to defraud the Medicare program of over one million dollars. The Order to Show Cause also outlined how one of Dr. Kantor's patient files revealed his distribution of large quantities of Schedule III and IV controlled substances to a single patient over a seven month period, including 19,200 dosage units of hydrocodone and four prescriptions for OxyContin, a Schedule II controlled substance, to that same patient. When DEA investigators executed a search warrant of the patient's residence on March 12, 2003, the search revealed the patient had several bottles of 100-count hydrocodone tablets. However, the vast majority of hydrocodone tablets, as well as other controlled substances, could not be accounted for.

According to the investigative file, the Order to Show Cause/Immediate Suspension of Registration was personally delivered to Dr. Kantor on March 31, 2003, at a federal detention center in Miami, Florida. More than thirty days have passed since the Order to Show Cause/Immediate Suspension of Registration was served on Dr. Kantor and DEA has not received a request for hearing or any other reply from Dr. Kantor or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator of DEA, finding that (1) thirty days having passed since the delivery of the Order to Show Cause/Immediate Suspension of Registration to Dr. Kantor, and (2) no request for hearing having been received, concludes that Dr. Kantor is deemed to have waived his hearing right. See David W. Linder, 67 FR 12579 (2002). After considering material from the investigative file in this matter, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds Dr. Kantor is currently registered with DEA as a practitioner under DEA Registration, AK4080545, in Schedules II through V. That registration expires on December 31, 2004. At the time DEA initiated action to revoke his DEA registration, Dr. Kantor was licensed under Florida law as a podiatrist. However, following the issuance and delivery of the Order to Show Cause/ Immediate Suspension of Registration, the Deputy Administrator obtained a copy of a Final Order adopted by the State of Florida, Board of Podiatric Medicine (Board) on November 20, 2003. A review of the Final Order reveals that on the above date, the Board permanently revoked Dr. Kantor's license of podiatry.

The investigative file contains no evidence that the Board's Final Order revoking Dr. Kantor's podiatry license has been lifted, stayed or that his license has been reinstated. Therefore, the Deputy Administrator finds that Dr. Kantor is not currently authorized to practice medicine in the State of Florida and as a result, it is reasonable to infer that he is also without authorization to handle controlled substances in that state.

DEA does not have 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 business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See* Stephen J. Graham, M.D., 69 FR 11661 (2004); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear Dr. Kantor's podiatry license has been revoked and therefore, he is not currently licensed to handle controlled substances in Florida, the state where he maintains a DEA controlled substance registration. Therefore, Dr. Kantor is not entitled to a DEA registration in that state. Because Dr. Kantor is not entitled to a DEA registration in Florida due to his lack of state authorization to handle controlled substances, the Deputy Administrator concludes it is unnecessary to address whether his registration should be revoked based upon the public interest grounds asserted in the Order to Show Cause/Immediate Suspension of Registration. See Fereida Walker-Graham, M.D., 68 FR 24761 (2003); Nathaniel-Aikens-Afful, M.D., 62 FR 16871 (1997); Sam F. Moore, D.V.M., 58 FR 14428 (1993).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AK 4080545, issued to Sheldon Kantor, D.P.M. be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective November 1, 2004.

Dated: September 13, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–21965 Filed 9–29–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 18, 2004, and published in the **Federal Register** on June 3, 2004, (69 FR 31412–31413), Abbott Laboratories, DBA Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed:

Drug	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

The company plans to manufacture bulk product and finished dosage units for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Abbott Laboratories to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Abbott Laboratories to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

William J. Walker,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 04–21952 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to 21 CFR 1301.33(a), this is notice that on July 22, 2004, Lifepoint, Inc., 10400 Trademark Street, Rancho Cucamonga, California 91730, made application by renewal to the Drug

Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phencyclidine (7471)	II
Ecgonine (9180)	II
Morphine (9300)	II

The company plans to produce small quantities of controlled substances for use in drug test kits.

Any other such applicant and any person who is presently registered with DEA to manufacture such a substance may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCD) and must be filed no later than November 29, 2004.

Dated: September 16, 2004.

William J. Walker,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 04–21946 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 29, 2004, and published in the **Federal Register** on April 29, 2004, (69 FR 23538), Lonza Riverside, 900 River Road, Conshohocken, Pennsylvania 19428, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Gamma hydroxybutyric acid (2010).	I
Amphetamine (1100)	II
Methylphenidate (1724)	II

The company plans to manufacture bulk products for the manufacture of finished dosage units for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Lonza Riverside to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Lonza Riverside to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: September 8, 2004.

William J. Walker,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 04–21950 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 19, 2004, Mallinckrodt Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Remifentanil (9739), a basic class of controlled substance in Schedule II.

The firm plans to manufacture the listed controlled substance for dosage form manufacture and for distribution in bulk form.

Any other such applicant and any person who is presently registered with DEA to manufacture such as substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Federal Register Representative, Office of Chief Counsel (CCD) and must be filed no later than November 29, 2004.

Dated: September 16, 2004.

William J. Walker,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 04–21943 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Correction

By Notice dated March 5, 2004, and published in the **Federal Register** on March 15, 2004, (69 FR 12179), Mallinckrodt Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Morphine (9300), a basic class of Schedule II controlled substance. The drug code was inadvertently dropped during the preparation of the Notice of Registration dated July 28, 2004 and published in the **Federal Register** on August 18, 2004 (69 FR 51331).

The company plans to manufacture the basic class of controlled substance for internal use and for sale to other companies.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Mallinckrodt Inc. to manufacture Morphine is consistent with the public interest at this time. DEA has investigated Mallinckrodt Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of Morphine (9300).

Dated: September 16, 2004.

William J. Walker,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 04–21941 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M