

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 human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects from site 34JN30, published in a Notice of Inventory Completion in the **Federal Register** (62 FR 49993, September 24, 1997). Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (62 FR 49993, September 24, 1997), paragraph three is corrected by substituting the following paragraph:

In 1971, human remains representing a minimum of two individuals were removed from site 34JN30, Lake Texoma, in Johnston County, OK. The human remains were excavated by the Oklahoma Archaeological Society and were originally curated at the Oklahoma Museum of Natural History (OMNH). After transfer to the U. S. Army Corps of Engineers, Tulsa District, in 1995, the human remains were inventoried for NAGPRA. At that time, no associated objects were located. In 2003, the collection was re-inventoried at LopezGarcia Group, Dallas, TX, and then transferred to OMNH, under the control of the U.S. Army Corps of Engineers, Tulsa District. In addition to human remains, associated funerary objects were located during the 2003 inventory. No known individuals were identified. The 228 associated funerary objects are 7 metal tools, 5 metal buttons, 15 metal fragments, 14 red glass beads, 16 glass bottle fragments, 29 historic ceramic sherds, 1 prehistoric ceramic sherd, 128 unmodified faunal bone fragments, 1 modified deer rib, 3 bone buttons, 4 chipped stone flakes, 2 wooden buttons, 1 historic clay pipe bowl fragment, 1 bark sample, and 1 unmodified mussel shell fragment.

In the **Federal Register** (62 FR 49992, September 24, 1997) paragraph seven, sentence two is corrected by substituting the following paragraph:

Officials of the U.S. Army Corps of Engineers, Tulsa District, have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 239 objects listed 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.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control

of these human remains and associated funerary objects should submit a written request with information in support of the request to Ms. Michelle Horn, U.S. Army Corps of Engineers, 1645 S. 101st E. Ave, Tulsa, OK 74128, telephone (918) 669-7642, by June 12, 2013. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Chickasaw Nation may proceed.

The U.S. Army Corps of Engineers, Tulsa District is responsible for notifying the Chickasaw Nation that this notice has been published.

Dated: April 8, 2013.

Sherry Hutt,

Manager, National NAGPRA Program.

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DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-12724:
PPWOCRADN0-PCU00RP14.R50000]**

Notice of Intent To Repatriate Cultural Items: The Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. 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 to the Robert S. Peabody Museum of Archaeology. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: 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 the Robert S. Peabody Museum of Archaeology at the address in this notice by June 12, 2013.

ADDRESSES: Ryan J. Wheeler, Ph.D., Director, Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA 01810, telephone (978) 749-4490.

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 cultural items under the control of the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA, 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 Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1930, four unassociated funerary objects were removed by the Gila Pueblo Foundation from the site of Pozos de Sonoqui (Sacaton 2:6 and Sacaton 2:7; AZ U:14:49 [ASM]), also known as Queen Creek Ruin and Sun Temple Ruin, in the Salt River Basin in Pinal and Maricopa Counties, AZ. Records indicate the four items were removed from cremation burials, though the human remains are not present. The objects are two ceramic bowls, one ceramic scoop, and one shell bracelet.

Between 1927 and 1928, one unassociated funerary object was removed by the Gila Pueblo Foundation from the Adamsville site (Florence 7: 6 (GP); AZ U:15:1 [ASM]) in Pinal County, AZ. Records indicate that this item likely was associated with a cremation burial, although no specific burial is listed. The object is one ceramic bowl.

In 1940, the Robert S. Peabody Museum of Archaeology received these five unassociated funerary objects as part of an exchange with the Gila Pueblo Foundation. Archaeological evidence indicates the sites of Adamsville and Pozos de Sonoqui are from the archeologically defined Hohokam tradition. The occupation of the Adamsville site was approximately between A.D. 900 and 1450. The occupation of the Pozos de Sonoqui site was approximately between A.D. 950 and 1450. Mortuary practices, ethnographic materials, and technology indicate a cultural affiliation of these Hohokam settlements with present-day O'odham (Piman) and Puebloan cultures. An August 2000 cultural

affiliation study, submitted by the Gila River Indian Community of the Gila River Indian Reservation, Arizona, addresses continuities between the Hohokam and the O'odham tribes.

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the five 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.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

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 Ryan J. Wheeler, Ph.D., Director, Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA 01810, telephone (978) 749-4490, by June 12, 2013. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian

Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: April 2, 2013.

Sherry Hutt,

Manager, National NAGPRA Program.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Leo A. Farmer, M.D.; Decision and Order

On July 12, 2011, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Leo A. Farmer, M.D. (Applicant), of Baton Rouge, Louisiana. The Show Cause Order proposed the denial of Applicant's application for a DEA Certificate of Registration as a practitioner on the ground that his "registration would be inconsistent with the public interest." GX 2, at 1 (citing 21 U.S.C. 823(f)).

The Show Cause Order specifically alleged that Applicant had previously held a practitioner's registration, which had expired on March 31, 2010, and that "[f]rom April 1 to November 5, 2010, [he had] authorized 3,497 controlled substances prescriptions" for various schedule III and IV controlled substances including phentermine, diethylpropion, and phendimetrazine. *Id.* at 1-2. The Show Cause Order further alleged that because his registration had expired, Applicant violated 21 U.S.C. 841(a)(1) and 843(a)(2), as well as 21 CFR 1306.03. *Id.* at 1.

Next, the Show Cause Order alleged that on August 18, 2010, Applicant had issued prescriptions for Adipex-P 37.5mg, a schedule IV controlled substance, to two confidential sources. *Id.* at 2. The Show Cause Order alleged that Applicant had acted outside of the usual course of professional practice and lacked a legitimate medical purpose because each of the two confidential sources did not have a Body Mass Index (BMI) which met "the medically recognized criteria for [being] 'overweight' or 'obese.'" *Id.* (citing 21 U.S.C. 841(a)(1) and 21 CFR 1306.04). With respect to the first confidential source, the Order further alleged that his/her BMI was 17.4 and that the source had said that "he/she was not interested in weight loss, merely weight maintenance." *Id.*

The Show Cause Order also notified Applicant of his right to either request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedures for electing either option, and the consequences of failing to do either. *Id.* at 2-3. On July 15, 2011, the Government accomplished service by Certified Mail addressed to him at the address he listed on his application. GX 3. Since the date of service of the Order, thirty days have now passed and neither Applicant, nor any one purporting to represent him, has filed a request for a hearing or submitted a written statement in lieu of a hearing. I therefore find that Applicant has waived his right to a hearing or to submit a written statement in lieu of a hearing and issue this Decision and Final Order based on relevant evidence contained in the record submitted by the Government. 21 CFR 1301.43(d) & (e). I make the following findings.

Findings

Applicant is a physician who practices at a clinic in Baton Rouge, Louisiana. GX 7, at 1. Applicant previously held a DEA Certificate of Registration as a practitioner; however, on March 31, 2010, Applicant allowed his registration to expire. GX 4. Applicant did not file an application for a new DEA registration until October 5, 2010. *Id.*

According to the affidavit of a DEA Task Force Officer (TFO), Applicant came to the attention of the Agency during the investigation of a person who was suspected of obtaining controlled substances through fraud. GX 7, at 1. According to the TFO, between August 2009 and April 2010, this person went to Applicant's clinic eight times and "[o]n seven of those occasions . . . was prescribed weight-loss medications despite clear indications that she was not in need of the medications." *Id.* However, when on the eighth occasion, clinic personnel, who had determined that this person was also obtaining prescriptions for weight loss drugs from another physician, confronted her with this information, she fled "and never returned." *Id.*

Subsequently, on August 18, 2011, two confidential sources (hereinafter, CS1 and CS2) conducted undercover visits at Applicant's clinic during which they wore recording devices. *Id.* at 2. According to the TFO's affidavit, Applicant asked CS1: "[w]hy are you so skinny?" *Id.* CS1 told Applicant that "he/she did not wish to lose weight, but just to maintain his/her current weight." *Id.* After noting that his clinic was primarily for weight loss, Applicant stated, "but I guess we can handle