handle controlled substances in Ohio or Michigan and therefore, not entitled to a DEA registration in either jurisdiction. As a result of a finding that Dr. Phillips lacks any state authorization to handle controlled substances, the Deputy Administrator concludes that it is unnecessary to address further whether his DEA registration should be revoked based upon the public interest grounds asserted in the Order to Show Cause. See Samuel Silas Jackson, D.D.S., 67 FR 65145 (2002); 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, BP3145403, issued to David C. Phillips, 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 November 1, 2004.

Dated: September 8, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–21960 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 May 21, 2004, and published in the **Federal Register** on June 3, 2004, (69 FR 31414), Research Triangle Institute, Kenneth H. Davis Jr., Hermann Building East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances:

Drug	Schedule
Marihuana (7360)	I
Cocaine (9041)	II

The Institute will manufacture small quantities of cocaine derivates and marihuana derivatives for use by their customers primarily in analytical kits, reagents and standards.

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 Research Triangle Institute to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Research Triangle Institute 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. 04–21951 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Import of Controlled Substances; Notice of Registration

By Notice dated May 21, 2004 and published in the **Federal Register** on June 3, 2004, (69 FR 31413–31414), Research Triangle Institute, Kenneth H. Davis, Jr., Hermann Building East Institute Drive, PO Box 12194, Research Triangle Park, North Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substance:

Drug	Schedule
Marihuana (7360)	I
Cocaine (9041)	II

The company plans to import small quantities of the listed substances for the National Institute of Drug Abuse and other clients.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Research Triangle Institute to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Research Triangle Institute 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. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 15, 2004.

William J. Walker,

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

[FR Doc. 04–21953 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Saeed Saleh, M.D.; Revocation of Registration

On December 8, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Saeed Seleh,[1] M.D. (Dr. Saleh) notifying him of an opportunity to show cause as to why DEA should not revoke his Certificate of Registration, AS5912387, under 21 U.S.C. 824(a)(3) and (a)(4), and deny any pending applications for renewal or modification of that registration pursuant to 21 U.S.C. 823(f). Specifically, the Order to show Cause alleged in relevant part, the following:

(1) Effective June 2, 2001, the State of Michigan, Department of Consumer and Industry Services, Board of Medicine Disciplinary Subcommittee, suspended Dr. Saleh's licensure privileges. On September 19, 2001, the Subcommittee dissolved the summary suspension and suspended Dr. Saleh's medical license for six months and one day. Because reinstatement of his medical license following the suspension was not automatic, Dr. Saleh was required to apply for reinstatement, which he failed to do. As of September 4, 2003, Dr. Saleh's medical license was considered ''lapsed'', as it expired on January 31, 2003.

[1] The Order to Show Cause alternates the spelling of the registrant's last name between *Salah* and *Saleh*. Since it appears from attached correspondences in the investigative file that the common spelling of the registrant's name is Saleh, the Deputy Administrator will refer to the registrant's name in a similar fashion.

(2) The action with respect to Dr. Saleh's medical license was based upon a neuropsychiatric evaluation which indicated that he suffered from significant cognitive deficits. The evaluation indicated further that Dr. Saleh demonstrated disinhibition, deficits in attention and concentration, anterograde amnesia, and deficits in executive functioning. The state evaluator considered these conditions and concluded that Dr. Saleh was not able to practice medicine, and as a result, the State of Michigan found Dr. Saleh in violation of a provision of the state Public Health Code. Dr. Saleh was also found to be impaired and not able to safely and skillfully practice the health profession. In addition, the State charged Dr. Saleh with violating section 16221(b)(iii) of the Public Health Code, in that he was found to have suffered from a mental or physical inability to practice his profession in a safe and competent manner.

(3) Dr. Saleh also had a medical license to practice medicine in California, which was suspended on October 31, 2001. The allegations were in reference to the summary suspension that was issued by the Michigan Board of Medicine in June of 2001. Effective, September 23, 2002, the California Medical Board issued an order revoking Dr. Saleh's medical license in California, *i.e.* his Physician's and Surgeon's Certificate.

(4) As a result of the actions taken by the State of Michigan, Department of Consumer and Industry Services, Board of Medicine Disciplinary Subcommittee, Dr. Saleh is currently without authority to handle controlled substances in the State of Michigan, the state in which he is registered with DEA.

Copies of the Order to Show Cause were sent by certified mail to Dr. Saleh at his registered location in Detroit, Michigan, with a second copy sent to a location in Orchard Lake, Michigan. The order sent to the Orchard Lake location was subsequently forwarded to a location in San Diego, California by the United States Postal Service where it was accepted on behalf of Dr. Saleh on December 26, 2003. DEA has not received a request for hearing or any other reply from Dr. Saleh 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 to the registrant's address of record, as well as to a second address; and (2) no request for hearing having been received, concludes that Dr. Saleh 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 that Dr. Saleh is currently registered with DEA as a practitioner. According to information in the investigative file, on or about June 26, 2001, the Michigan Department of Consumer and Industry Services, Board of Medicine (Board) issued an Order of Summary Suspension of the state medical license of Dr. Saleh. Attached to the Order of Summary Suspension was a two-count Administrative Complaint which alleged, in relevant part, that Dr. Saleh suffered from ''* * * a mental or physical inability reasonably related to and adversely affecting [his] ability to practice medicine in a safe and competent manner * * *''

In support of the allegations in its Administrative Complaint, the Board found that after a neuropsychological examination, Dr. Saleh suffered from memory and cognitive impairments. Specifically, Dr. Saleh was diagnosed with amnestic syndrome, small vessel cerebral ischemic disease and demonstrated deficits involving memory function, fine motor dexterity, verbal fluency, and abstract reasoning.

Effective September 19, 2001, Dr. Saleh entered into a Consent Order with the Board where the parties agreed, *inter alia,* to the dissolution of the June 26, 2001 Order of Summary Suspension and the suspension of Dr. Saleh's medical license for a minimum period of six months and one day. The parties further agreed that reinstatement of a license which had been suspended for more than six months is not automatic; and in the event Dr. Saleh applied for the reinstatement of his medical license, he was required to satisfy certain conditions as part of his readmission to the practice of medicine.

Information in the investigative file further reveals that in or around September of 2003, DEA received information that Dr. Saleh's Michigan medical license was considered ''lapsed'' by the state, as it had expired on January 31, 2003. There is no evidence before the Deputy Administrator that Dr. Saleh has satisfied the conditions of the Board for reinstatement of his medical license, or that he has renewed that license.

Pursuant to 21 U.S.C. 824(a), the Deputy Administrator may revoke a DEA Certificate of Registration if she finds that the registrant has had his state license revoked and is no longer authorized to dispense controlled substances, or has committed such acts as would render his registration contrary to the public interest as determined by factors listed in 21 U.S.C. 823(f). *Thomas B. Pelkowski, D.D.S.,* 57 FR 28538 (1992). Nevertheless, despite findings of the Board regarding Dr. Saleh's fitness to practice medicine in the State of Michigan and notwithstanding the other public interest factors for the revocation of his DEA registration asserted herein, the more relevant consideration here is the present status of Dr. Saleh's state authorization to handle controlled substances.

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 Rory Patrick Doyle, M.D.*, 69 FR 11655 (2004); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Saleh's Michigan medical license was suspended, and it subsequently expired. Under the circumstances, it is reasonable to infer that Dr. Saleh is currently not licensed under Michigan law to handle controlled substances. Therefore, he is not entitled to a DEA registration in that state. As a result of a finding that Dr. Saleh lacks state authorization to handle controlled substances, the Deputy Administrator concludes that it is unnecessary to address further whether his DEA registration should be revoked based upon the public interest grounds asserted in the Order to Show Cause. *See Samuel Silas Jackson, D.D.S.,* 67 FR 65145 (2002); *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, AS5912387, issued to Saeed Saleh, 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 November 1, 2004.

Dated: September 8, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–21962 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a registration under 21 U.S.C. 952(a)(2)(b) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with 21 CFR 1301.34(a), this is notice that on July 21, 2004, Tocris Cookson, Inc., 16144 Westwoods Business Park, Ellisville, Missouri 63021–4500, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of Tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

The company plans to import small quantities of the products for research purposes.

Any manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections or requests for hearing 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 (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e) and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(b), (c), (d), (e) and (f) are satisfied.

Dated: September 16, 2004.

William J. Walker,

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

[FR Doc. 04–21942 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Value Wholesale Denial of Registration

On September 8, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Value Wholesale (Value) proposing to deny its November 6, 2001, application for DEA Certificate of Registration as a distributor of list I chemicals. The Order to Show Cause alleged that granting Value's application would be inconsistent with the public interest, as that term is used in 21 U.S.C. 823(h) and 824(a). The order also notified Value that should no request for a hearing be filed within 30 days, its hearing right would be deemed waived.

According to the DEA investigative file, the Order to Show Cause was sent by certified mail to Value at its proposed registered location at 15188 Eight Mile Road, Oak Park, Michigan 48237. It was received on September 16, 2003, and DEA has not received a request for a hearing or any other reply from Value or anyone purporting to represent the company in this matter.

Therefore, the Deputy Administrator of DEA, finding that (1) thirty days have passed since delivery of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Value has waived its hearing right. See Aqui Enterprises, 67 FR 12576 (2002). After considering relevant material from the investigative file, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1309.53(c) and (d) and 1316.67 (2003). The Deputy Administrator finds as follows:

List I chemicals are those that may be used in the manufacture of a controlled substance in violation of the Controlled Substances Act. 21 U.S.C. 802(34); 21 CFR 1310.02(a). Pseudoephedrine and ephedrine are list I chemicals commonly used to illegally manufacture methamphetamine, a Schedule II controlled substance. Phenhylpropanolamine, also a list I chemical, is presently a legitimately manufactured and distributed product used to provide relief of the symptoms resulting from irritation of the sinus, nasal and upper respiratory tract tissues, and is also used for weight control. Phenylpropanolamine is also a precursor chemical used in the illicit manufacture of methamphetamine and amphetamine. Methamphetamine is an extremely potent central nervous system stimulant, and its abuse is an ongoing public health concern in the United States.

The Deputy Administrator's review of the investigative file reveals that an application dated November 6, 2001, was submitted on behalf of Value and signed by its President and only officer, Mr. John Loussia (Mr. Loussia). Value sought registration as a distributor of multiple list I chemicals, including pseudoephedrine (8112) and phenylpropanolamine (1225). There is no evidence in the investigative file that Value has sought to modify its pending application with regard to those two chemicals.

In January 1999, Value originally applied for DEA registration as a distributor of list I chemicals and during a pre-registration investigation, it was determined the company had been buying and selling list I chemical products for a number of years prior to filing this application for registration. However, on February 5, 1999, that application was approved and Value issued DEA Certificate of Registration 004000VHY.

On October 31, 2001, during the course of a regularly scheduled cyclic investigation, it was discovered Value's registration had expired, effective May 31, 2000, without any application for renewal having been filed. Nevertheless, investigators found that the firm had continued to order and sell list I chemical products after its registration had expired. Investigators also discovered Value had not been maintaining adequate or complete records of customer addresses as required by 21 CFR 1310.06. A DEA letter of admonition was issued the company and in reply, Mr. Loussia advised he would be submitting the instant application for registration and not be carrying list I chemical products until its approval.

In connection with the pending application, an on-site pre-registration investigation was conducted in March 2002. Mr. Loussia advised investigators that Value was a full-line wholesaler/distributor of groceries to local food