

closely aligned and in regular contact during the 18th and 19th centuries in the lower Platte valley of eastern Nebraska. Based on material culture, ethnohistoric and cartographic evidence, site 25CC60 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

In 1969 and 1970, human remains representing a minimum of two individuals were excavated at site 25SD31, Saunders County, NE, discovered during construction on a very prominent bluff overlooking the Platte River valley by Nebraska State Historical Society archaeologists. No known individuals were identified. The approximately 2,400 associated funerary objects include approximately 2,000 glass beads, modified and unmodified animal bone, shell, gun parts, metal rings, metal bracelets, metal ear ornaments, a kettle, wood/metal knives, ocher, blanket fragments, modified shell, metal pins, chipped stone debris, a stone human effigy pipebowl, catlinite and ceramic pipe fragments, wooden bowl fragments, furniture drawer pull and charcoal.

Site 25SD31 is located very near to an Otoe-Missouri village established in the 18th century. Funerary objects suggest a mid 18th century affiliation for 25SD31. Based on material culture ethnohistoric and cartographic evidence, site 25SD31 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

In 1970, human remains representing a 20-27 year old female were excavated at site 25CC131 (King Hill site) Cass County, NE by Nebraska State Historical Society archeologists. No known individual was identified. The 35 associated funerary objects include iron tools, animal bone, glass and shell beads, brass rings, sheet metal, and chipped stone flaking debris.

Site 25CC131 is located very near to a series of Otoe-Missouri villages established in the 18th and 19th centuries. This time period is consistent with the time range of the associated funerary objects. These two tribes were closely aligned and in regular contact during the 18th and 19th centuries in the lower Platte valley of eastern Nebraska. Based on material culture, ethnohistoric and cartographic evidence, site 25CC131 is associated with the Otoe-Missouria tribe.

In 1992, human remains representing a minimum of one individual were collected during construction at site 25SD82, Saunders county, NE, by a Nebraska State Historical Society archeologist and the Saunders County Sheriff. The site is not located on Federal Land. In accordance with Nebraska State law, further disturbance

of burials at the site was avoided. The site is on a prominent bluff overlooking the Platte River valley near, and perhaps is an extension of, site 25SD31. No known individuals were identified. The ten associated funerary objects include a stone pipe, modified animal bone, glass beads, ground stone abraders, and a ceramic sherd.

Site 25SD82 is located very near to an Otoe-Missouri village established in the 18th century. Funerary objects suggest a mid 18th century affiliation for 25SD82. Based on material culture, ethnohistoric and cartographic evidence, site 25SD82 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

Based on the above mentioned information, officials of the Nebraska State Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of nineteen individuals of Native American ancestry. Officials of the Nebraska State Historical Society have also determined that, pursuant to 43 CFR 10.2 (d)(2), the approximately 3,000 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. Officials of the Nebraska State Historical Society 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 Native American human remains and associated funerary objects and the Otoe-Missouria Tribe of Indians, Oklahoma.

This notice has been sent to officials of the the Otoe-Missouria Tribe of Indians, Oklahoma; the Iowa Tribe of Kansas and Nebraska; the Kaw Nation, Oklahoma; and the Iowa Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Rob Bozell, Associate Director, Nebraska State Historical Society, 1500 R Street, P.O. Box 82554, Lincoln, NE 68501-2554; telephone: (402) 471-4789, before March 25, 1999. Repatriation of the human remains and associated funerary objects to the Otoe-Missouria Tribe of Indians, Oklahoma may begin after that date if no additional claimants come forward. Dated: February 11, 1999.

Francis P. McManamon,
*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

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DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Notice of Inventory Completion for Native American Human Remains from Yavapai County, AZ in the Control of the Prescott National Forest, USDA Forest Service, Prescott, AZ

AGENCY: National Park Service, DOI.

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 from Yavapai County, AZ in the control of the Prescott National Forest, USDA Forest Service, Prescott, AZ.

A detailed assessment of the human remains was made by Arizona State University, Museum of Northern Arizona and USDA Forest Service professional staff in consultation with representatives of the Camp Verde Yavapai-Apache Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe.

This notice corrects the original notice's cultural affiliation of Native American human remains and associated funerary objects published Thursday, December 17, 1998.

Based on the above mentioned information, officials of the USDA Forest Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 22 individuals of Native American ancestry. Officials of the USDA Forest Service have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 23 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. Lastly, officials of the USDA Forest Service 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 Native American human remains and associated funerary objects **and the Hopi Tribe.**

This notice has been sent to officials of the Camp Verde Yavapai-Apache Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human

remains should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 517 Gold Ave. SW, Albuquerque, NM 87102; telephone: (505) 842-3238, fax: (505) 842-3800, before March 25, 1999. Repatriation of the human remains to the Hopi Tribe and the Yavapai-Prescott Indian Tribe may begin after that date if no additional claimants come forward. Dated: January 25, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96-32]

Pettigrew Rexall Drugs; Revocation of Registration

On April 8, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Pettigrew Rexall Drugs (Respondent) of Adamsville, Tennessee, notifying the pharmacy of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, AP0406911, pursuant to 21 U.S.C. 824(a)(4), and deny any pending applications for registration pursuant to 21 U.S.C. 823(f), for reason that its continued registration would be inconsistent with the public interest.

By letter dated May 1, 1996, Respondent, through counsel, filed a request for a hearing and the matter was docketed by Administrative Law Judge Mary Ellen Bittner. In the midst of prehearing proceedings, Respondent filed a Motion to Dismiss arguing that this action is barred by the statute of limitations, estoppel, laches and the Double Jeopardy Clause of the Fifth Amendment. In addition, Respondent filed a Motion in Limine to Exclude Evidence based upon the hearsay nature of some of the evidence and that the evidence is barred by the statute of limitations. Judge Bittner denied both of these motions and a hearing was held in Memphis, Tennessee on March 4 and 5, 1997. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties submitted proposed findings of fact, conclusions of law and argument. On July 9, 1998,

Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's DEA Certificate of Registration be revoked. On July 28, 1998, Respondent filed its Exceptions to the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge. Thereafter, Judge Bittner transmitted the record of these proceedings to the then-Acting Deputy Administrator on August 13, 1998.

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 the findings of fact and conclusions of law of the Administrative Law Judge and in part adopts the recommended decision. The Deputy Administrator's adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that Respondent is a pharmacy located in Adamsville, Tennessee and is owned and operated by Jimmy Max Pettigrew, R.Ph. Respondent has been in operation since 1963.

During an unrelated investigation in 1993, state investigators examined Respondent's computerized records and noticed that some individuals appeared to be filling controlled substance prescriptions over extended periods of time. The investigators compared the computerized records with Respondent's prescription records and discovered that essentially all of the suspect prescriptions were oral rather than written. The investigators then took patient profiles from Respondent's computerized records to the doctors listed as the prescribing physicians and asked them to verify that they had authorized the oral prescriptions. The doctors compared the patient profiles from Respondent with their patient records and where there were discrepancies, the investigators obtained affidavits from the doctors indicating what prescriptions they had a record or recollection of authorizing.

As a result of the investigation, a Grand Jury for the United States District Court for the Western District of Tennessee, Eastern Division returned a 294-count indictment against Mr. Pettigrew on May 16, 1994, and the case was heard before a jury in March 1995. A number of the counts were dismissed following a defense motion at trial and

the jury acquitted Mr. Pettigrew of the remaining counts.

Based upon a review of Respondent's patient profiles, the prescriptions found at Respondent, the doctors' affidavits, testimony of several of the doctors at the criminal proceeding, and Mr. Pettigrew's testimony at the hearing in this matter, the Deputy Administrator makes the following findings regarding the 14 customers whose prescriptions are at issue in this proceeding.

According to Respondent's records, between January 1, 1987 and September 11, 1991, it dispensed 2,150 dosage units of Tylenol No. 3 to Patient 1 that were orally prescribed by John N. Jenkins, M.D. In his affidavit, Dr. Jenkins stated that his patient file indicated prescriptions issued to Patient 1 during this time period for a total of 550 dosage units of Tylenol No. 3, which included refills. Thus, Respondent dispensed approximately 1,600 dosage units of Tylenol No. 3 to Patient 1 pursuant to purported oral prescriptions that were not documented in her physician's records.

Dr. Jenkins testified in the criminal trial while Respondent's patient profile indicates that he had authorized 43 dispensings of Tylenol No. 3 for Patient 1, the patient record only indicates that he authorized 14 of them. He acknowledged that it was possible that oral prescriptions were occasionally not recorded in his patient files, but that it was unlikely that there would be 29 prescriptions for one patient that he had authorized but not charted. But according to Mr. Pettigrew, he called Dr. Jenkins on three or four occasions and Dr. Jenkins gave Mr. Pettigrew permission to dispense Tylenol No. 3 to Patient 1 without calling for authorization each time, "as long as she's taking it within reason." Nonetheless, Mr. Pettigrew indicated that he called Dr. Jenkins' office each and every time for authorization to dispense to this patient.

Respondent's records indicate that between November 17, 1986 and September 5, 1991, it dispensed 2,520 dosage units Ativan 1 mg. to Patient 2 pursuant to oral prescriptions authorized by John W. Prather, M.D. In his affidavit, Dr. Prather stated, "It has been my practice not to telephone prescriptions for Ativan for my patients. Any prescriptions for Ativan would have to be written by me." In addition, Dr. Prather stated that he had not seen Patient 2 since April 6, 1988. Patient 2's profile also indicates that on a number of occasions, Respondent dispensed more than five refills of a prescription and without one prescription, refilled it