

**SUPPORTING STATEMENT A FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Native American Graves Protection and Repatriation Regulations
43 CFR 10
OMB Control Number 1024-0144**

Terms of Clearance: NONE

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA or the Act; 25 U.S.C. 3001-3013) requires all public and private museums receiving Federal funds to compile summaries, inventories, and notices regarding Native American cultural items in their possession or control. That information is to be provided to lineal descendants, likely interested Indian tribes and Native Hawaiian organizations, and the National NAGPRA Program (acting on behalf of the Secretary of the Interior, housed in the National Park Service (NPS)).

The Act requires the collection of information regarding Native American human remains and cultural items for the purposes of protection on Federal or Tribal lands and repatriation by museums. Information must be collected from members of the public, Indian Tribes, Native Hawaiian organizations (NHOs), and museums.

The Department of the Interior is revising and replacing the current regulations to clarify and improve the systematic process for the disposition and repatriation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony. The final regulations would eliminate ambiguities, correct inaccuracies, simplify excessively burdensome and complicated requirements, clarify timelines, and remove offensive terminology in the existing regulations that have inhibited the respectful repatriation of most Native American human remains. The regulations would simplify and improve the regulatory process for repatriation and thereby advance the goals of racial justice, equity, and inclusion.

The Act requires information collection from

- any person who knows or has reason to know of the discovery of human remains or cultural items on Federal or Tribal lands;
- Indian Tribes and Native Hawaiian organizations (NHOs) for discoveries, excavations, or dispositions on Tribal lands; and
- museums about Native American human remains or cultural items in holdings or collections.

The final regulations contain existing information collection in 43 CFR part 10 that were previously reviewed and approved by the Office of Management and Budget and assigned OMB Control Number 1024-0144 (expires 4/30/2025). This request is for the new requirements in Subparts B, C, and D that will require revision of the currently approved collection.

Legal Authority

- 25 U.S.C. 3001-3013 - Native American Graves Protection and Repatriation Act
- 43 CFR part 10 – Native American Graves Protection and Repatriation Act Regulations

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The final regulations contain existing and new information collection requirements. OMB previously reviewed and approved information collection related to 43 CFR part 10 and assigned the following OMB control number 1024-0144 (expires 4/30/2025). In developing the new information collection requirements in the final regulations, the Department relied on comments from the following entities:

- Lineal descendants
- Indian tribes
- Native Hawaiian organizations
- Federal agencies
- National museum and scientific organizations,
- Indian tribal historic preservation organizations,
- The Native American Graves Protection and Repatriation Review Committee, and
- Interested members of the public

The information in the is collection is generally used by the following entities in accordance with their roles and responsibilities.

Used by	Used to
Lineal descendants, Indian Tribes, and Native Hawaiian organizations	<ul style="list-style-type: none"> • determine whether to engage in active consultation with a museum or Federal agency; • identify the cultural affiliation and type of cultural items in a holding or collection; • request and receive repatriation of human remains or cultural items; • protect Native American human remains or cultural items discovered on Federal or Tribal lands; and • ensure proper disposition of Native American human remains or cultural items removed from Tribal lands.
Federal agencies and the Department of Hawaiian Homelands	<ul style="list-style-type: none"> • protect Native American human remains or cultural items discovered on Federal lands; • ensure proper disposition of Native American human remains or cultural items removed from Federal lands in the United States or Tribal lands in Hawai'i; and • identify holdings or collections for which it is responsible.
The Review Committee	<ul style="list-style-type: none"> • monitor the inventory and identification process conducted; • ensure a fair, objective consideration and assessment of all available relevant information and evidence; • consult with Indian Tribes and Native Hawaiian organizations; • consult with the Secretary of the Interior; • report to Congress; • better understand the state of repatriations and the ongoing or upcoming effort needed to complete repatriations; and • inform their responsibilities for conflict resolution and allow them to know when an issue has been resolved
The Secretary (or the Assistant Secretary)	<ul style="list-style-type: none"> • determine whether a museum has complied with the requirements of NAGPRA; • carry out the Secretary's responsibility for the civil enforcement of the Act against museums that fail to comply; • determine museum eligibility for grants under the Act; and • report statistics on actual repatriations.
The general public	<ul style="list-style-type: none"> • better understand the state of repatriations and the ongoing or upcoming effort needed to complete repatriations.

The information collected under 43 CFR Part 10 are as follows:

Table 2.1. New Information Collection Requirements in Subpart B

Information Collection Requirement	Final Regulations
<i>In use but previously not approved</i>	
Participate in consultation	§10.4(b)(2)
Report a discovery on Federal or Tribal lands	§10.5(a)-(b)
Respond to a discovery	§10.5(c)(1)
Consent to an excavation	§10.6(a)
Submit a claim for disposition	§10.7(c)(3)
<i>New information collections</i>	
Delegate or accept responsibility on Tribal land	§10.5(c)(2)-(3); §10.6(a)(2)-(3) and §10.7(b)(2)-(3)
Complete a disposition statement	§10.7(b)(1)

Table 2.2. Currently approved Information collections in Subpart C

Information Collection Requirement	Final Regulations
New Summary/ Inventory (private and state or local museums)	§10.9(a) and §10.10(d)
Updated Inventory Data (private and state or local museums)	§10.10(d)
Notices for publication in the <i>Federal Register</i> (private and state or local museums)	§10.9(f) and §10.10(e)
Updated Summary Data (private and state or local museums)	Removed
Notify Tribes and Request Information (private and state or local museums)	Removed
Response to requests for information (state or local museums)	Removed

Table 2.3. New Information Collection Requirements in Subpart C

Information Collection Requirement	Final Regulations
<i>In use but previously not approved</i>	
Conduct consultation	§10.9(c) and §10.10(c)
Participate in consultation	§10.9(c) and §10.10(c)
Submit a request for repatriation	§10.9(d) and §10.10(f)
Document physical transfer	§10.9(g)(1) and §10.10(h)(1)
File an allegation of failure to comply	§10.11(a)
Respond to a civil penalty action	§10.11(f) and (i)
<i>New information collections</i>	
Submit statements describing holdings or collection	§10.8(c)-(d)
Make a record of consultation	§10.9(c)(3) and §10.10(c)(3)
Respond to a request for repatriation	§10.9(e) and §10.10(g)
Send a repatriation statement	§10.9(g) and §10.10(h)
Evaluate competing requests and resolve stays of repatriation	§10.9(h)-(i) and §10.10(i)-(j)
Transfer or reinter human remains and associated funerary objects	§10.10(k)

Table 2.4. New Information Collection Requirements in Subpart D

Information Collection Requirement	Final Regulations
Request assistance of the Review Committee	§10.12(c)

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and

specifically how this collection meets GPEA requirements.

The NAGPRA Program will continue to provide templates for all information collections. We anticipate that 99% of the submission will use electronic technology (e.g., e-mail) and the remaining 1% will be mailed or hand-delivered to the appropriate offices. Previously collected information is available and easily accessible in an electronic format on a publicly available website (<https://www.nps.gov/subjects/nagpra/databases.htm>).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information submitted to National NAGPRA Program is used for no other purpose than to comply with the requirements of NAGPRA. There is no duplication of effort because NPS is the only Federal agency mandated to collect this information on behalf of the Secretary.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The impact of this information collection is limited to “museums.” From 1990 to date, approximately 10% of the total number of responding museums could be characterized as small entities. The impact required to provide information in an inventory or summary is considered to be a part of their normal duties of collections management.

However, the time needed to prepare a notice is in addition to their normal duties. In an effort to reduce respondent burden, the NAGPRA Program provides templates, and technical assistance with drafting and completing the notice requirements. The NAGPRA Program also provides grants, when funds are appropriated, to any museum or Indian Tribe, including small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without this information, many lineal descendants, Indian Tribes, and Native Hawaiian organizations would not be able to determine their interest in human remains or cultural items. The Review Committee would not be able to advise the Secretary or resolve disputes. The Secretary would not be able to determine if a museum has failed to comply with the Act or if a museum is eligible to receive a grant under the Act. If the information collected is not available, museums might be vulnerable to lawsuits alleging bad faith or a violation of due process in the repatriation of human remains or cultural items. If the information collected is not available, Indian Tribes, NHOs, Federal agencies, and DHHL may not be able to protect human remains or cultural items on Federal or Tribal lands.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;
- * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Under the final regulations, museums must prepare a written response in 14 days in the following circumstances:

- to resubmit a notice that was returned to the museum;
- to submit a notice amendment when necessary;
- to notify requestors upon receipt of competing requests for repatriation; or
- to notify requestors of the resolution of a stay of repatriation.

Under the existing regulations and the final regulations, museums must retain records permanently to document the content and recipients of all repatriations. This record-keeping requirement is consistent with the normal duties of collections management.

Under the final regulations, Indian Tribes and NHOs must retain records permanently to document discoveries, excavations, or dispositions on Tribal lands. This record-keeping requirement is consistent with the normal duties of land management.

Under the existing regulations and the final regulations, museums must protect information of a particularly sensitive nature to the extent consistent with applicable law. There is no pledge of confidentiality in this requirement beyond that in applicable law.

Under the final regulations, there is no requirement for respondents to submit proprietary trade secrets or other confidential information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

We published proposed regulations (1024-AE19, October 18, 2022) to solicit the necessary information to clarify and improve upon the systematic process for the disposition and repatriation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony. The proposed regulations solicited public comment for a period of 90 days on the existing and new information collection requirements described in this supporting statement.

We received a total of 96 separate comments related to the information collection requirements of the proposed regulations.

Comment #1: Four comments supported some part of the burden estimate, including agreeing that there is a wide variation in the actual time required because of differences in size and complexity of the required responses.

NPS Response: We appreciate the specific input on the estimated burden for certain requirements in these regulations.

Comment #2: Five comments agreed that the collection of information is necessary and has a practical utility. One comment specifically stated the information collected had no practical utility and should not be required.

NPS Response: We believe the information collected under these regulations is necessary and any information collected by the Department under these regulations is required by the Act for administrative purposes (such as publishing notices) and is not used for monitoring or evaluating the quality of that information.

Comment #3: Five comments suggested one way to minimize the burden of these regulations was for the Department to provide online resources to assist with identifying Indian Tribes with cultural affiliation.

NPS Response: We will develop and provide templates for all information collection requirements, and we will provide additional resources to assist with identifying consulting parties to minimize the burdens of these regulations.

Comment #4: Eighteen comments generally objected to the burden estimate. Many of these comments felt the methods and assumptions were flawed and did not reflect the actual amount of effort required to comply with these regulations. Fourteen comments provided estimates for the total costs of Subpart C of these regulations.

NPS Response: We believe that any estimate based on current practice or past grant awards is inherently flawed and does not account for the specific objective of the

proposed and final regulations to simplify and improve the systematic processes within specific timeframes. We understand that our estimates do not reflect the actual amount of time some museums and Federal agencies currently spend on compliance with these regulations. We strongly disagree, however, that our estimates do not reflect what is required by these regulations.

Comment #5: A total of 31 comments specifically discussed the impact of these regulations on Indian Tribes and NHOs and suggested some possible solutions to lessen the burden.

NPS Response: We do not intend to impose requirements on lineal descendants, Indian Tribes or NHOs to respond to invitations to consult or to submit claims for disposition or requests for repatriation. Those are actions that Indian Tribes and NHOs may choose to take, but are not required. Regarding the impact of these regulations on Indian Tribes and NHOs, we anticipate a change in how grant funds are awarded due to the changes in these regulations. Any changes to the amount of available funding through grants are the purview of Congress and the appropriations process. We cannot limit the grant awards to only Indian Tribes and NHOs as that would be inconsistent with the Act. During the first five years after publication of the final regulations, grant funds will likely continue to go to consultation and documentation projects to consult and update inventories. After five years, we anticipate more grant funds will be requested by Indian Tribes or NHOs for repatriation assistance or for making requests for repatriation.

Comment #6: Eighteen comments provided input or alternative estimates for specific tasks. Some of these comments also noted tasks that were missing from the burden estimate.

NPS Response: We have accounted for all actions that are required under the existing regulations and final regulations. We disagree that our estimate is missing required tasks, and the tasks identified by comments as missing are generally included in the estimate for conducting consultation. The costs of conducting consultation vary greatly, depending on the size and complexity of the consultation. However, we note that consultation does not require any specific documentation beyond what was already prepared in the initial summary or inventory. The additional tasks of inventory/packet/documentation preparation or even moving items from storage for purposes of consultation are not required by the regulations. A physical inspection of a collection is not required by these regulations, although we understand that for some museums and Indian Tribes or NHOs, in person consultation is preferred. As for the costs of physical transfer, any costs that accompany that effort are not required by these regulations, and we note that grants are provided specifically for assisting with the costs of physical transfer.

Since 1993, the Department has provided estimated hours for tasks under these regulations as a part of its compliance with the Paperwork Reduction Act. Previous estimates are far below the estimates provided by some comments, but these estimates have been consistently used by the Department and reflect what the Department believes is required by the Act and these regulations. The 1993 Proposed Rule included an estimate of “100 hours for the exchange of summary/inventory information between a museum or Federal agency and an Indian tribe or Native Hawaiian organization...” (58 FR 31124). From 1993 until publishing the proposed regulations in 2022, we continued to use the estimate of 100 hours per museums for a new summary or inventory. This is far less than the comment that stated a museum spends 19,000 hours per year on its inventory and summary and related tasks.

The 1993 Proposed Rule included an estimate of “six hours per response for the

notification to the Secretary, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collected information” (58 FR 31124). In 2012, we increased this estimate to 10 hours per notice. This is less than the estimate provided in the comments of 120 hours to facilitate a notice, including gathering and maintain data and reviewing and verifying the information, or the estimated range of two hours to 30 hours, for a median of 16 hours, to just complete the notice template. The estimate based on previous grants suggests a notice costs \$14,416 per notice which equates to between 120 hours and 225 hours per notice, depending on the hourly rate applied. We agree with the one comment that stated the number of notices is irrelevant to estimating the burden involved. Although not explicitly stated in the existing regulations, the final regulations clearly state that museums or Federal agencies may include in a single notice all human remains and associated funerary object having the same lineal descendant or cultural affiliation for efficiency and expediency. The comment that stated 31 notices could have been combined in to one notice demonstrates the discretion museums and Federal agencies exercise in complying with these regulations.

The 2010 Final Rule added a new estimate related to the new regulatory requirements. Under the regulations, museums and Federal agencies were required to (1) provide to Indian Tribes and NHOs a list of non-federally recognized Indian groups that may have a relationship to human remains and associated funerary items and (2) request from Indian Tribes and NHOs the temporal and/or geographic criteria used to identify the groups of human remains to be included in consultation. The estimated burden on museums for this collection of information was 30 minutes total, including time for reviewing existing data sources, gathering and maintaining data, and preparing a transmission to other consulting parties. In the 2022 Proposed Rule, we renamed this requirement “Initiating consultation and requesting information,” and we increased the estimated time required to range from less than one hour, or 0.50 hours, up to 5 hours, or a median of 2.75 hours. This is far less than the comments that suggested this should be much higher and range from 40 hours to 140 hours, or a median of 90 hours to initiate consultation and request information. In preparing this estimate, we have removed that information collection and accounted for these tasks under “Conduct consultation” and “Participate in consultation.”

It should be noted that the SSA estimates the costs of the information collections subject to the Paperwork Reduction Act. A separate cost-benefit analysis is included for the proposed regulations and can be found in the report entitled “Benefit-Cost and Regulatory Flexibility Threshold Analyses: Native American Graves Protection and Repatriation Act Regulations” in ROCIS.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collection is not conducted in a manner that includes a pledge of confidentiality; therefore, we do not make any assurances of confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

At the request of a lineal descendant, Indian Tribe, or NHO, a museum may take such steps to ensure that information of a particularly sensitive nature is not made available to the general public to the extent consistent with applicable law (final regulations §10.9(g)(2) and §10.10(h)(2)). This information is not collected or stored by the NPS, NAGPRA Program.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

We have identified 27 information collections in the final regulations. We estimate the frequency of response for each of the information collections is once per year. We have averaged the estimated time per response, however, the actual time required may vary based upon the difference in size and complexity of the response. In total, we estimate that we will receive, annually, **3,008 responses** totaling **161,195 annual burden hours**. We estimate the annual dollar value is **\$10,786,570** (rounded). Table 12.1 provides the combined annual burden by Subpart. Tables 12.2-12.4 (below) provide the estimated annual burden for each information collection.

Table 12.1 Combined Estimated burden of this collection

Final Regulations Subpart	Number of Information Collections	Average Number of Annual Responses	Estimated Annual Burden Hours	\$ Value of Annual Burden Hours
Subpart B - Protection on Federal or Tribal Lands	7	217	3,314	\$220,156
Subpart C – Repatriation by Museums	19	2,788	157,716	\$10,555,357

Final Regulations Subpart	Number of Information Collections	Average Number of Annual Responses	Estimated Annual Burden Hours	\$ Value of Annual Burden Hours
Subpart D – Review Committee	1	3	165	\$11,057
Total	27	3,008	161,195	\$10,786,570

To estimate the annual hour burden including benefits, we used the Bureau of Labor Statistics (BLS) News Release [USDL-23-1305](#), March 2023 Employer Costs for Employee Compensation — released June 16, 2023.

Our estimate makes the following assumptions based upon the types of respondents:

Any person

- Civil workers. Table 2 lists the hourly rate for full-time workers as **\$43.07**, including benefits.

Any Affected Party

- State and Local Government Workers. Table 3 lists the hourly rate for Professional and related Workers as **\$67.01**, including benefits

Lineal descendants

- Private Industry Workers: Table 6 lists the hourly rate for all workers as **\$40.79**, including benefits.

Indian Tribes or Native Hawaiian organizations

- State and Local Government Workers. Table 3 lists the hourly rate for Professional and related Workers as **\$67.01**, including benefits

Museums

- State and Local Government Workers. Table 3 lists the hourly rate for Professional and related Workers as **\$67.01**, including benefits

Subpart B - Protection on Federal or Tribal Lands.

We estimate that there will be approximately 217 annual responses totaling 3,313.5 annual burden hours. Our initial estimate relied on an average of 11 notices submitted by Federal agencies since 2019 (similar data is not available for Tribal lands). As a part of the public engagement and outreach on the proposed regulatory action, we requested specific input from Federal agencies on this estimate and received consistent feedback that the initial estimate was low, likely because of underreporting. Federal agencies provided higher estimates for the number of annual discoveries which have been incorporated into this estimate. The number of discoveries and excavations on Tribal lands remains unknown. The information collections below are limited to recordkeeping and disclosures to third parties which generally involve producing, submitting, or retaining a written document. Although the number of Indian Tribes or NHOs that submit claims for disposition is unknown, the estimates in Table 12.2 below are based on available data.

Table 12.2 Estimated cost based on the hour burden of the collection for Subpart B

Requirement	Requirement	Average Number of Annual Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
IN USE BUT PREVIOUSLY NOT APPROVED						
Participate in consultation	Third-Party Disclosure	45	45	2,025	\$67.01	\$135,695
Report a discovery on Federal or Tribal lands	Third-Party Disclosure	80	1	80	\$43.07	\$3,446
Respond to a discovery	Recordkeeping	20	20	400	\$67.01	\$26,804
Consent to an excavation	Recordkeeping	5	45	225	\$67.01	\$15,077
Submit a claim for disposition	Third-Party Disclosure	34	10.5	357	\$67.01	\$23,923
Subtotal		184		3,087		\$204,945

NEW COLLECTIONS

Requirement	Requirement	Average Number of Annual Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours*	Hourly Rate	\$ Value of Annual Burden Hours
Delegate or accept responsibility on Tribal land	Recordkeeping	13	10.5	137	\$67.01	\$9,180
Complete a disposition statement	Recordkeeping	20	4.5	90	\$67.01	\$6,031
Subtotal		33		0		\$15,211

*Rounded to match ROCIS

Subpart C - Repatriation by Museums.

We estimate that there will be approximately 2,788 annual responses totaling 157,715 annual burden hours. The estimates are based on available data on the repatriation of human remains or cultural items by museums (n=1,388). This includes an addition of 6 new information collections in the final regulations. The estimates are based on the average number submissions received from 2019-2023.

Table 12.3 Estimated costs based on the hour burden of the collection for Subpart C

Requirement	Requirement	Average Number of Annual Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
CURRENTLY APPROVED						
Submit New Summary	Submit to Federal government (NPS)	9	105	945	\$67.01	\$63,324
Submit New Inventory		7	255	1,785	\$67.01	\$119,613
Updated Inventory Data		277	102.5	28,393	\$67.01	\$1,902,615
Notices of Inventory Completion		277	35	9,695	\$67.01	\$649,662
Notices of Intent to Repatriate		42	15	630	\$67.01	\$42,216
Subtotal		612		0		0

*Rounded to match ROCIS

Requirement	Requirement	Average Number of Annual Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
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IN USE BUT PREVIOUSLY NOT APPROVED

Conduct consultation	Third Party Disclosure	326	105	34,230	\$67.01	\$2,293,752
Participate in consultation (Lineal descendants)	Third Party Disclosure	4	105	420	\$40.79	\$17,132
Participate in consultation (Indian Tribes/NHOs)		365	105	38,325	\$67.01	\$2,568,158
Submit a request for repatriation (Lineal descendants)	Third Party Disclosure	6	10.5	63	\$40.79	\$2,570
Submit a request for repatriation (Indian Tribes/NHO)		292	10.5	3,066	\$67.01	\$205,453
Document physical transfer	Recordkeeping	264	8	2,112	\$67.01	\$141,525
File an allegation of failure to comply	Submit to Federal government (NPS)	4	5.5	22	\$43.07	\$948
Respond to a civil penalty action		2	260	520	\$67.01	\$34,845
Subtotal		1,263		78,758		\$5,264,383

Requirement	Requirement	Average Number of Annual Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours*	Hourly Rate	\$ Value of Annual Burden Hours
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NEW COLLECTIONS

Submit statements describing holdings or collections	Submit to Federal government (NPS)	28	255	7,140	\$67.01	\$478,451
Make a record of consultation	Recordkeeping	326	17	5,542	\$67.01	\$371,369
Respond to a request for repatriation	Third Party Disclosure	264	77	20,328	\$67.01	\$1,362,179
Send a repatriation statement	Submit to Federal government (NPS)	264	10.5	2,772	\$67.01	\$185,752
Evaluate competing requests and resolve stays of repatriation	Third Party Disclosure	26	62.5	1,625	\$67.01	\$108,891
Transfer or reinter human remains and associated funerary objects	Third Party Disclosure	5	20.5	103	\$67.01	\$6,902
Subtotal		913		37,510		0

*Rounded to match ROCIS

Subpart D – Review Committee.

We estimate that there will be approximately 3 annual responses totaling 165 annual burden hours. The estimate is based on the average number requests received from 2019-2023.

Table 12.4 Estimated Annual Burden of Information Collection in Subpart D

Requirement	Respondent	Average Number of Annual Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
Request assistance of the Review Committee	Submit to Federal government (NPS)	3	55	165	\$67.01	\$11,057

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no non-hour cost burdens to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The combined estimated annual cost (see tables 14.1 and 14.2 below) for this collection of information is estimated to be **\$465,128 (rounded)**.

Table 14.1 below shows the average weighted hourly rate of \$138.09 for the Federal staff associated with this information collection. We used the Office of Personnel Management Salary Table [2023-DCB](#) to determine the hourly rates and multiplied the hourly rate by 1.59 to account for benefits in accordance with News Release [USDL-23-1305](#), March 2023 Employer Costs for Employee Compensation— released June 16, 2023, to calculate benefits.

Table 14.1. Federal staff weighted hourly rate

Position	GS Level	Hourly Rate	Hourly Rate incl. benefits (1.59)	Estimated percent of time	Weighted average
Clerical	9/5	\$35.27	\$56.08	80%	\$44.86
Skilled/technical knowledge,	13/5	\$60.83	\$96.72	95%	\$91.88
Management/professional	15/5	\$84.55	\$134.43	1%	\$1.34
Total					\$138.09

Table 14.2 below shows the estimated salary and operational costs to the Federal Government using the weighted hourly rate above. This is based upon the following assumptions:

Federal staff conduct the following tasks:

- Summaries, inventories, and notices submitted by museums are received by Federal staff of the NAGPRA Program.
- Summaries and inventories are logged, entered into a database, and filed in electronic formats.
- Notices are logged, entered into a database, reviewed for publication, and returned to the submitting museums, if incomplete.
- Statements describing holdings or collections, statements of repatriation, resolutions of competing requests or stays of repatriation, and transfer or reinterment documents are logged, entered into a database, and filed in electronic formats.
- Allegations of failure to comply, civil penalty actions, and requests to the Review Committee are logged, filed in electronic formats, and reviewed to by Federal staff.
- The number of notices expected under the final regulations is 319 per year and average 4 columns each. The cost of publication in the Federal Register is currently \$151/column (as of 2018, see <https://www.gpo.gov/how-to-work-with-us/agency/circular-letters/new-federal-register-publishing-rates>).

Table 14.2. Estimated annualized cost to the Federal government

Activity	Number of responses	Time per response (hours)	Annual Hour Burden	Hourly Rate	Annual Hour Burden Costs
New Summaries and Inventories	16	2	32	\$138.09	\$4,419
Updated Inventory Data	277	3	831	\$138.09	\$114,753
Notices	319	2	2	\$138.09	\$88,101
Other documents submitted to NPS	292	1	1	\$138.09	\$40,322
Civil penalty actions and requests to Review Committee	9	20	20	\$138.09	\$24,856
Salary Costs:					\$272,452

Table 14.3. Estimated annualized cost to the Federal government

Activity	Number of Notices	Number of Columns per notice	Total Number of Columns	Cost per column	Cost
Federal Register publications	319	4	1,276	\$151	\$192,676
Total Costs to Federal Government					\$465,128

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

In developing this estimate, we reviewed all aspects of the final regulations for information collection requirements. Our previously approved information collection identified nine information collections. The final regulations require modifications to those previously approved information collections and the removal of three previously approved information collections. We also identified 13 additional information collections in the existing regulations that were not previously identified as information collections. Finally, the final regulations require nine new information collections. Tables 12.2, 12.3 and 12.4 (above) identify and summarize the updated information collections and respondent burdens for the existing and new collections that constitute program changes.

Table 15.1. Combined estimated program changes and adjustments for Subparts B - D

Final Regulations Subpart	Annual Number of Responses			Annual Burden (hours)		
	Previously Approved	Current Request	Program Change	Previously Approved	Current Request	Program Change
Subpart B – Protection on Federal or Tribal Lands	0	217	217	0	3,313.5	3,313.5
Subpart C – Repatriation by Museums	448	2,788		4,470	157,715	
Subpart D – Review Committee	0	3	3	0	165	165
Total	448			4,470		

Subpart B - Protection on Federal or Tribal Lands.

The requirements in Subpart B of the final regulations caused a net increase of 217 responses and 3,313.5 burden hours due to new information collections.

Table 15.2. Program changes and adjustments for Subpart B

Information Collection	Annual Number of Responses			Annual Burden Hours		
	Previously Approved	Current Request	Program Change	Previously Approved	Current Request	Program Change
Participate in consultation	0	45	45	0	2,025	2,025
Report a discovery on Federal or Tribal lands	0	80	80	0	80	80
Respond to a discovery	0	20	20	0	400	400
Consent to an excavation	0	5	5	0	225	225
Submit a claim for disposition	0	34	34	0	357	357
Delegate or accept responsibility on Tribal land	0	13	13	0	136.5	136.5
Complete a disposition statement	0	20	20	0	90	90
Subtotal	0	217	217	0	3,313.5	3,313.5

Information Collections	Final Regulations	Program Change
Participate in consultation	§10.4(b)(2)	<i>(IN USE BUT PREVIOUSLY NOT APPROVED)</i> . Based on available data, we estimate consultation on 75% of total discoveries a year (n=45).
Report a discovery on Federal or Tribal lands	§10.5(a)-(b)	<i>(IN USE BUT PREVIOUSLY NOT APPROVED)</i> . Based on available data, we estimate 80 discoveries will be reported a year.
Respond to a discovery	§10.5(c)(1)	<i>(IN USE BUT PREVIOUSLY NOT APPROVED)</i> . Based on available data, we estimate 25% (n=20) of the total discoveries occur on Tribal land.
Consent to an excavation	§10.6(a)	<i>(IN USE BUT PREVIOUSLY NOT APPROVED)</i> . We assume most Indian Tribes and NHOs prefer to avoid excavation whenever possible. Based on available data, we estimate 25% (n=5) of the discoveries on Tribal lands result in excavations.
Submit a claim for disposition	§10.7(d)(3)	<i>(IN USE BUT PREVIOUSLY NOT APPROVED)</i> . Based on available data, we estimate nearly all (n=34) of published notices will be claimed by Indian Tribes or NHOs.
Delegate or accept responsibility on Tribal land	§10.5(c)(2)-(3) §10.6(a)(2)-(3) §10.7(c)(2)-(3)	This is a NEW information collection requirement. Based on available data, we estimate 2% of Indian Tribes (n=11) and NHOs (n=2) will delegate or accept responsibility. (The total number of Indian Tribes is 574. The estimated number of NHOs is 120).
Complete a disposition statement	§10.7(b) §10.7(c)	This is a NEW information collection requirement. Based on available data, we estimate that all discoveries on Tribal lands (n=20) will require a disposition statement

Subpart C: Repatriation by Museums

The requirements in Subpart C of the final regulations caused a net increase of 2,340 responses and 153,245.5 burden hours due to revised and new information collections.

Table 15.3. Program changes and adjustments for Subpart C

Information Collection	Annual Number of Responses			Annual Burden (hours)		
	Previously Approved	Current Request	Program Change	Previously Approved	Current Request	Program Change
CURRENTLY APPROVED						
Submit New Summary	2	9	7	200	945	745
Submit New Inventory	1	7	6	100	1,785	1,685
Updated Inventory Data	130	277	147	1300	28,392.5	27,092.5
Notices of Inventory Completion	64	277	213	640	9,695	9,055
Notices of Intent to Repatriate	41	42	1	410	630	220
Updated Summary Data	180	0	-180	1800	0	-1800
Notify Tribes/Request for Information	14	0	-4	7	0	-2
Respond to Requests for Information	16	0	-16	13	0	-13
Subtotal	448	612	164	4,470	41,448.5	36,977.5

Information Collection	Annual Number of Responses			Annual Burden (hours)		
	Previously Approved	Current Request	Program Change	Previously Approved	Current Request	Program Change

IN USE BUT PREVIOUSLY NOT APPROVED

Conduct consultation	0	326	326	0	34,230	34,230
Participate in consultation (Lineal descendants)	0	4	4	0	420	420
Participate in consultation (Indian Tribes/NHOs)	0	365	365	0	38,325	38,325
Submit a request for repatriation (Lineal descendants)	0	6	6	0	63	63
Submit a request for repatriation (Indian Tribes/NHO)	0	292	292	0	3,066	3,066
Document physical transfer	0	264	264	0	2,112	2,112
File an allegation of failure to comply	0	4	4	0	22	22
Respond to a civil penalty action	0	2	2	0	520	520
Subtotal	0	1,263	1,263	0	78,758	78,758

Information Collection	Annual Number of Responses			Annual Burden (hours)		
	Previously Approved	Current Request	Program Change	Previously Approved	Current Request	Program Change

NEW COLLECTIONS

Submit statements describing holdings or collections	0	28	28	0	7,140	7,140
Make a record of consultation	0	326	326	0	5,542	5,542
Respond to a request for repatriation	0	264	264	0	20,328	20,328
Send a repatriation statement	0	264	264	0	2,772	2,772
Evaluate competing requests and resolve stays of repatriation	0	26	26	0	1,625	1,625
Transfer or reinter human remains and associated funerary objects	0	5	5	0	102.5	102.5
Subtotal	0	913	913	0	37,509.5	37,509.5

Information Collections	Final Regulations	Program Change
Submit New Summary	§10.9(a)	This is a CURRENT information collection requirement, as modified, and the number of museums submitting new summaries (n=9) is based on the number of new submissions from 2021-2022. This is an increase of 7 from the estimate in our previously approved information collection and reflects recent increased activity by museums.
Submit New Inventory	§10.10(d)	This is a CURRENT information collection requirement, as modified, and the number of museums submitting new inventories (n=7) is based on the number of new submissions from 2021-2022. This is an increase of 6 from the estimate in our previously approved information collection and reflects recent increased activity by museums.
Update Inventory Data	§10.10(d)	This is a CURRENT information collection requirement, as modified, and the number of museums updating inventory data (n=277) is based on changes in the final regulations that will require 407 museums to update inventory data within five years of the final regulations.

Information Collections	Final Regulations	Program Change
Submit Notices of Inventory Completion	§10.10(b)-(c)	This is a CURRENT information collection requirement, as modified, and the number of notices of inventory completion (n=277) is based on the number of museums required to update inventory data identified above.
Submit Notices of Intent to Repatriate	§10.9(e) and §10.10(g)	This is a CURRENT information collection requirement, as modified, and the number of notice of intent to repatriate (n=42) is based on the average number of submission by museums over the last five years.
Updated Summary Data	Removed	This is a CURRENT information collection requirement which has been removed. Updated summaries are not required by these regulations.
Notify Tribes/Request for Information	Removed	This is a CURRENT information collection requirement which has been removed. This requirement is incorporated into other requirements.
Respond to Requests for Information	Removed	This is a CURRENT information collection requirement which has been removed. This is based on changes in the final regulations that no longer require Indian Tribes or NHOs to submit specific information to museums or Federal agencies.
Conduct consultation	§10.9(c) §10.10(c)	(IN USE BUT PREVIOUSLY NOT APPROVED) The number of museums (n=326) conducting consultation is based on the number of new or updated inventories (which require consultation) and the number of notices of intent to repatriate (which require consultation).
Participate in consultation	§10.9(c) §10.10(c)	(IN USE BUT PREVIOUSLY NOT APPROVED) The number of lineal descendants (n=4), Indian Tribes, and NHOs (n=365) participating in consultation is based on the number of new or updated inventories (which require consultation) and the number of notices of intent to repatriate (which require consultation).
Submit a request for repatriation	§10.9(d) §10.10(f)	(IN USE BUT PREVIOUSLY NOT APPROVED) The number of lineal descendants (n=6), Indian Tribes, or NHOs (n=292) submitting a request for repatriation is 80% of the total number of notices of inventory completion (which precede a request) and 100% of the total number of notices of intent to repatriate (which follow a request). As requests must also be submitted to Federal agencies, this includes more than the notices identified above.
Document physical transfer	§10.9(g)(1) §10.10(h)(1)	(IN USE BUT PREVIOUSLY NOT APPROVED) The number of museums (n=264) documenting physical transfer of a repatriation is 80% of the total number of notices of inventory completion (which precede a request) and 100% of the total number of notices of intent to repatriate (which follow a request).
File an allegation of failure to comply	§10.11(a)	(IN USE BUT PREVIOUSLY NOT APPROVED) . The number of people submitting an allegation of failure to comply (n=4) is based on the average number of allegations received over the last five years.
Respond to a civil penalty action	§10.11(f)-(i)	(IN USE BUT PREVIOUSLY NOT APPROVED) . The number of museums responding to a civil penalty action (n=2) is based on the average number of civil penalty actions taken in the last five years.
Submit statements describing holdings or collections	§10.8(c)-(d)	This is a NEW information collection requirement, and the number of museums required to submit statement describing holdings or collections is unknown. Based on available data, we estimate 10% (n=138) of all museums (n=1,388) that submitted information under these regulations will have additional holdings or collections to report. This total is annualized over five years.
Make a record of consultation	§10.9(c)(3) §10.10(c)(3)	This is a NEW information collection requirement, and the number of museums required to make a record of consultation (n=326) is based on our estimates above for new and updated inventories (which require consultation) and notices of intent to repatriate (which require consultation).

Information Collections	Final Regulations	Program Change
Respond to a request for repatriation	§10.9(e) §10.10(g)	This is a NEW information collection requirement, and the number of museums required to respond to requests for repatriation (n=264) is based on our estimates above for requests for repatriation and document physical transfer.
Send a Repatriation statement	§10.9(g) §10.10(h)	This is a NEW information collection requirement, and the number of museums required to submit repatriation statements (n=264) is based on estimates above for requests for repatriation and document physical transfer.
Evaluate competing requests and resolve stays of repatriation	§10.9(h)-(i) §10.10(i)-(j)	This is a NEW information collection requirement, and the number of museums required to evaluate competing requests or resolve stays of repatriation (n=26) is 10% of the estimated number of requests for repatriation and document physical transfer.
Transfer or reinter human remains and associated funerary objects	§10.10(k)	This is a NEW information collection requirement, and the number of museums who transfer or reinter human remains and associated funerary objects (n=5) is based on the average number of similar requests received in recent years.

Subpart D: Repatriation by Museums

The requirements in Subpart D of the final regulations caused a net increase of 3 responses and 165 burden hours due to the new information collection.

Table 15.4. Program changes and adjustments for Subpart D

Information Collection	Annual Number of Responses			Annual Burden Hours		
	Previously Approved	Current Request	Program Change	Previously Approved	Current Request	Program Change
Request assistance of the Review Committee	0	3	3	0	165	165

Information Collection	Final Regulations	Program Change
Request assistance of the Review Committee	§10.12(c)	This is a NEW information collection requirement, and the number of affected parties requesting assistance (n=3) is based on the average number of requests received by the Review Committee in past years.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information from this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no intentions to seek approvals to not display the OMB expiration date on the forms and for this collection.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.