the right to sell or otherwise alienate the Stealer Bundle or and associated items.

Based on the above-mentioned information, officials of the State Historical Society of Wisconsin have determined that, pursuant to 43 CFR 10.2 (d)(3), these 28 cultural items are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the State Historical Society of Wisconsin have also determined that, pursuant to 43 CFR 10.2 (d)(4), these 28 cultural items have ongoing historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the State Historical Society of Wisconsin have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Ho-Chunk Nation of Wisconsin.

This notice has been sent to officials of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Ms. Jennifer Kolb, Director, Museum Archeology Program, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706; telephone (608) 264-6560; e-mail: jlkolb@mail.shsw.wisc.edu before October 13, 1999. Repatriation of these objects to the Ho-Chunk Nation of Wisconsin may begin after that date if no additional claimants come forward.

Dated: August 24, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–23769 Filed 9–10–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA.

A detailed assessment of the human remains was made by University of Pennsylvania professional staff in consultation with representatives of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.

During the 1850s, human remains representing two individuals were removed from an unknown site by P. Gregg. In 1893, these human remains were acquired by the Academy of Natural Sciences, Philadelphia, PA. In 1966, these remains were placed on loan at the University of Pennsylvania Museum and were officially transferred into the University of Pennsylvania Museum's collections in 1998. No known individuals were identified. No associated funerary objects are present.

Based on original accession information, these individuals have been identified as Native American. Also based on original accession information, these individuals have been identified as Winnebago. No further information exists for these individuals.

Based on the above mentioned information, officials of the University of Pennsylvania Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Lastly, officials of the University of Pennsylvania Museum have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.

This notice has been sent to officials of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Jeremy Sabloff, the Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 33rd and Spruce Streets, Philadelphia, PA 19104-6324; telephone: (215) 898-4051, fax (215) 898-0657, before October 13, 1999. Repatriation of the human remains to the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska may begin after that date if no additional claimants come forward.

Dated: August 23, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–23771 Filed 9–10–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 99–12]

Frank D. Jackson, M.D.; Revocation of Registration

On December 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Frank D. Jackson, M.D. (Respondent) of Boston, Massachusetts, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AJ8888806 pursuant to 21 U.S.C. 824(a)(4), and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f), for reason that his continued registration would be inconsistent with the public interest.

By letter dated January 28, 1999, Respondent requested a hearing on the issues raised by the order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On February 19, 1999, Judge Bittner issued an Order for Prehearing Statements. The Government filed its prehearing statement on March 10, 1999, but Respondent did not file a prehearing statement.

On April 20, 1999, the Government filed a Motion for Summary Disposition and a Motion to Terminate the Proceedings. The Government's motions alleged that (1) Respondent is not currently licensed to handle controlled substances in the state where he is registered with DEA, and (2) Respondent's failure to file a prehearing statement acts as a waiver of his right to a hearing. Respondent was given until May 18, 1999, to file a response to the Government's motions, yet he did not do so.

On May 27, 1999, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacks authorization to handle controlled substances in the Commonwealth of Massachusetts; granting the Government's Motion for Summary Disposition; recommending that

Respondent's DEA Certificate of Registration be revoked; and concluding that having granted the Government's Motion for Summary Disposition, it is unnecessary to rule on the Government's Motion to Terminate. Neither party filed exceptions to her opinion, and on June 28, 1999, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Deputy Administrator finds that the Commonwealth of Massachusetts, Board of Registration in Medicine suspended Respondent's Massachusetts medical license, effective March 10, 1999. As a result, the Deputy Administrator concludes that Respondent is not currently authorized to practice medicine in the Commonwealth of Massachusetts, and therefore,it is reasonable to infer that he is not currently authorized to handle controlled substances in that state.

The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Romeo J. Perez, M.D., 62 FR 16,193 (1997); Demetris A. Green, M.D., 61 FR 60,728 (1996); Dominick A. Ricci, M.D., 58 FR 51,104 (1993).

Here it is clear that Respondent is not currently authorized to handle controlled substances in the Commonwealth of Massachusetts, where he is registered with DEA. As a result, he is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition. The parties did not dispute the fact that Respondent is not currently authorized to handle controlled substances in California. Therefore, it is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial proceeding involving evidence and cross-examination of witnesses is not required. See Jesus R. Juarez, M.D., 62 FR 14945 (1997). The rationale is that Congress does not intend administrative agencies to perform meaningless tasks. *See Philip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom Kirk* v. *Mullen*, 749 F.2d 297 (6th Cir. 1984); *see also NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers*, AFL–CIO, 549 F.2d 634 (9th Cir. 1977).

Since DEA does not have the statutory authority to maintain Respondent's DEA registration because he is not currently authorized to handle controlled substances in Massachusetts, the Deputy Administrator concludes that it is unnecessary to determine whether Respondent's continued registration would be inconsistent with the public interest, as alleged in the Order to Show Cause.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AJ8888806, previously issued to Frank D. Jackson, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration, be, and they hereby are, denied. This order is effective October 13, 1999.

Dated: August 24, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–23669 Filed 9–10–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

KK Pharmacy; Revocation of Registration

On April 2, 1999, the Deputy Assistant Administrator, Office of Division Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to KK Pharmacy, of Osage Each, Missouri, notifying it of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration BK1488104 pursuant to 21 U.S.C. 824(a)(1), 824(a)(4) and 824(a)(5), and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f), for reason that the pharmacy materially falsified an application for DEA registration, is continued registration would be inconsistent with the public interest, and it has been mandatorily excluded from participation in a program pursuant to 41 U.S.C. 1320a–7(a). The order also notified KK Pharmacy that should no request for a hearing be field within 30 days of receipt of the Order to Show Cause, its hearing right would be deemed waived.

DEA received a signed receipt indicating that the Order to Show Cause was received on April 10, 1999. No request for a hearing or any other reply was received by DEA from KK Pharmacy or anyone purporting to represent it in this matter. Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing have been received, concludes that KK Pharmacy is deemed to have waived its hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Daniel J. Vossman is the owner of KK Pharmacy and is also its pharmacist-in-charge. KK Pharmacy is located in Missouri and currently possesses DEA Certificate of Registration BK1488104.

In 1980, Mr. Vossman was the vice president of a corporation which owned several pharmacies and a wholesale distributor in Kansas. In June of 1980, Mr. Vossman admitted to the Kansas Pharmacy Board (Kansas Board) that on paper, he had been transferring the controlled substance Eskatrol from the distributor to one of the pharmacies, but in fact, he had been giving the drug to his wife for her personal use without a physician's authorization. According to Mr. Vossman, he diverted approximately 1,300 dosage units of the drug this way. A subsequent audit revealed a shortage of 1,300 dosage units of the drug this way. A subsequent audit revealed a shortage of 1,897 dosage units of Eskatrol from the pharmacy and 150 dosage units from the distributor. A later investigation revealed that prescriptions could not be found for many Schedule II prescription numbers and many Schedule II prescriptions that were on hand were unsigned. In addition, an audit covering the period January 1, 1977 to August 25, 1980, revealed discrepancies for a number of Schedule II controlled substances, including a shortage of 2,207 dosage units of Eskatrol or 53.2% for which it was accountable.

As a result, on December 3, 1980, the Kansas Board issued an Order effective October 1, 1980, which suspended Mr. Vossman's pharmacist registration for 90 days, 60 days of which were suspended, and then placed his registration on probation for one year. In addition, the wholesale distributor's registration was limited to non-