

Reservation, Washington; Suquamish Indian Tribe of the Port Madison Reservation, Washington; Swinomish Indians of the Swinomish Reservation, Washington; and Tulalip Tribes of the Tulalip Reservation, Washington. In consultation with the above affiliated groups, the Puyallup Tribe of the Puyallup Reservation, Washington has agreed to take the lead on the repatriation process on behalf of themselves, and the seven tribes listed above.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195-3010, telephone (206) 685-2282, before January 28, 2009. Repatriation of the human remains to the Puyallup Tribe of the Puyallup Reservation, Washington may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the following Federally recognized tribes: the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington; Nisqually Indian Tribe of the Nisqually Reservation, Washington; Puyallup Tribe of the Puyallup Reservation, Washington; Skokomish Indian Tribe of the Skokomish Reservation, Washington; Squaxin Island Tribe of the Squaxin Island Reservation, Washington; Suquamish Indian Tribe of the Port Madison Reservation, Washington; Swinomish Indians of the Swinomish Reservation, Washington; and Tulalip Tribes of the Tulalip Reservation, Washington that this notice has been published.

Dated: November 25, 2008

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E8-30903 Filed 12-24-08; 8:45 am]

BILLING CODE 4312-50-S

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Native American Graves Protection and Repatriation Review Committee: Nomination Solicitation**

**AGENCY:** National Park Service, Interior.

**ACTION:** Native American Graves Protection and Repatriation Review Committee; Notice of Nomination Solicitation.

The National Park Service is soliciting nominations for one member of the Native American Graves Protection and Repatriation Review Committee. The

Secretary of the Interior will appoint the member from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders. The nominee does not need to be a traditional religious leader.

Nominations must include the following information.

1. Nominations by traditional religious leaders: Nominations must be submitted with the nominator's original signature and daytime telephone number. The nominator must explain how he or she meets the definition of traditional religious leader.

2. Nominations by Indian tribes or Native Hawaiian organizations: Nominations must be submitted on official tribal or organization letterhead with the nominator's original signature and daytime telephone number. The nominator must be the official authorized by the tribe or organization to submit nominations in response to this solicitation. The nomination must include a statement that the nominator is so authorized.

3. A nomination must include the following information:

a. the nominee's name, postal address, daytime telephone number, and e-mail address; and

b. nominee's resume or brief biography emphasizing the nominee's NAGPRA experience and ability to work effectively as a member of an advisory board.

**DATES:** Nominations must be received by February 27, 2009.

#### **ADDRESSES:**

Address nominations to David Tarler, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program, National Park Service, 1201 Eye Street, NW, 8th Floor (2253), Washington, DC 20005.

**SUPPLEMENTARY INFORMATION:** 1. The Review Committee was established by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), at 25 U.S.C. 3006.

2. The Review Committee is responsible for -

a. monitoring the NAGPRA inventory and identification process;

b. reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items;

c. facilitating the resolution of disputes;

d. compiling an inventory of culturally unidentifiable human remains and developing a process for disposition of such remains;

e. consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the Review Committee affecting such tribes or organizations;

f. consulting with the Secretary of the Interior in the development of regulations to carry out NAGPRA; and

g. making recommendations regarding future care of repatriated cultural items.

3. Seven members compose the Review Committee. All members are appointed by the Secretary of the Interior. The Secretary may not appoint Federal officers or employees to the Review Committee.

a. Three members are appointed from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders. At least two of these members must be traditional Native American religious leaders.

b. Three members are appointed from nominations submitted by national museum organizations and scientific organizations.

c. One member is appointed from a list of persons developed and consented to by all of the other members.

4. Members serve as Special Governmental Employees, which requires submission of annual financial disclosure reports and completion of annual ethics training.

5. Appointment terms: Members are appointed for 4-year terms and incumbent members may be reappointed for 2-year terms.

6. The Review Committee's work is completed during public meetings. The Review Committee normally meets face-to-face two times per year, and each meeting is normally two or three days. The Review Committee may also hold one or more public teleconferences of several hours duration.

7. Compensation: Review Committee members are compensated for their participation in Review Committee meetings.

8. Reimbursement: Review Committee members are reimbursed for travel expenses incurred in association with Review Committee meetings.

9. Additional information regarding the Review Committee -- including the Review Committee's charter, meeting protocol, and dispute resolution procedures -- is available on the National NAGPRA Program website, at [www.nps.gov/history/nagpra](http://www.nps.gov/history/nagpra) (click "Review Committee" in the menu on the right).

10. The terms "Indian tribe," "Native Hawaiian organization," and "traditional religious leader" have the same meanings as in 43 C.F.R. 10.2.

**FOR FURTHER INFORMATION CONTACT:**

David Tarler, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program, National Park Service, 1201 Eye Street, NW, 8th Floor (2253), Washington, DC 20005; telephone (202) 354-2108; email [david\\_tarler@nps.gov](mailto:david_tarler@nps.gov).

Dated: November 21, 2008

**David Tarler,**

*Designated Federal Officer,*

Native American Graves Protection and Repatriation Review Committee.

[FR Doc. E8-30901 Filed 12-24-08; 8:45 am]

BILLING CODE 4312-50-S

**DEPARTMENT OF JUSTICE****Drug Enforcement Administration**

[Docket No. DEA-314I]

**Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2009**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Interim Established Assessment of Annual Needs with Request for Comment.

**SUMMARY:** This notice establishes, on an interim basis, the Assessment of Annual Needs for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. DEA seeks comment regarding the Assessment of Annual Needs for those List I chemicals. The Assessment of Annual Needs for these chemicals will be proposed to be revised, pursuant to DEA regulations, during calendar year 2009. After consideration of the comments received, DEA will finalize the assessment for those chemicals, prior to proposing the revision of the assessment for those chemicals during calendar year 2009.

**DATES:** This notice is effective January 1, 2009. Written comments must be postmarked, and electronic comments must be sent, on or before January 28, 2009.

**ADDRESSES:** To ensure proper handling of comments, please reference "Docket No. DEA-314I" on all written and electronic correspondence. Written comments being sent via regular or express mail should be sent to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, Virginia 22152, Attention: **DEA Federal Register Representative/ODL**. Comments may be sent to DEA by sending an electronic message to

[dea.diversion.policy@usdoj.gov](mailto:dea.diversion.policy@usdoj.gov). DEA will accept attachments to electronic comments in Microsoft Word, WordPerfect, Adobe PDF, or Excel file formats only. DEA will not accept any file format other than those specifically listed here.

**FOR FURTHER INFORMATION CONTACT:**

Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, Virginia 22152, Telephone: (202) 307-7183.

**SUPPLEMENTARY INFORMATION:** Section 713 of the Combat Methamphetamine Epidemic Act (CMEA) of 2005 (Title VII of Pub. L. 109-177) (CMEA) amended Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) by adding ephedrine, pseudoephedrine, and phenylpropanolamine to existing language to read as follows: "The Attorney General shall determine the total quantity and establish production quotas for each basic class of controlled substance in schedules I and II and for ephedrine, pseudoephedrine, and phenylpropanolamine to be manufactured each calendar year to provide for the estimated medical, scientific, research, and industrial needs of the U.S., for lawful export requirements, and for the establishment and maintenance of reserve stocks." Further, section 715 of CMEA amended 21 U.S.C. 952 "Importation of controlled substances" by adding the same List I chemicals to the existing language in paragraph (a), and by adding a new paragraph (d) to read as follows:

(a) Controlled substances in schedule I or II and narcotic drugs in schedule III, IV, or V; exceptions:

It shall be unlawful to import into the customs territory of the U.S. from any place outside thereof (but within the U.S.), or to import into the U.S. from any place outside thereof, any controlled substance in schedule I or II of subchapter I of this chapter, or any narcotic drug in schedule III, IV, or V of subchapter I of this chapter, or ephedrine, pseudoephedrine, and phenylpropanolamine, except that—

(1) such amounts of crude opium, poppy straw, concentrate of poppy straw, and coca leaves, and of ephedrine, pseudoephedrine, and phenylpropanolamine, as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes \* \* \* may be so imported under such regulations as the Attorney General shall prescribe.

\* \* \* \* \*

(d)(1) With respect to a registrant under section 958 who is authorized under subsection (a)(1) to import ephedrine, pseudoephedrine, or phenylpropanolamine, at any time during the year the registrant may apply for an increase in the amount of such chemical that the registrant is authorized to

import, and the Attorney General may approve the application if the Attorney General determines that the approval is necessary to provide for medical, scientific, or other legitimate purposes regarding the chemical.

**Editor's Note:** This excerpt of the amendment is published for the convenience of the reader. The official text is published at 21 U.S.C. 952(a) and (d)(1).

**Background and Legal Authority**

Section 713 of the CMEA (Title VII of Pub. L. 109-177) amended section 306 of the CSA (21 U.S.C. 826) to require that the Attorney General establish quotas to provide for the annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine. Section 715 of the CMEA amended 21 U.S.C. 952 by adding ephedrine, pseudoephedrine, and phenylpropanolamine to the existing language concerning importation of controlled substances.

The 2009 Assessment of Annual Needs represents those quantities of ephedrine, pseudoephedrine, and phenylpropanolamine which may be manufactured domestically and/or imported into the U.S. in 2009 to provide adequate supplies of each chemical for: the estimated medical, scientific, research, and industrial needs of the U.S.; lawful export requirements; and the establishment and maintenance of reserve stocks.

The responsibility for establishing the assessment has been delegated to the Administrator of the DEA by 28 CFR 0.100. The Administrator, in turn, has redelegated this function to the Deputy Administrator, pursuant to 28 CFR 0.104.

On September 19, 2008, a notice entitled, "Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2009: Proposed" was published in the **Federal Register** (73 FR 54431). That notice proposed the initial 2009 Assessment of Annual Needs for ephedrine (for sale), ephedrine (for conversion), pseudoephedrine (for sale), phenylpropanolamine (for sale) and phenylpropanolamine (for conversion). All interested persons were invited to comment on or object to the proposed assessments on or before October 20, 2008.

DEA received a total of two comments, one of which was from a law firm representing an industry group comprised of distributors and retailers of over-the-counter (OTC) medications. In that comment, the law firm requested that DEA "indicate what data it reviewed and relied on to estimate trends and projected demands" of