

District, U.S. Fish and Wildlife Service, Office of Law Enforcement, 4901 Paseo del Norte NE, Suite D, Albuquerque, NM 87113, telephone (505) 346-7828, email ariel_vazquez@fws.gov.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the U.S. Fish and Wildlife Service, Office of Law Enforcement, Albuquerque, NM, that meets the definition of object of cultural patrimony 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 Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

In February 2016, a cultural item was removed from a residence in McKinley County, NM. The cultural item was included in a collection of items with eagle feathers surrendered to law enforcement agents. The one object of cultural patrimony is a bison headdress with glass beading and eagle plume feathers. Cultural affiliation was determined based on the type of beading, which compares with historic photos of beaded headdresses provided by the Comanche Nation, Oklahoma.

Determinations Made by the U.S. Fish and Wildlife Service, Office of Law Enforcement

Officials of the U.S. Fish and Wildlife Service, Office of Law Enforcement, have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Comanche Nation, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to:

Ariel R. Vazquez, Resident Agent in Charge, Arizona/New Mexico District, U.S. Fish and Wildlife Service, Office of Law Enforcement, 4901 Paseo del Norte NE, Suite D, Albuquerque, NM 87113, telephone (505) 346-7828, email ariel_vazquez@fws.gov, by May 4, 2018. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Comanche Nation, Oklahoma may proceed.

The U.S. Fish and Wildlife Service is responsible for notifying the Comanche Nation, Oklahoma that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0067]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140-0067 (Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data) is being revised due to change in burden, since there is an increase in the number of respondents, responses, and total burden hours. The proposed information collection is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 4, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a

copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Dawn Smith, ATF Firearms Industry Programs Branch either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at fipb-informationcollection@atf.gov, or by telephone at 304-267-1994.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: Firearm manufacturers' records are permanent records of all firearms manufactured and records of their disposition. These records are vital to support ATF's mission to inquire

about the disposition of any firearm in the course of a criminal investigation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 9,056 respondents will respond approximately 1,269.59375 times, and it will take each respondent approximately 1.05 minutes to complete each response.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 201,205 hours which is equal to 9,056 (# of respondents) * 1,269.59375 (# of responses per person) * .0175 (1.05 minutes).

7. *An Explanation of the Change in Estimates:* The increase in total responses by 6,678, total respondents by 1,523,647 and total burden hours by 23,673, are due to a general increase in both the number of firearms manufacturers that respond to this collection and the number of firearms produced each year.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 29, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mehdi Nikparvarfard, M.D.; Decision and Order

On October 20, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Mehdi Nikparvarfard, M.D. (Registrant), of Philadelphia, Pennsylvania. The Show Cause Order proposed the revocation of Registrant's Certificate of Registration No. BN8871231 on the ground that he has "no state authority to handle controlled substances." Order to Show Cause, Government Exhibit (GX) 2, at 1 (citing 21 U.S.C. 824(a)(3)). For the same reason, the Order also proposed the denial of any of Registrant's "applications for renewal or modification of such registration and

any applications for any other DEA registrations." *Id.*

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is registered as a practitioner in schedules II through V, pursuant to DEA Certificate of Registration No. BN8871231, at the address of Advanced Urgent Care, 5058 City Ave., Philadelphia, Pennsylvania. *Id.* The Order also alleged that this registration does not expire until October 31, 2019. *Id.*

As substantive grounds for the proceeding, the Show Cause Order alleged that on September 15, 2017, the Commonwealth of Pennsylvania State Board of Medicine "issued an Order of Temporary Suspension and Notice of Hearing in which it suspended [Registrant's] license to practice" medicine. *Id.* The Order alleged that, as a result, he is "currently without authority to practice medicine or handle controlled substances in the Commonwealth of Pennsylvania, the [S]tate in which [he is] registered with the DEA." *Id.* at 1-2. Based on his "lack of authority to handle controlled substances in the Commonwealth of Pennsylvania," the Order asserted that "DEA must revoke" his registration. *Id.* at 2 (citing 21 U.S.C. 824(a)(3); 21 CFR 1301.37(b)).

The Show Cause Order notified Registrant of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

The Government states that on October 27, 2017, "personnel from DEA's Philadelphia Field Division personally served the [Show Cause] Order on Registrant at the Philadelphia Federal Detention Center where he was incarcerated." Government's Request for Final Agency Action (RFFA), at 2 (citing GX 5). Specifically, a DEA Diversion Investigator from that Field Division states that she, along with a Task Force Officer, "presented the [Order] to Dr. Nikparvar-Fard" and that he "took the [Order]." GX5, at 1.

On December 21, 2018, the Government forwarded its Request for Final Agency Action and an evidentiary record to my Office. Therein, the Government represents that it has not received a hearing request and that Registrant "has not otherwise corresponded or communicated with DEA regarding the Order served on him." RFFA, at 2. Based on the

Government's representation and the record, I find that more than 30 days have passed since the Order to Show Cause was served on Registrant, and he has neither requested a hearing nor submitted a written statement in lieu of a hearing. *See* 21 CFR 1301.43(d). Accordingly, I find that Registrant has waived his right to a hearing or to submit a written statement and issue this Decision and Order based on relevant evidence submitted by the Government. I make the following findings.

Findings of Fact

Registrant is a physician who is registered as a practitioner in schedules II-V pursuant to Certificate of Registration No. BN8871231, at the registered address of Advanced Urgent Care, 5058 City Ave., Philadelphia, Pennsylvania. *See* GX 1 (DEA Certification of Registration Status), at 1. Although not alleged in the Show Cause Order, I also find that Registrant is the holder of DATA-Waiver Identification Number XN8871231, *see id.* at 1-2,¹ which authorizes Registrant to dispense or prescribe schedule III-V narcotic controlled substances which "have been approved by the Food and Drug Administration . . . specifically for use in maintenance or detoxification treatment" for up to 275 patients. 21 CFR 1301.28(a) & (b)(1)(iii). His registration does not expire until October 31, 2019. *Id.*

The record also shows, and I so find, that on September 22, 2016, Registrant "submitted a new online application for a DEA registration bearing an address of 721 Bethleh[e]m Pike, Montgomeryville," Pennsylvania, as a practitioner in schedules II-V. I find that this new application remains pending. *See id.* at 2.

On September 15, 2017, the Commonwealth of Pennsylvania's State Board of Medicine issued an "Order of Temporary Suspension and Notice Hearing" to Registrant that "TEMPORARILY SUSPENDED" his "license to practice as a medical

¹ The DEA Certification of Registration Status confirms that Registrant has DATA-Waiver Authority, but it does not include the identification number for that authority. However, I take official notice that the Agency's registration records show that Registrant's DATA-Waiver Identification Number is XN8871231. Under the Administrative Procedure Act (APA), an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." U.S. Dept. of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Registrant is "entitled on timely request to an opportunity to show to the contrary." 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e).