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TITLE WORKING WITH 36 CFR PART 79: EXPERIENCE AT LOS ALAMOS NATIONAL LABORATORY

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Title: **Working with 36 CFR Part 79:** Experience at Los Alamos National Laboratory.

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In anticipation of the new federal curation regulation, 36 CFR Part 79, staff at Los Alamos National Laboratory (LANL) have begun a curation program which complies with the proposed law. LANL is located in Los Alamos County, New Mexico, on approximately 43 square miles of Department of Energy owned land. Cultural resources include archaeological sites dating from Archaic to Classic Period Anasazi as well as historical Homesteading and WWII (Manhattan Project) era sites. In terms of the new regulation, LANL can be viewed as a manageable unit, with its relatively small land area and moderate number of past archaeological investigations.

Recent curation work has included the identification of Department of Energy (DOE) owned archaeological and historical artifact collections from LANL. Inventories of these collections and inspections of their various repositories have also been started. DOE/LANL collections are housed locally at the Los Alamos County Historical Museum, Bandelier National Monument, and at the Museum of New Mexico in Santa Fe. A significant out-of-state collection is located in California at the University of California at Los Angeles (UCLA).

During the winter of 1989 all human skeletal remains excavated from DOE/LANL land (from 1943 to present) were located and inventoried. At present, all such sensitive materials are curated with the Museum of New Mexico and the Maxwell Museum of Anthropology's Osteology Laboratory at the University of New Mexico.

As a result of this compliance effort, several interesting problems have arisen that are not unique to the LANL curation program. As other federal agencies begin to comply with 36 CFR Part 79 they will undoubtedly need to address these issues:

Artifact Ownership

36 CFR Part 79 states that the landowner at the time of the artifact's collection is the owner of the artifact. Agencies will need to do preliminary land ownership research in order to determine the extent, both in time and space, of their curation responsibilities. The importance of this

preliminary research is highlighted by the following example.

Skeletal remains from a site located on DOE land were discovered at the Maxwell Museum's Osteology Laboratory. They were first thought to be the responsibility of DOE/LANL but it was later learned that they were excavated prior to 1943, the year that the Manhattan Project acquired the land that is now present-day LANL. Prior to 1943, land in the area was owned by the U.S. Forest Service, the Bureau of Land Management, the National Park Service, and even by private homesteaders. In some cases, the ownership of artifacts may never be determined because only the site location, not the year of excavation, is known.

Inadequate Archival Records

Federal curation responsibility comes into effect with the 1906 Antiquity Act. Many agencies do not have a complete set of records representing collections made between 1906 and the present. In fact, not all agencies have an existence that is continuous from 1906. DOE for example is a successor agency to the Energy Research and Development Agency (ERDA), which is a successor agency to the Atomic Energy Commission (AEC), which is a successor agency to the Manhattan Project -- and all this from 1943!

Agencies will have to consult a variety of sources in order to piece together a collection record. These include the various local and out-of-state repositories, appropriate publications, and known researchers who have worked on the agency's land. Due to the passage of time, the agency curator will frequently encounter poor memories, both from individuals and institutions. An example of this was encountered during LANL's inventory of human skeletal materials.

Unprovenienced skeletal remains were located during the initial inventory. Further research turned up a reference to missing provenienced remains. Unfortunately the two descriptions did not match. In the end it was an archaeologist's memory that helped with half of the dilemma: the missing provenienced remains had never been curated; they had been reburied at the site.

Repository Acquisition of Federally-owned Collections

In the past, museums were under the impression that federal collections belonged to them because during the transfer process words like "donation" and "gift" were used interchangeably with phrases like "long-term loan". 36 CFR Part 79 states that artifacts from federal lands remain the property of the government. In some cases, agencies will have to (gently) reassert ownership of their collections. Along a similar vein, an archaeologist's personal notebooks,

maps, and even artifact collections sometime include material and information which belong to the federal government. After an archaeologist's death, it might be difficult to separate the personal from the professional. The following example illustrates the need for clarification of artifact ownership.

During a visit to a local repository, two prehistoric baskets were discovered to be the property of DOE/LANL. One of the baskets was on display in a well lit area and the other basket, although in an area of temperature and humidity control, was wrapped in bubble pack and was not in an appropriate acid free environment. The decision was made to remove the baskets from their current repository and move them to the Museum of New Mexico where they could be evaluated by conservators and stored under the proper conditions. Arrangements were made to collect the baskets. Upon arrival at the local repository, LANL staff were presented with a repository outloan form. The repository staff were not aware that the baskets had been on loan from LANL although it was known that the materials had been found on DOE/LANL land. Eventually this was straightened out and a recall of LANL's original outloan was officially requested.

Evaluation of Repositories (using 36 CFR Part 79 guidelines)

Training is needed for agency staff who are now required to perform extensive inspections of repositories. The regulations dictate requirements for adequate physical security, fire suppression and warning devices, and general curation facilities and staffing.

LANL staff have conducted inspections of the local repositories that house DOE/LANL collections. However, in some cases not enough information was known in order to conduct a thorough evaluation of the repository. For example, locks, fire suppression devices, and alarms should be duly noted during an inspection visit, but are they the right type for the collections involved and do they offer adequate protection?

Evaluations of Artifact Condition

Curation and conservation training is also needed in order to properly evaluate the condition of the artifacts and their specific needs. This need for training becomes more apparent as each federal agency takes a more active role in collections management.

Again using the example of the prehistoric baskets, LANL staff had to contact a variety of sources in order to ascertain the proper conditions for the storage and display of fiber artifacts. The baskets were being conscientiously cared for at the original repository; however, the

conditions at the repository were not the most appropriate for the type of materials involved.

Curation Plans for the Future - An Action Plan

In the framework of the new curation regulation, each federal institution should develop an action plan that addresses both past collections AND future collections.

Frank McManamon's advice at the curation workshop in Sedona, Arizona should be considered. He recommended a three-year plan which included the following:

1) Identify and locate all artifacts that are the agency's responsibility;

2) Assess the condition of the artifacts and how they are being stored;

3) Identify problems with this "backlog" of previously collected and curated artifacts and define corrective procedures to bring them up to 36 CFR Part 79 standards;

and 4) Develop procedures to ensure that any new collections of archaeological materials are cared for in accordance with the new regulations.

CLOSING REMARKS

It will be difficult to comply with the new curation regulation. It will take additional funding and no one will be able to comply overnight, including the museums. With this in mind, staff at LANL are working closely with the various repositories that house the DOE/LANL artifact collections. During this initial transition period, open lines of communication and a willingness to work through problems that arise will make the compliance procedure more bearable.

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