2001.'' The court imposed a ten year penitentiary sentence, five years community supervision as well as a $4,000 fine and a fifteen day jail sentence as a condition of community supervision. In response to these matters, on September 25, 2003, the Board Staff filed a Complaint requesting a hearing on its merits and requesting that Dr. Aragon's medical license be suspended or revoked.

4. Dr. Aragon's state medical license has been delinquent for non-payment since December 30, 2002, and his Texas Department of Public Safety Controlled Substances Registration expired on January 31, 2003, and has not been renewed.

The Order to Show Cause was initially sent by certified mail to Dr. Aragon at his registered location in Irving, Texas; however, the order was returned to DEA by the United States Postal Service with a stamped notation: ''attempted, not known.'' On February 6, 2004, DEA mailed copies of the Order to Show Cause to Dr. Aragon at a residential location in Las Vegas, New Mexico, with an additional copy sent to a purported work address in Santa Rosa, New Mexico. The order sent to the purported work address was returned unclaimed, but the second order sent to the residential location was accepted on behalf of Dr. Aragon on February 9, 2004. DEA has not received a request for hearing or any other reply from Dr. Aragon 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. Aragon 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. Aragon is currently registered with DEA as a practitioner. According to information in the investigative file, on or about May 15, 2002, Dr. Aragon entered into an Agreed Order with the Texas State Board of Medical Examiners (Board). Dr. Aragon and the Board agreed, *inter alia,* that Dr. Aragon's state medical license be suspended until he completed various terms and conditions for reinstatement, including the completion of a 96-hour inpatient evaluation, conducted by or under the direction of a psychiatrist to evaluate Dr. Aragon for substance abuse or an organic mental condition. The Agreed Order resulted from findings by the Board that on November 20, 2000, Dr. Aragon was arrested by the Dallas (Texas) Police and charged with driving while intoxicated (DWI).

In addition, the Board found that Dr. Aragon was charged with illegal possession of dangerous and controlled substances. The Agreed Order also referenced Dr. Aragon's subsequent plea agreement with the Dallas District Attorney's Office, where he plead guilty and was convicted of the DWI offense. The Agreed Order further referenced Dr. Aragon's admission of guilt to ''the unadjudicated [sic] offenses of illegal drug possession, and his subsequent sentencing on June 8, 2001 to ''150 days in jail probated for two years and a $2,000.00 fine.'' The Board made additional findings regarding Dr. Aragon's writing of fictitious prescriptions in the names of family members and leaving blank prescriptions for the use of his physician assistants when he was not in the office.

Information in the investigative file also shows Dr. Aragon's state medical license has been delinquent for non-payment since December 30, 2002, and his Texas Department of Public Safety Controlled Substances Registration expired on January 31, 2003, and has not been renewed.

There is no evidence before the Deputy Administrator that Dr. Aragon has satisfied the conditions of the Board for reinstatement of his medical license, or that the Board suspension order has been stayed or lifted. Moreover, there is no evidence in the investigative file that Dr. Aragon's state controlled substance privileges have been renewed, or otherwise reinstated.

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. Pilkowski, D.D.S.,* 57 FR 28538 (1992). Nevertheless, despite findings of the Board regarding Dr. Aragon's inappropriate conduct with respect to use of alcohol and his unlawful possession of dangerous and controlled substances, 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. Aragon'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. Aragon's Texas medical license has been suspended, his state controlled substance registration has expired, and as a result, he is currently not licensed under Texas law to handle these products. Therefore, he is not entitled to a DEA registration in that state. As a result of a finding that Dr. Aragon 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, BA4652714, issued to Gilbert C. Aragon, Jr., D.O., 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. 04–21961 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Rodolfo D. Bernal, 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 Rodolfo D. Bernal, M.D. (Dr. Bernal), proposing to revoke

his DEA Certificate of Registration, AB5067916, as a practitioner pursuant to 21 U.S.C. 824(a)(3) based on lack of state authorization to handle controlled substances in Illinois. The Order to Show Cause also alleged that Dr. Bernal's continued registration would be inconsistent with the public interest under 21 U.S.C. 824(a)(4), and sought to deny any pending applications for renewal or modification of registration under 21 U.S.C. 823(f). The Order to Show Cause alleged in relevant part, the following:

1. Effective April 17, 2003, the Illinois Department of Professional Regulation (IDPR) signed an order and placed Dr. Bernal's license as a physician and surgeon, as well as his controlled substance license, in a summary suspension Status. On October 21, 2003, the summary suspension became a suspension.

2. The suspension was based upon the following set of circumstanced:

(i) Dr. Bernal ordered large quantities of controlled substances and failed to keep a proper log and inventory of the controlled substances;

(ii) Dr. Bernal purchased controlled substances for his personal use; and,

(iii) Dr. Bernal ingested the controlled substances during office hours while practicing medicine at his office.

The above actions were also grounds for suspension of Dr. Bernal's Certificate of Registration pursuant to 225 Illinois Compiled Statutes (2000) 60/22(a)(7), (17) and (33).

3. During the years of 2000 through March of 2003, Dr. Bernal ordered Lortab, a schedule III controlled substance, Xanax, a schedule IV controlled substance, as well as Ambien, also a schedule IV controlled substance. Dr. Bernal failed to keep a proper log and inventory of these controlled substances in violation of 21 U.S.C. 827(a)(3) and 21 CFR 304.04. He also admitted to purchasing the above controlled substances at his residence, a non-registered location. The maintenance of controlled substances for his personal use and self-administered these controlled substances for other than medically accepted therapeutic purposes.

4. On April 10, 2003, DEA diversion investigators interviewed Dr. Bernal at his registered location in Chicago, Illinois. Dr. bernal was found to have been unusually slow in responding to questions asked of him and he appeared impaired. Dr. Bernal admitted to taking two Lortab tablets that same morning, during office hours while practicing medicine at his office. He also admitted to keeping controlled substances at his residence, a non-registered location. The maintenance of controlled substances in this fashion is a violation of 21 CFR 1301.12.

5. During the above interview, Dr. Bernal agreed to the immediate destruction of all controlled substances at his registered location, which was later carried out by the DEA investigators. The investigators provided Dr. Bernal with documentation of the destruction. Dr. Bernal also agreed to immediately make arrangements to enter a drug treatment program, however he failed to do so.

6. As a result of the action taken by IDPR, Dr. Bernal is currently without authority to handle controlled substances in Illinois, the state in which he is registered with DEA.

According to the investigative file, the Order to Show Cause was sent by certified mail to Dr. Bernal's registered location on December 12, 2003, but the notice was later returned to DEA unclaimed. No other address was located for Dr. Bernal, however, there was an office telephone number located for him. On February 24, 2004, DEA personnel placed a call to Dr. Bernal's office number and obtained a facsimile number for him. On that same date, the Order to Show Cause was faxed to his office. Included in the investigative file is a facsimile confirmation document which shows that the Order to Show Cause was received at the number provided by Dr. Bernal's office. Despite attempts to reach him, DEA has not received a request for hearing or any other reply from Dr. Bernal or anyone purporting to represent him in his matter.

Therefore, the Deputy Administrator of DEA, finding that (1) thirty days having passed since delivery of the Order to Show Cause to Dr. Bernal's address of record and his receipt of the same, and (2) no request for hearing having been received, concludes that Dr. Bernal 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.

Dr. Bernal is registered with DEA under certificate of Registration number AB5067916. That registration remains valid until July 31, 2004. According to the investigative file, on October 21, 2003, the Medical Disciplinary Board of IDPR issued an Order which suspended indefinitely Dr. Bernal's state certificate to practice as a physician and surgeon, as well as his certificate to issue controlled substances. The IDPR Order was based on findings that during the years 2000 through March of 2003, Dr. Bernal ordered 12,100 dosage units of Lortab, a Schedule III controlled substance, as well as 2,700 dosage units of Xanax and 2,400 dosage units of Ambien, both Schedule IV controlled substances. IDPR found that Dr. Bernal failed to keep a proper log and inventory of these controlled substances. IDPR also found that Dr. Bernal ingested controlled substances during office hours while practicing medicine in his office; self administered controlled substances for other than medically accepted therapeutic purposes; and, that his habitual and excessive use or abuse of controlled substances resulted in his inability to practice medicine with reasonable judgment, skill or safety.

The investigative file contains no evidence that the suspensions of Dr. Bernal's Illinois medical and controlled substance licenses have been lifted. Therefore, the Deputy Administrator finds that Dr. Bernal is currently not authorized 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 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. Bernal's controlled substance authority in the state of Illinois has been suspended. As a result, he is currently not licensed under Illinois law to handle controlled substances and therefore, he is not entitled to a DEA registration in that state. As a result of a finding that Dr. Bernal 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* 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, AB5067916, issued to Rodolfo D. Bernal, 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. 04–21959 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 5, 2004, and published in the **Federal Register** on May 26, 2004, (69 FR 29979), Boehringer Ingelheim Chemicals Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, 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
Amphetamine (1100)	II
Methylphenidate (1724)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II
Dextropropoxyphene (9273)	II
Levo-alphacetylmethadol (9648)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances for formulation into finished pharmaceuticals.

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 Boehringer Ingelheim Chemicals Inc. to manufacture the basic classes of controlled substances listed is consistent with the public interest at this time. DEA has investigated Boehringer Ingelheim Chemicals 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 the basic classes of controlled substances listed.

Dated: September 16, 2004,

William J. Walker,

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

[FR Doc. 04–21957 Filed 9–29–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated May 5, 2004 and published in the **Federal Register** on May 26, 2004, (69 FR 29978–29979), Boehringer Ingelheim Chemicals, Inc., 2820 N. Normandy Driver, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The company plans to import Phenylacetone for the bulk manufacture of amphetamine.

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 Boehringer Ingelheim Chemicals, Inc. 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 Boehringer Ingelheim Chemicals, 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. 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 16, 2004.

William J. Walker,

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

[FR Doc. 04–21958 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 31412), Cambrex North Brunswick, Inc., Technology Centre of New Jersey, 661 Highway One, North Brunswick, New Jersey 08902, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Methadone (9250) and Methadone Intermediate (9254), basic classes of controlled substances listed in Schedule II.

The company plans to manufacture the controlled substances for research and development purposes.

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 Cambrex North Brunswick, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Cambrex North Brunswick, 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 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. 04–21949 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 7, 2004, Cambridge Isotope Laboratory, 50 Frontage Road, Andover, Massachusetts 01810, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of