

Mallinckrodt's arguments in this regard were thoroughly considered by the ALJ at the hearing and in her opinion and recommended ruling. Accordingly, the exception does not warrant consideration.

Mallinckrodt further argues that it is not in the public interest to register Penick when supply is adequate. Mallinckrodt contends that the ALJ failed to take into account the large investments of Noramco and Mallinckrodt, versus the lesser amount of investment by Penick. Mallinckrodt fails to provide a reasonable explanation, however, of how the size of the parties' investments would effect the adequacy of supply.

Mallinckrodt also contends that Penick's technology does not support its registration. It asserts that there is no evidence that Penick has an efficient technology for producing hydrocodone and that Penick's method of making oxycodone is outdated. As the ALJ noted, however, there is clearly some controversy over the quality of Penick's proposed technology, a controversy that the ALJ concluded the record was not sufficient to resolve. The ALJ concluded, however, that Penick's patents and development of processes promote technical advances in the manufacture of controlled substances. Under 21 U.S.C. 823(a)(3), that factor, along with the development of new substances, is all that is to be considered. Accordingly, the Deputy Administrator agrees with the ALJ and concludes that this factor weighs in favor of granting Penick's registration.

Mallinckrodt argues further that the ALJ erred in not considering the impact on diversion in the overseas NRM market. Mallinckrodt contends that in later cases, DEA has taken the position that such issues are relevant. This issue has been fully discussed in the ALJ's recommended decision and hereinabove. Moreover, the Deputy Administrator finds that even if the possibility of increased diversion overseas were taken into account, Noramco and Mallinckrodt's arguments in this regard are too speculative to warrant serious consideration.

Finally, Mallinckrodt argues that at a minimum, the ALJ should have recommended that conditions be placed on Penick's registration. Having reviewed the record in its entirety, the Deputy Administrator concludes that the evidence showed that Penick does not intend to use its registration as a "shelf registration." There is sufficient evidence, and no controverting evidence, that Penick had made concrete plans to upgrade and expand its controlled substance manufacturing

facilities once it is clear that Penick will receive requisite DEA registrations.

IV. Conclusion

Based upon the foregoing, the Deputy Administrator finds that it is in the public interest, as defined by 21 U.S.C. 823(a)(1)–(6) and 21 CFR 1301.34(b)(1)–(7), to grant Penick's application to be registered as an importer of NRMs. In light of Penick's long experience in manufacturing bulk pharmaceuticals, including opiates, it is not necessary to grant a conditional application. This decision is effective March 13, 2003.

Dated: January 29, 2003.

John B. Brown, III,
Deputy Administrator.

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DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(OVAW)–1373]

Meeting of the National Advisory Committee on Violence Against Women

AGENCY: Office on Violence Against Women, Office of Justice Programs, Justice.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming public meeting of the National Advisory Committee on Violence Against Women (hereinafter "the Committee").

DATES: The meeting will take place on February 20 from 9 a.m.–5 p.m., and on February 21 from 9 a.m.–2:15 p.m.

ADDRESS: The meeting will take place at the Adolphus Hotel, 1321 Commerce Street, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The Committee is chartered by the Attorney General, and co-chaired by the Attorney General and the Secretary of Health and Human Services (the Secretary), to provide the Attorney General and the Secretary with practical and general policy advice concerning implementation of the Violence Against Women Act of 1994, the Violence

Against Women Act of 2000, and related laws, and will assist in the efforts of the Department of Justice and the Department of Health and Human Services to combat violence against women, especially domestic violence, sexual assault, and stalking.

In addition, because violence is increasingly recognized as a public health problem of staggering human cost, the Committee will bring national attention to the problem of violence against women and increase public awareness of the need for prevention and enhanced victim services.

This meeting will primarily focus on organizational and planning aspects of the Committee's work; however there will be an opportunity for public comment on the Committee's role in providing general policy guidance on implementation of the Violence Against Women Act of 1994, the Violence Against Women Act of 2000, and related legislation.

Meeting Format

This meeting will be held according to the following schedule:

1. *Date:* Thursday, February 20, 2003.
Time: 9 a.m.–5 p.m., including breaks.
2. *Date:* Friday, February 21, 2003.

Time: 9 a.m.–11:45 am, subcommittees will convene in sessions not open to the public. 12 p.m.–2:15 p.m., the whole Committee will reconvene in a session open to the public.

The meeting scheduled for February 20, 2003 will begin with presentations from invited speakers representing Violence Against Women Act implementation by the Departments of Justice, and Health and Human Services. After the presentations by invited speakers, Committee members will consider their charge and convene subcommittees. Time will be reserved for comments from the public, beginning at 4:30 p.m. and ending at 5 p.m. See the section below on Reserving Time for Public Comment for information on how to reserve time on the agenda.

The meeting scheduled for February 21, 2003, will consist of review and discussion by the Committee of the charge and reports by the subcommittees regarding the Committee's work-plan and forthcoming recommendations to the Attorney General and the Secretary.

Attending the Meeting

The meeting on February 20, and the afternoon session of the meeting on February 21, will be open to the public. (The Committee will convene in closed sub-committee sessions on the morning of February 21, 2003, pursuant to 41