registration as an importer of those controlled substances.

**SUPPLEMENTARY INFORMATION:** By notice dated April 14, 2015, and published in the **Federal Register** on April 22, 2015, 80 FR 22556, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island, 02816 applied to be registered as an importer of a certain basic classes of controlled substances. Comments and request for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Rhodes Technologies 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. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing 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 following basic classes of controlled substances:

| Controlled substance | Schedule |
|---|---|
| Opium, raw (9600) | II |
| Poppy Straw Concentrate (9670) | II |

The company plans to import the listed controlled substances in order to bulk manufacture controlled substances in Active Pharmaceutical Ingredient (API) form. The company distributes the manufactured APIs in bulk to its customers.

Dated: September 16, 2015.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2015–24119 Filed 9–22–15; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Bulk Manufacturer of Controlled Substances Application: Cedarburg Pharmaceuticals, Inc.

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before November 23, 2015.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODXL, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on June 16, 2015, Cedarburg Pharmaceuticals, Inc., 870 Badger Circle, Grafton, Wisconsin 53024 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

| Controlled substance | Schedule |
|---|---|
| Marihuana (7360) | I |
| Tetrahydrocannabinols (7370) | I |
| 4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333). | II |
| Remifentanil (9739) | II |
| Fentanyl (9801) | II |

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. In reference to drug code (7360) marihuana, the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture synthetic tetrahydrocannabinols (7370). No other activity for this drug code is authorized for this registration.

Dated: September 16, 2015.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2015–24127 Filed 9–22–15; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Importer of Controlled Substances Registration: Wildlife Laboratories, Inc.

**ACTION:** Notice of registration.

**SUMMARY:** Wildlife Laboratories, Inc., applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Wildlife Laboratories, Inc. registration as an importer of those controlled substances.

**SUPPLEMENTARY INFORMATION:** By notice dated June 12, 2015, and published in the **Federal Register** on June 23, 2015, 80 FR 35975, Wildlife Laboratories, Inc., 1230 W. Ash Street, Suite D, Windsor, Colorado 80550 applied to be registered as an importer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Wildlife Laboratories, 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. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing 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 classes of controlled substances:

| Controlled substance | Schedule |
|---|---|
| Etorphine (except HCl) (9056) | I |
| Etorphine HCl (9059) | II |

The company plans to import the listed controlled substances for sale to its customer.

Dated: September 16, 2015.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2015–24120 Filed 9–22–15; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Bulk Manufacturer of Controlled Substances Application: Euticals, Inc.

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before November 23, 2015.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODXL, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 23, 2015, Euticals, Inc., 2460 W. Bennett Street, Springfield, Missouri 65807–1229 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

| Controlled Substance | Schedule |
|---|---|
| Gamma Hydroxybutyric Acid (2010). | I |
| Amphetamine (1100) | II |
| Lisdexamfetamine (1205) | II |
| Methylphenidate (1724) | II |
| Phenylacetone (8501) | II |
| Methadone (9250) | II |
| Methadone intermediate (9254) | II |
| Oripavine (9330) | II |
| Tapentadol (9780) | II |

The company plans to manufacture the listed controlled substances in bulk for distribution and sale to its customers.

In reference to oripavine (9330), the company plans to acquire the listed controlled substance in bulk from a domestic source in order to manufacture other controlled substances in bulk for distribution to its customers.

Dated: September 16, 2015.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2015–24124 Filed 9–22–15; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. 15–25]**

### James Alvin Chaney, M.D.: Decision and Order

On July 23, 2015, Chief Administrative Law Judge (CALJ) John J. Mulrooney, II, issued the attached Recommended Decision (cited as R.D.). Respondent filed Exceptions to the Recommended Decision.

In his Recommended Decision, the CALJ found that on October 21, 2014, the Commonwealth of Kentucky, Board of Medical Licensure, had issued Respondent an Emergency Order of Suspension against his medical license. R.D. at 2. The CALJ further found that on November 17, 2014, the Board issued a final order that affirmed the emergency order of suspension ''and that the suspension order remains in effect.'' *Id.* Noting that the Controlled Substances Act defines ''term 'practitioner' [to] mean[ ] a physician . . . licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to . . . dispense [or] administer . . . a controlled substance in the course of professional practice,'' *id.* at 3 (quoting 21 U.S.C. 802(21), as well as that the registration provision applicable to practitioners directs the Attorney General to ''register [a] practitioner[] . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices,'' *id.* (quoting 21 U.S.C. 823(f)), the CALJ then noted that the Agency ''has long held that possession of authority under state law to dispense controlled substances is an essential condition for obtaining and maintaining a DEA registration.'' *Id.* (collecting cases). Because there is no dispute that ''Respondent lacks state authority to handle controlled substances in'' Kentucky, the CALJ granted the Government's motion for summary disposition and recommended that Respondent's registration be revoked.[1] *Id.* at 5.

In his Exceptions, Respondent argues that Board's Emergency Order suspending his license ''is not a final order as it has been appealed and is currently being reviewed by the Kentucky Court of Appeals.'' Exceptions at 1. He argues that the CALJ's Recommended Decision is therefore ''based upon an order that is not final and consequently will constitute arbitrary and capricious action.'' *Id.* at 2. Finally, Respondent contends that ''[s]ummary judgment is improper because issues of fact exist concerning the enforceability of the temporary suspension of [his] medical license given its unconstitutionality.'' *Id.*

I reject Respondent's contentions. Putting aside whether—in light of the state Hearing Officer's issuance of the ''Final Order Affirming The Emergency Order of Suspension''—Respondent has accurately described the procedural posture of the state licensing matter, based on the plain language of sections 802(21) and 823(f), this Agency has held repeatedly that ''the controlling question'' in a proceeding brought under 21 U.S.C. 824(a)(3) is whether the holder of a DEA registration '''is currently authorized to handle controlled substances in the [S]tate.''' *James L. Hooper,* 76 FR 71371, 71371 (2011) (quoting *Anne Lazar Thorn,* 62 FR 12847, 12848 (1997)), *pet. for rev.*

[1] While the Government alleged in the Order to Show Cause that Respondent's registration does not expire until August 31, 2016, Show Cause Order, at 1; and in his hearing request, Respondent states that he ''holds a medical license . . . and a DEA registration,'' Hearing Request, at 1; the Agency is still required to establish that it has jurisdiction to act. *See Sharad C. Patel,* 80 FR 28693, 28694 n.3 (2015) (''Even in summary disposition proceedings which are based on a lack of state authority, the ALJ is obligated to make a finding establishing that the Agency has jurisdiction.''); *see also* 5 U.S.C. 706(2)(C) (directing reviewing courts ''to hold unlawful and set aside agency action, findings and conclusions found to be . . . in excess of statutory jurisdiction''). This generally requires the ALJ to make a finding either that a respondent retains an active registration or has submitted an application for registration.

In the interest of conducting an expeditious review of this matter, I have taken official notice of Respondent's registration record with the Agency and find that his registration does not expire until August 31, 2016. *See* 5 U.S.C. 556(e); 21 CFR 1316.59(e). However, in the future, where a recommended decision lacks the requisite finding, I will remand the matter for this purpose.