

No associated funerary objects are present.

In 1959, human remains representing a minimum of three individuals were removed from the Banks site (Arkansas-31A) in Crittendon County, AR, by Greg Perino. Mr. Perino donated the human remains to the Oklahoma Museum of Natural History later that same year. No known individuals were identified. No associated funerary objects are present.

Diagnostic artifacts found at the Cummin's Place, Upper Nodena Place, and Banks sites indicate that the human remains are Native American and were probably buried during the Parkin phase of the Mississippian nucleation horizon (A.D. 1350-1650). The Parkin phase is characterized by Nodena leaf-shaped arrow points, Madison arrow points, pipe drills, chisels, adzes, use of basalt, conch shell beads, mushroom shaped beads, ear plugs, copper disks, discoidals, catlinite pipes, Parkin punctate and Barton incised pottery, Mississippian Plain pottery, effigy forms such as, head pots, compound vessels, and occasionally red and white Nodena ware. Although many of these types of artifacts were found at the sites, none of the artifacts besides the missing deer bone are considered associated funerary objects because they were not found in a burial context nor is there any other information that attests to their being from a burial context. Many of the Parkin phase artifact traits continued to be practiced by people later identified as Quapaw. European documentation concerning the geographical range of the Quapaw people supports their presence in the northeastern part of Arkansas. Present-day descendants of the Quapaw people are members of the Quapaw Tribe of Indians, Oklahoma.

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of seven individuals of Native American ancestry. Officials of the Sam Noble Oklahoma Museum of Natural History also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Quapaw Tribe of Indians, Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Ellen Censky, Director, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua, Norman, OK 73072, telephone (405) 325-4712, before January 27, 2006. Repatriation of

the human remains to the Quapaw Tribe of Indians, Oklahoma may proceed after that date if no additional claimants come forward.

Sam Noble Oklahoma Museum of Natural History is responsible for notifying the Quapaw Tribe of Indians, Oklahoma that this notice has been published.

Dated: December 3, 2005.

Sherry Hutt,

Manager, National NAGPRA Program.

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DEPARTMENT OF THE INTERIOR

National Park Service, Interior.

Notice of Intent to Repatriate Cultural Items: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA, that meet the definition of "unassociated funerary objects" under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

The 12 cultural items are 7 beaded necklaces (beads include glass trade beads, shell beads, and copper beads), 1 bracelet, 3 sets of pipe fragments, and 1 piece of twine.

At an unknown date, the 12 cultural items were removed from a small island just upriver from Blalock Island in the lower Columbia River, Benton County, WA, by Mr. John Tomaske, an archaeology graduate student of the University of Washington. In 1960, the cultural items were donated to the University of Washington Department of Anthropology, and subsequently transferred to the Burke Museum and accessioned in 1973 (Burke Accn. #1973-8). Accession information indicated the presence of burials at the site. According to Mr. Tomaske, the

burials had previously been disturbed and exhibited evidence of cremation. The human remains are not in the possession of the Burke Museum.

The small island just upriver from Blalock Island described in museum records could be Cook's Island, which was formerly recorded as containing cremation burials. Archaeological evidence for Cook's Island supports the presence of cremation burials. Cremation and burial on islands in the Columbia River were customary practices of the Umatilla. It was also the practice of the Umatilla that individuals were buried with many of their personal belongings. The area surrounding Blalock Island was heavily utilized by the Umatilla, including ama'amapa, which served as a habitation area, burial site, and stronghold from enemies. On Blalock Island, and along the Washington side of the Columbia River, the Umatilla had a permanent camp, Yep-po-luc-sha (or Yep-po-kuc-sha), as well as a fishing area.

Burial practices and funerary objects described are consistent with historic practices of the present-day Confederated Tribes of the Umatilla Reservation, Oregon. The area surrounding Blalock Island is within the aboriginal territory of the Confederated Tribes of the Umatilla Reservation, Oregon and the land claims boundaries of the Indian Claims Commission decision of 1960.

Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001(3)(B), the 12 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Burke Museum also have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between funerary objects and the Confederated Tribes of the Umatilla Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195-3010, telephone (206) 685-2282, before January 27, 2006. Repatriation of the unassociated funerary objects to the Confederated Tribes of the Umatilla Reservation, Oregon may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Confederated Tribes of the Umatilla Reservation, Oregon that this notice has been published.

Dated: December 6, 2005.

Sherry Hutt,

Manager, National NAGPRA Program.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 04-31]

Joey Enterprises, Inc. d/b/a NorthStar Wholesale Denial of Application

On March 2, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Joey Enterprises, Inc., d/b/a NorthStar Wholesale (hereinafter referred to as "Respondent") of Birmingham, Alabama. The show cause order proposed to deny the Respondent's February 10, 2003, application for DEA Certificate of Registration as a distributor of list I chemicals. The Order to Show Cause alleged in substance that granting the application of the Respondent would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(h).

According to the DEA investigative file, on or about March 30, 2004, the Respondent, through its President Feroz Jiwani (Mr. Jiwani), requested a hearing in response to the show cause order. On April 22, 2004, the presiding Administrative Law Judge issued an Order for Pre-hearing Statements. As part of that Order, the Administrative Law Judge directed the Government to file its Pre-hearing Statement on or before May 14, 2004, and that the Respondent was to file its Pre-hearing Statement on or before June 4, 2004. Following pre-hearing motions extending the above scheduled filing dates, the Government filed its Pre-hearing Statement on July 21, 2004. However, the Respondent did not file its Pre-hearing Statement by the August 16, 2004 deadline.

On September 2, 2004, the Administrative Law Judge issued an order extending the filing date of the Respondent's Pre-hearing Statement to September 15, 2004. The Administrative Law Judge's Order also notified the Respondent that if it again failed to meet the deadline for filing a Pre-hearing Statement, such inaction would be deemed a waiver of its hearing entitlement. Nevertheless, the

Respondent again failed to meet the new deadline and did not file its Pre-hearing Statement. Accordingly, on September 29, 2004, the Administrative Law Judge issued her Order Terminating the Proceedings.

The Deputy Administrator adopts the ruling of the Administrative Law Judge's termination order that the Respondent has waived its hearing right. *See, Aquí Enterprises*, 67 FR 12576 (2002). After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1309.53(b) and (d). The Deputy Administrator finds as follows:

List I chemicals are those that may be used in the manufacture of a controlled substance in violation of the Controlled Substances Act. 21 U.S.C. 802(34); 21 CFR 1310.02(a). As noted in previous DEA final orders, pseudoephedrine and ephedrine are list I chemicals commonly used to illegally manufacture methamphetamine, a Schedule II controlled substance.

Methamphetamine is an extremely potent central nervous system stimulant and its illicit manufacture and abuse are ongoing public health concerns in the United States. *See e.g., Direct Wholesale*, 69 FR 11654 (2004); *Yemen Wholesale Tobacco and Candy Supply, Inc.*, 67 FR 9997 (2002); *Denver Wholesale*, 67 FR 99986 (2002).

The investigative file contains a printed news release article from the DEA Web site regarding federal drug seizures and the abuse of methamphetamine in the State of Alabama. <http://www.dea.gov/pubs/states/alabama.html>. According to the article, methamphetamine has become the number one abused drug in Alabama. The article also tracked the "dramatic increase" in the number of methamphetamine laboratory seizures in the state from 1997 to 2003.

According to data obtained by DEA's El Paso Intelligence Center (also known as "EPIC"), in 1997, methamphetamine laboratory seizures in Alabama totaled six; by 2002, the total number of laboratory seizures climbed to 201.

The above-referenced registration application of the Respondent was initially submitted under the business name "Joey Enterprises, Inc.," and was later amended to include the caption, "d.b.a. Northstar Wholesale." The Respondent sought DEA registration as a distributor of the list I chemicals ephedrine, pseudoephedrine and phenylpropanolamine. There is no evidence in the investigative file that Respondent, or anyone purporting to represent the Respondent has sought to further modify its pending application.

The Deputy Administrator's review of the investigative file reveals that on September 3, 2003, DEA Diversion Investigators conducted an on-site pre-registration inspection at Respondent's proposed registered location in Birmingham. DEA's investigation revealed that Mr. Jiwani is the owner and President of the Respondent, his wife, Arynah, is the company's assistant manager, and the company also employs a part-time employee by the first name of Christopher. When asked by DEA investigators, neither Mr. nor Mrs. Jiwani knew the part-time employee's last name.

The Respondent is a cash and carry establishment that distributes typical convenience store items including tobacco products, candy, drinks and health and beauty products. The Respondent's customers consist of approximately 150 convenience stores and gas stations located in the Birmingham area, as well as Northern Alabama, Georgia and Fort Lauderdale, Florida.

DEA investigators asked Mr. Jiwani to provide information on list I chemical products the firm intended to carry. In response to the request, Mr. Jiwani provided a list of chemical products the firm would distribute, including: Max Brand 25/200 mg—60 count bottles; Mini Thins 25/200 mg—60 count bottles; Ephedrine 25/200 mg—60 count bottles; Bio Tech Ephedrine 25/200 mg—60 count bottles; Ephedrine 25/200 mg Black—12 count packets; Tylenol Cold, Tylenol Sinus and Tylenol Allergy (no sizes listed); Advil Cold and Sinus and Aleve Cold and Sinus (no sizes listed); and Vicks Dayquil and Nyquil (no sizes listed). Mr. Jiwani estimated that these products would make up ten to fifteen percent of Respondent's total sales.

Max Brand products have previously been identified by DEA as the "precursor product predominantly encountered and seized at clandestine methamphetamine laboratories." *See Express Wholesale*, 69 FR 62086, 62087 (2004); *see also, RAM, Inc. d/b/a American Wholesale Distribution Corp.*, 70 FR 11693 (2005). Convenience stores are the "primary source" for the purchase of Max Brand products, which are the preferred brand for use by illicit methamphetamine producers. *See Elk International, Inc., d/b/a Tri-City Wholesale*, 70 FR 24615 (2005).

Mr. Jiwani also informed DEA investigators that he had no experience handling list I chemical products. He further stated that Respondent had no procedure in place for identifying suspicious or unusual purchases of list I chemical products.