include every substance defined as such under Federal law and thus, may not have restricted Respondent's ability to prescribe each and every substance controlled under the Federal scheme. The Government filed a response asserting such a comparison was unnecessary.

On August 29, 2003, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of the recommended ruling, Judge Bittner granted the Government's Motion for Summary Disposition, in part, finding Respondent was not licensed to practice medicine in Ohio, the jurisdiction where he sought to be registered and further finding, to the extent that substances scheduled under the Federal Controlled Substances Act are controlled under Kentucky State law, that he lacked authorization to handle controlled substances in Kentucky. Judge Bittner recommended, to that extent, that Respondent's DEA Certificate of Registration be revoked. She also recommended denial of Respondent's application to modify his DEA registration to reflect an Ohio address.

On September 9, 2003, along with a motion asking Judge Bittner to reconsider her Opinion and Recommended Decision, the Government filed newly obtained documentation showing Respondent's Kentucky medical license had recently been suspended. On September 24, 2003, Judge Bittner issued a Memorandum to the Parties, granting the Government's Motion for Reconsideration and rescinding the Opinion and Recommended Decision, insofar as it applied to the Kentucky registration. While reaffirming her findings and recommendations with regard to Ohio, she advised both parties that, with respect to Kentucky, she was considering the Government's motion as an amended motion for summary disposition, based on the ground that Respondent was not currently authorized to practice medicine in that State. Respondent did not avail himself of the opportunity afforded him to respond to the motion.

On October 22, 2003, Judge Bittner issued a Supplemental Opinion and Recommended Decision of the Administrative Law Judge (Supplemental Opinion and Recommended Decision). In it, Judge Bittner found Respondent's Kentucky medical license had been suspended by that State's June 20, 2003, Emergency Order of Suspension. Further, she concluded that because he is not currently licensed to practice medicine in Kentucky, he is not eligible to hold a DEA registration in that State. Accordingly, Judge Bittner granted the Government's Motion for Summary Disposition, recommending that Respondent's DEA registration be revoked.

No exceptions were filed by either party to the Supplemental Opinion and Recommended Decision or to those sections of Judge Bittner's initial Opinion and Recommended Decision which had not been rescinded. On November 24, 2003, the record of these proceedings was transmitted to the Office of the DEA Deputy Administrator.

The Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her final order based upon findings of fact and conclusions of law as hereinafter set forth. As to the Kentucky registration, the Deputy Administrator adopts in full the Supplemental Opinion and Recommended Decision. Regarding Respondent's application for a change of registered location to Ohio, the Deputy Administrator adopts only those findings of fact and conclusions of law and recommendations in the Opinion and Recommended Decision which are relevant to that issue. The remaining findings of fact, conclusions of law and recommendations in the Opinion and Recommended Decision, pertaining to Respondent's Kentucky registration, were rescinded and the Deputy Administrator takes no action with regard to those findings, conclusions or recommendations.

The Deputy Administrator finds Respondent holds DEA Certificate of Registration, BB7108550, as a practitioner on the Commonwealth of Kentucky. The Deputy Administrator further finds that on June 20, 2003, the Commonwealth of Kentucky, Board of Medical Licensure, issued an Emergency Order of Suspension, indefinitely suspending Respondent's authority to practice as a physician in the Commonwealth of Kentucky. The Deputy Administrator further finds that on August 14, 2002, the Ohio Medical Board permanently revoked Respondent's medical license in that State. There is no evidence in the record indicating that either the suspension or revocation has been stayed or modified or that Respondent's license to practice medicine in either jurisdiction has been reinstated. As a result, he is not authorized to prescribe, dispense, administer, or otherwise handle controlled substances in Kentucky, the place of current DEA registration, or in Ohio, the location of proposed 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 that because Respondent is not currently licensed to practice medicine in either jurisdiction, he currently lacks authority to handle controlled substances in Kentucky, the State where he is registered and in Ohio, the State where he seeks to be registered. Therefore, DEA does not have authority to maintain Respondent's DEA Certificate of Registration or grant any pending applications for renewal or modification of that registration, including, but not limited to, Respondent's application to change his registered location to Ohio.

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, BB7108550, issued to Lewis B. Boone, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that his application for modification of such registration be, and they hereby are, denied. This order is effective July 16, 2004.

Dated: May 17, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–13533 Filed 6–15–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated October 7, 2003, and published in the **Federal Register** on October 29, 2003, (68 FR 61699), Guilford Pharmaceuticals, Inc., 6611 Tributary Street, Baltimore, Maryland 21224, made application by renewal to the Drug Enforcement Administration

for registration as a bulk manufacturer of Cocaine (9041), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture a Schedule II cocaine derivative as a final intermediate for the production of dopascan injection.

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 Guilford Pharmaceuticals, Inc. to manufacture the listed controlled substance is consistent with the public interest at this time. DEA has investigated Guilford Pharmaceuticals, 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 class of controlled substance listed is granted.

Dated: May 26, 2004.

William J. Walker,

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

[FR Doc. 04–13537 Filed 6–15–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated February 4, 2004, and published in the **Federal Register** on February 18, 2004, (69 FR 7656), Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066, 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
Tetrahydrocannabinols (7370)	I
Difenoxin (9168)	I
Propiram (9649)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Morphine (9300)	II
Thebaine (9333)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances in bulk to supply to its customers.

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 Johnson Matthey, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Johnson Matthey, 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: May 26, 2004.

William J. Walker,

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

[FR Doc. 04–13536 Filed 6–15–04; 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 October 20, 2003, Siegfried (USA), Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Methadone Intermediate (9254), a basic class of controlled substance in Schedule II. The code was inadvertently dropped from the subsequent Notices of Application and Renewal. On 5/14/2004, DEA received a telephonic communication requesting that the code be added back onto the firm's registration.

The firm plans to manufacture the listed controlled substance for distribution as a bulk product to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such 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 August 16, 2004.

Dated: June 1, 2004.

William J. Walker,

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

[FR Doc. 04–13532 Filed 6–15–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 03–48]

Deborah Y. Strauss, D.V.M., Revocation of Registration

On August 1, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Deborah Y. Strauss, D.V.M. (Respondent) notifying her of an opportunity to show cause as to why DEA should not revoke her Certificate of Registration, BS6351821, and deny any pending applications for renewal or modification of such registration pursuant to 21 U.S.C. 824(a)(3) and (a)(4). Specifically, the Order to Show alleged that the Respondent's State controlled substances registration has been suspended and her continued registration would be inconsistent with the public interest based on matters concerning her purported issuance of prescriptions for Demerol, a Schedule II controlled substance, for no legitimate medical purpose. The Order to Show Cause further alleged that as a result of an accountability audit, the Respondent was unable to account for over 10,000 mg. of injectible Demerol, and her records involving the Schedule IV controlled substance diazepam, were not complete or accurate in violation of DEA regulations.