

State of Florida, his place of DEA registration.

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 *Karen Joe Smiley, M.D.*, 68 FR 48944 (2003); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993); *Bobby Watts, M.D.*, 53 FR 11919 (1988). Revocation is also appropriate when a State license has been suspended, but with a possibility of future reactivation. See *Anne Lazar Thorn, M.D.*, 62 FR 12,847 (1997).

Here, it is clear Respondent currently lacks authority to handle controlled substances in Florida, the State in which he is registered with DEA as a practitioner. Therefore, DEA does not have authority to maintain Respondent's DEA Certificate of Registration for his Florida practice or to grant any pending applications for renewal or modification of that registration.

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, BI3210642, issued to Alton E. Ingram, Jr., M.D., 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 May 26, 2004.

Dated: April 7, 2004.

Michele M. Leonhart,
Deputy Administrator.

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Drug	Schedule
Tetrahydrocannabinols (7370)	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phencyclidine (7471)	II
Benzoylcegonine (9180)	II
Morphine (9300)	II

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

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Lifepoint, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Lifepoint, Inc. to ensure that the company's registration is consistent with the public interest. This 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 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed is granted.

Dated: April 1, 2004.

William J. Walker,

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

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deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Maynard is not currently authorized to practice medicine or handle controlled substances in Texas, his State of registration and practice. The order also notified Dr. Maynard that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Maynard at his address of record at 2929 Martin Luther King Jr. Blvd., Dallas, Texas 75215. According to the return receipt, on or around June 30, 2003, the Order was accepted on Dr. Maynard's behalf. DEA has not received a request for hearing or any other reply from Dr. Maynard or anyone purporting to represent him in this matter.

Therefore, the Acting 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 having been received, concludes that Dr. Maynard is deemed to have waived his hearing right. See *Samuel S. Jackson, D.D.S.*, 67 FR 65145 (2002); *David W. Linder*, 67 FR 12579 (2002). After considering material from the investigative file, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Maynard currently possesses DEA Certificate of Registration AM5672591. The Acting Deputy Administrator further finds that, effective June 20, 2003, the Disciplinary Panel of the Texas State Board of Medical Examiners temporarily suspended Dr. Maynard's medical license. The suspension was based upon findings of fact that, *inter alia*, Dr. Maynard "exhibited a pattern of conduct involving improper non-therapeutic and medically unnecessary prescribing of narcotics, controlled substances and dangerous drugs to patients" and that such conduct "appears to have resulted in patient harm and is related to their deaths from apparent drug overdoses." Additionally, on June 20, 2003, the Texas Department of Public Safety, based upon the Board of Medical Examiner's license suspension, revoked Dr. Maynard's State of Texas, Department of Safety, Controlled Substance Registration.

The investigative file contains no evidence that the Board of Medical Examiner's Temporary Suspension Order has been stayed or that Dr. Maynard's medical license has been reinstated. Therefore, the Acting Deputy

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated November 14, 2003, and published in the **Federal Register** on December 2, 2003 (68 FR 67475), Lifepoint, Inc., 10400 Trademark Street, Rancho Cucamonga, California 91730, made application by renewal to the Drug Enforcement Administration for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Daniel A. Maynard, D.O.; Revocation of Registration

On June 23, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Daniel A. Maynard, D.O. (Dr. Maynard) of Dallas, Texas, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AM5672591 under 21 U.S.C. 824(a) and

Administrator finds that Dr. Maynard is not currently authorized to practice medicine in the State of Texas. As a result, it is reasonable to infer 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 *Muttaiya Darmarajeh, M.D.*, 66 FR 52936 (2001); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993); *Bobby Watts, M.D.*, 53 FR 11919 (1988).

Here, it is clear Dr. Maynard's medical license has been suspended and he is not currently licensed to handle controlled substances in Texas, where he is registered with DEA. Therefore, he is not entitled to a DEA registration in that State.

Accordingly, the Acting 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 AM5672591, issued to Daniel A. Maynard, D.O., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective May 26, 2004.

Dated: March 29, 2004.

Michele M. Leonhart,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Timothy Norray; Denial of Application

On June 4, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Timothy Scott Norray (Mr. Norray), proposing to deny his application for DEA Certificate of Registration as a researcher. The Order to Show Cause alleged that granting Mr. Norray's application would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f). The show cause order also notified Mr. Norray that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Mr. Norray at his address of record and DEA received a signed receipt indicating that it was received by him on June 11, 2003. DEA has not received a request for hearing or any other reply from Mr. Norray or anyone purporting to represent him in this matter.

Therefore, the Acting 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 having been received, concludes that Mr. Norray is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 C.F.R. 1301.43(d) and (e) and 1301.46

The Acting Deputy Administrator finds that Mr. Norray submitted a DEA registration application dated December 30, 2001, seeking authorization to handle controlled substances in Schedules I through V as a researcher. Mr. Norray proposed as his registered location an address in Berne, New York. He requested registration for the following Schedules I and II controlled substances: heroin, marijuana, mescaline, peyote, cocaine, methadone and methamphetamine. Mr. Norray attached to his application, a protocol which stated in part, that he "will train and handle Labrador Retrievers to detect narcotics in schools and businesses throughout the New York area. . . with the goal of providing a pro-active program to reduce or eliminate drugs from our school or workplace."

On October 16, 2002, a DEA Diversion Investigator spoke with Mr. Norray by telephone regarding his intended use of a registration with DEA. Mr. Norray outlined his desire to establish a bomb and drug detection business using trained dogs. Mr. Norray stated that he already possessed a dog trained to detect explosives which he had purchased from a North Carolina dog trainer. He further stated that he had completed a course in North Carolina related to handling a bomb detection dog.

Mr. Norray also informed DEA that he had been investigated by the New York State Department of Health, Bureau of Controlled Substances (NYBCS) and had received a controlled substance license from that state agency under the researcher category. Mr. Norray further stated that he had obtained the required safe to store drugs, which was bolted to the floor as advised by a local state investigator.

On October 16, 2002, DEA personnel interviewed a researcher registered with the agency who stated that he trained and sold explosive and drug detection canines. The researcher further explained that he had been responsible for certifying Mr. Norray on a course involving work with dogs trained to detect explosives. The researcher added however, that Mr. Norray was not a dog trainer but had only learned to handle a trained dog.

A review of the investigative file reveals further that on October 17, 2002, DEA personnel spoke with an investigator for the NYBCS. That individual stated that his investigation of Mr. Norray consisted primarily of a criminal background check and a visit to the latter's residence. The NYBCS investigator further stated that in the absence of a criminal record for an applicant or indications of ongoing criminal activity at the proposed licensed location, it was automatic that a controlled substance license would be issued. The NYBCS investigator opined that the state criteria for the licensure of researchers were not stringent. DEA later confirmed that Mr. Norray had obtained state researcher licenses which authorized him to handle controlled substances in Schedules I through V.

On November 5, 2002, DEA personnel spoke with a sergeant from the office of the New York State Police in Albany. The officer informed DEA that he has trained over 250 dogs over the preceding nineteen years, and was at the time of DEA's investigation the officer in charge of the New York State Police K-9 Program (the K-9 Program) located in Cooperstown, New York. The DEA investigative report references a state of the art training facility operated by the K-9 Program, and how that unit is responsible for training explosive and drug detection canines.

The sergeant also informed DEA that the New York State Police have a certification course for police departments who purchase detection dogs from private kennels. The certification is restricted to law enforcement agencies. The sergeant also stated that he was aware of Mr. Norray based on the latter's request to attend the New York State Police certification course. The sergeant further stated that Mr. Norray's request for certification in the area of canine detection was denied because Mr. Norray was not affiliated with law enforcement.

On November 5, 2002, a DEA Diversion Investigator along with an officer from the New York State Police met with Mr. Norray at the latter's home in furtherance of DEA's pre-registration investigation. Mr. Norray showed the