if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.''); 21 U.S.C. 802(21) (''[t]he term 'practitioner' means a physician . . . licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice'').[25]

While the Show Cause Order did not assert this as a ground for denial of his application (because it occurred subsequent to the issuance of the Order), the Government did serve a copy of its Addendum which presented this development to me, on Respondent. In response to this filing, Respondent has raised no objection.[26] In any event, there are two other independent and legally sufficient bases to deny his application. Accordingly, I will deny his application.

## ORDER

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 28 CFR 0.100(b), I order that the application of Richard J. Settles, for a DEA Certificate of Registration as a practitioner be, and it hereby is, denied. This Order is effective immediately.

Dated: September 13, 2016.

**Chuck Rosenberg,**

*Acting Administrator.*

[FR Doc. 2016–22680 Filed 9–20–16; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Bulk Manufacturer of Controlled Substances Application: Nanosyn, 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 21, 2016.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 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 December 18, 2015, Nanosyn, Inc., Nanoscale Combinatorial Synthesis, 3331–B Industrial Drive, Santa Rosa, California 95403 applied to be registered as a bulk manufacturer the of following basic classes of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Oxymorphone | 9652 | II |
| Fentanyl | 9801 | II |

The company is a contract manufacturer. At the request of the company's customers, it manufacturers derivatives of controlled substances in bulk form.

Dated: September 15, 2016.

**Louis J. Milione,**

*Deputy Assistant Administrator.*

[FR Doc. 2016–22737 Filed 9–20–16; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Kevin L. Lowe, M.D.; Decision and Order

On May 18, 2016, Chief Administrative Law Judge John J. Mulrooney, II (CALJ), issued the attached Recommended Decision (R.D.).[1] Therein, the CALJ found that it is undisputed that Respondent is currently without authority to handle controlled substances in New York, the State in which he holds DEA Registration FL2580163. R.D. at 4. The CALJ thus granted the Government's Motion for Summary Disposition and recommended that I revoke Respondent's registration and deny any pending applications.

Neither party filed exceptions to the Recommended Decision. Having reviewed the record, I adopt the CALJ's finding that Respondent lacks state authority to handle controlled substances in New York, the State in which he is registered. ''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'' *Frederick Marsh Blanton,* 43 FR 27616, 27617 (1978). *See also Rezik A. Saqer,* 81 FR 22122, 22124–127 (2016). Thus, once the Government establishes that an applicant for a practitioner's registration or a practitioner-registrant does not possess state authority, there are no further facts to be considered and revocation is the mandatory sanction that must be entered under the Controlled Substances Act. Accordingly, I will also adopt the CALJ's recommendation that I revoke Respondent's registration and deny any pending application to renew or modify his registration.

## Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration FL2580163 issued to Kevin L. Lowe, M.D., be, and it hereby is, revoked. I further order that any pending application of Kevin L. Lowe, M.D., to renew or modify the above registration, be, and it hereby is, denied. This Order is effective immediately.[2]

[25] *See also Rezik A. Saqer,* 81 FR 22122, 22125–27 (2016); *Sheran Arden Yeates,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988).

[26] DEA has previously held that ''[t]he rules governing DEA hearings do not require the formality of amending a show cause order to comply with the evidence. The Government's failure to file an amended Show Cause Order alleging that Respondent's state CDS license has expired does not render the proceeding fundamentally unfair.'' *Roy E. Berkowitz,* 74 FR 36758, 36759–60 (2009); *see also Hatem M. Ataya,* 81 FR 8221, 8245 (2016) (collecting cases).

[1] All citations to the Recommended Decision are to the slip opinion issued by the CALJ.

[2] Based on Respondent's acknowledgment that he has been convicted of conspiring to unlawfully distribute controlled substances, *see* Resp.'s Hrng. Req., at 1–2, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.