groups determine if there is evidence of a direct biological or cultural affinity between them and the remains.
- (4) In the absence of such evidence, groups may use geographical and chronological information to establish an affinity to the remains.

Procedures for Reviewing Claims
Option 1

- (1) Tribe(s) or group(s) make a request for repatriation by providing NPS evidence of their affinity to the remains.
- (2) NPS reviews claims for remains and, in consultation with the NAGPRA review committee, makes determinations of cultural affinity.
- (3) The museum or requesting group may appeal the NPS decision to the NAGPRA review committee or appropriate courts.

Option 2

- (1) Tribe(s) or group(s) requests repatriation by presenting evidence of an affinity with the collection to the museum or Federal agency holding the remains.
- (2) Museum or Federal agency reviews request for repatriation and makes determinations of cultural affinity.

(3) If the museum or Federal agency decides an affinity does not exist, the requesting group may appeal the decision to the NAGPRA review committee or appropriate courts.

Procedures for making repatriations to Native American groups without BIA recognition

- (1) If it is determined that a Native American group has an affinity with the remains, a notice of intent to repatriate is published in the federal register with an appropriate waiting period to allow other tribes enough time to file additional claims.
- (2) If additional claims for specific remains are filed after this publication, the NPS will review the case for each additional request.
- (3) If it is determined based on this review that the additional requesting tribe or group does have an affinity with the remains no repatriation will occur until all claimants reach a consensual agreement on the disposition of the remains.
- (4) If agreement is reached, the remains will be repatriated to the requesting groups.
- (5) If agreement cannot be resolved through consensual agreement, the claimants can ask the NAGPRA review committee to mediate the dispute or appeal to the appropriate courts.

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32697]

Norfolk Southern Railway Company— Trackage Rights Exemption—CSX Transportation, Inc.

- CSX Transportation, Inc. (CSXT) has agreed to grant overhead trackage rights to Norfolk Southern Railway Company (NS) over a total of approximately 1,442 feet of CSXT rail lines located in Chattanooga, TN. The lines involved are described as follows:
- (1) A portion of Track No. 161–C beginning at Track Station (T.S.) 1+24 of Track No. 161–C at ownership point between CSXT and NS, 3,536 feet north of milepost J–149, and extending south to the point of switch for Track No. 161–C at T.S. 0+00 of Track No. 161–C, 3,412 feet north of milepost J–149, a distance of 124 feet.
- (2) A portion of Track No. 161, known as the River Lead Track, beginning at the point of switch for Track No. 161–C, 3,412 feet north of milepost J–149, and extending south to the point of