

with representatives of the Comanche Tribe and written historic records.

Officials of the Fort Hood Archeological Laboratory have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these human remains and the Comanche Tribe.

On November 22, 1992 the above mentioned human remains were repatriated to Phillip R. Narcomey of the Comanche Cemetery Committee on behalf of the Comanche Tribal Council.

The partial and fragmentary remains of a one adult individual were collected in 1992 from the surface of a vandalized burial site (41BL0844). The remains consist of nine bone fragments. No known individual was identified.

This site has been identified as being within the Comanche's traditional occupation area, based on consultation with representatives of the Comanche Tribe and written historic records.

Officials of the Fort Hood Archeological Laboratory have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these human remains and the Comanche Tribe.

On November 21, 1993 the above mentioned human remains were repatriated to Phillip R. Narcomey of the Comanche Cemetery Committee on behalf of the Comanche Tribal Council.

The partial and fragmentary human remains of six individuals were recovered during the summer of 1990 from a rockshelter site (41BL671) on Fort Hood, by a field school conducted by Texas A&M University. Inventory and examination of the remains established that the remains of two adult males, one adult female, one child between the ages of 6 and 10 years, one new-born child, and an individual whose age and sex could not be determined. Artifacts recovered elsewhere in the site suggested it was occupied by peoples of the Toyah and Austin Foci, acknowledged as ancestral to the Tonkawa Tribe. No known individuals were identified.

This site has been identified as being within the Tonkawa's aboriginal occupation area based on the oral traditions of the Tonkawa tribe and historic accounts of their occupations in central Texas through consultations with representatives of the Tonkawa Tribe of Oklahoma. Officials of the Fort Hood Archeological Laboratory have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these human remains and the Tonkawa Tribe who are

generally acknowledged to have occupied the Bell County area of central Texas before the arrival of the Comanche in the eighteenth century.

On November 20, 1994 the above six human remains were repatriated to Ms. Virginia Combrink, President of the Tonkawa Tribe of Oklahoma on behalf of that Tribe.

Between 1984 and February 25, 1986, 78 fragments of human bone representing four individuals were collected from rockshelter site (41BL0069) on Fort Hood, by a field party from Texas A&M University. Inventory and examination of the remains established that the remains of two adult individuals, one adolescent, and one child between the ages of 6 and 10 years, sex could not be determined. Artifacts recovered elsewhere in the site suggested it was occupied by prehistoric peoples of the Toyah and Austin Foci. No known individuals were identified.

This site has been identified as being within the Tonkawa's aboriginal occupation area based on the oral traditions of the Tonkawa tribe and historic accounts of their occupations in central Texas through consultations with representatives of the Tonkawa Tribe of Oklahoma. Officials of the Fort Hood Archeological Laboratory have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these human remains and the Tonkawa Tribe who are generally acknowledged to have occupied the Bell County area of central Texas before the arrival of the Comanche in the eighteenth century.

During the 1978 recording of 41CV0130 on Fort Hood a single fragment of a human adult femur was recovered from surface spoil. 41CV0130 also yielded evidence of occupation during the late archaic period.

This site has been identified as being within the Tonkawa's aboriginal occupation area based on the oral traditions of the Tonkawa tribe and historic accounts of their occupations in central Texas through consultations with representatives of the Tonkawa Tribe of Oklahoma. Officials of the Fort Hood Archeological Laboratory have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these human remains and the Tonkawa Tribe who are generally acknowledged to have occupied the Bell County area of central Texas before the arrival of the Comanche in the eighteenth century.

This notice has been sent to officials of the Tonkawa tribe of Oklahoma, The Comanche Tribe, the Wichita and

Affiliated Tribes, the Caddo Tribe of Oklahoma, the Kiowa Tribe and the Apache Tribe. Representatives of any other Indian tribe which believes itself to be culturally affiliated with these human remains should contact Dr. Jack M. Jackson, Fort Hood Staff Archeologist, HQ III Corps and Fort Hood, attn: AFZF-PW-ENV, Fort Hood, Texas 76544-5057; telephone (817) 287-7965, before September 13, 1995. Repatriation of the human remains from sites 41BL0069 and 41CV0130 may begin after that date if no additional claimants come forward.

Dated: August 7, 1995

Francis P. McManamon

*Departmental Consulting Archeologist
Chief, Archeological Assistance Division*

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BILLING CODE 4310-70-F

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,
- (6) An indication as to whether section 3504(h) of Pub. L. 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department

of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Revision of a Currently Approved Collection

(1) Application—Inspections Facilitation Program.

(2) Form I-823, I-832A, I-823B, I-823C, and I-823D. Immigration and Naturalization Service. United States Department of Justice.

(3) Primary: Individuals or households. Other: None. The information collected will be used to determine eligibility for automated inspections programs and to secure those data elements necessary to confirm enrollment at the time of application for admission to the United States.

(4) 500,000 annual respondents .5 hours per response.

(5) 250,000 annual burden hours.

(6) Not applicable under section 3504(h) of Pub. L. 96-511.

Public comment on this item is encouraged.

Dated: August 8, 1995.

Kathleen T. Albert,

Acting Department Clearance Officer, United States Department of Justice.

[FR Doc. 95-19950 Filed 8-11-95; 8:45 am]

BILLING CODE 4410-10-M

Drug Enforcement Administration

[Docket No. 95-3]

Habit Management Institute, Inc.; Denial of Application

On October 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Habit Management Institute, Inc., of Manchester, New Hampshire (Respondent), proposing to deny its application for DEA registration as a Narcotic Treatment Program (NTP) under 21 U.S.C. 823(g). The statutory basis for the Order to Show Cause was that Respondent was not authorized to dispense controlled substances in the State of New Hampshire, the state in which it proposed to operate.

Respondent, through counsel, requested a hearing on the issues raised

in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Paul A. Tenney. On December 16, 1994, the Government filed a motion for summary disposition clarifying the Order to Show Cause and alleging, *inter alia*, that Respondent was not authorized to handle controlled substances in the State of New Hampshire, and, that Respondent lacked authority from the Food and Drug Administration of the Department of Health and Human Services (FDA), to operate an NTP. The Government's motion was supported by a letter from an FDA official informing Respondent that because the State of New Hampshire had denied its application to establish an NTP, the FDA was unable to approve its application. Respondent did not file a response to the Government's motion and did not deny that FDA has denied its application.

On January 30, 1995, the administrative law judge issued his conclusions of law and recommended ruling, recommending that Respondent's application for a DEA Certificate of Registration as an NTP be denied. On March 9, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator, pursuant to 21 CFR 1316.67, enters his final order in this matter, based on the conclusions of law set forth herein.

Practitioners who dispense narcotic drugs as part of a maintenance treatment or detoxification treatment are required to obtain a separate DEA registration under 21 U.S.C. 823(g). Authorization from the FDA is a prerequisite to the granting of registration by DEA. 21 U.S.C. 823(g)(1). The administrative law judge found that FDA notified Respondent, in writing, that the FDA had not approved Respondent's NTP.

DEA does not have statutory authority under the Controlled Substances Act to register an NTP unless that entity is authorized by the FDA to dispense controlled substances. 21 U.S.C. 823(g). In a proceeding to obtain registration as an NTP, if the applicant does not possess the requisite FDA authorization to operate an NTP, a motion for summary disposition is properly entertained. *Rosalind A. Cropper, Inc.*, 60 FR 18143 (1995). It is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom, Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Accordingly, the Deputy Administrator adopts the conclusions of law and recommended ruling of the administrative law judge in its entirety. Based on the foregoing, the Deputy Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that Respondent's application for DEA Certificate of Registration as an NTP be, and it hereby is, denied. This order is effective September 13, 1995.

Dated: August 7, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95-19956 Filed 8-11-95; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 95-19]

Derrick K. Mobley, M.D.; Revocation of Registration

On December 14, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Derrick K. Mobley, M.D. of Philadelphia, Pennsylvania (Respondent), proposing to revoke his DEA Certificates of Registration, BM2550829, issued to him in Pennsylvania, and BM1810109, issued to him in New Jersey, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent's continued registration as a practitioner is not consistent with the public interest and that Respondent is no longer authorized to handle controlled substances in the Commonwealth of Pennsylvania or the State of New Jersey. 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(3).

Respondent, *pro se*, requested a hearing on the issues raised in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On March 9, 1995, the Government filed a motion for summary disposition alleging that Respondent was not authorized to handle controlled substances in either New Jersey or Pennsylvania, the jurisdictions in which he proposes to practice. Respondent did not file a response to the Government's motion, and did not deny that he had surrendered his New Jersey license and that his Pennsylvania license had been revoked. No evidentiary hearing was held on this matter as no questions of fact were to be resolved, only a question of law.

On May 15, 1995, the administrative law judge issued her opinion and