

DC 20531; by telephone at: (202) 353-4343; e-mail: [Jana.S.White@usdoj.gov](mailto:Jana.S.White@usdoj.gov); or fax: (202) 307-3911. You may also view the Committee's Web site at: <http://www.ojp.usdoj.gov/vawo/nac/welcome.html>.

**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. The Committee also assists 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. Because violence against women is increasingly recognized as a public health problem of staggering human cost, the Committee brings national attention to the problem to increase public awareness of the need for prevention and enhanced victim services.

This meeting will primarily focus on the Committee's work; there will, however, 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 laws.

**Schedule:** This meeting will be held on December 7, 2004, from 8:30 a.m. until 4 p.m., and will include breaks and a working lunch. The meeting will begin with consideration of the draft report prepared by the drafting subcommittee of the Committee. Time will be reserved for public comment beginning at 11:30 a.m. and ending at 12 p.m. See the section below for information on reserving time for public comment.

**Access:** This meeting will be open to the public but registration on a space-available basis is required. Persons who wish to attend must register at least six (6) days in advance of the meeting by contacting Jana Sinclair White by e-mail at: [Jana.S.White@usdoj.gov](mailto:Jana.S.White@usdoj.gov); or fax: (202) 307-3911. All attendees will be required to sign in at the meeting registration desk. Please bring photo identification and allow extra time prior to the meeting.

The meeting site is accessible to individuals with disabilities. Individuals who require special accommodations in order to attend the meeting should notify Jana Sinclair

White by e-mail at: [Jana.S.White@usdoj.gov](mailto:Jana.S.White@usdoj.gov); or fax at: (202) 307-3911, no later than November 30, 2004. After this date, we will attempt to satisfy accommodation requests, but cannot guarantee the availability of any requests.

**Written Comments:** Interested parties are invited to submit written comments by November 30, 2004, to Jana Sinclair White at The National Advisory Committee on Violence Against Women, 810 Seventh Street, NW., Washington, DC 20531. Comments may also be submitted by e-mail at [Jana.S.White@usdoj.gov](mailto:Jana.S.White@usdoj.gov); or fax at (202) 307-3911.

**Public Comment:** Persons interested in participating during the public comment period of the meeting, which will discuss the implementation of the Violence Against Women Act of 1994 and the Violence Against Women Act of 2000, are requested to reserve time on the agenda by contacting Jana Sinclair White by e-mail at [Jana.S.White@usdoj.gov](mailto:Jana.S.White@usdoj.gov); or fax at (202) 307-3911. Requests must include the participant's name, organization represented, if appropriate, and a brief description of the issue. Each participant will be permitted approximately 3 to 5 minutes to present comments, depending on the number of individuals reserving time on the agenda. Participants are also encouraged to submit two written copies of their comments at the meeting.

Given the expected number of individuals interested in presenting comments at the meeting, reservations should be made as soon as possible. Persons unable to obtain reservations to speak during the meetings are encouraged to submit written comments, which will be accepted at the meeting site or may be mailed to the Committee at 810 Seventh Street, NW., Washington, DC 20531.

**Diane M. Stuart,**

*Director, Office on Violence Against Women.*

[FR Doc. 04-25736 Filed 11-18-04; 8:45 am]

**BILLING CODE 4410-18-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Nilvio R. Aquino, M.D. Revocation of Registration**

On February 25, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Nilvio R. Aquino, M.D. (Dr. Aquino) who was notified of an opportunity to show cause as to why

DEA should not revoke his DEA Certificate of Registration AA1153991, under 21 U.S.C. 824(a)(3) and deny any pending applications for renewal or modification of that registration under 21 U.S.C. 823(f).

The Order to Show Cause alleged in relevant part, that Dr. Aquino's medical license in Florida had been revoked after he was convicted of a crime directly relating to the practice of medicine and that he did not currently have a State license to practice medicine in Florida, the State in which he is registered with DEA. The Order to Show Cause also notified Dr. Aquino that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Aquino, who was then incarcerated at the Federal Penitentiary at Eglin Air Force Base, Florida. A second copy was sent to his registered address at 2140 West 68th Street, Suite 310, Hialeah, Florida. According to the return receipt, the Order to Show Cause sent to the Federal facility was delivered to Dr. Aquino on March 4, 2002. DEA has not received a request for a hearing or any other reply from Dr. Aquino 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 his address as a Federal inmate, and (2) no request for hearing having been received, concludes that Dr. Aquino 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. Aquino was licensed to practice medicine in the State of Florida under license number ME39969. In 1998 he was indicted on Federal charges involving inappropriate billing of the Medicare program. He was subsequently convicted and sentenced to a 51 month term of incarceration. On June 20, 2001, as a result of this conviction, the Florida Board of Medicine (Board) revoked Dr. Aquino's medical license. There is no evidence before the Deputy Administrator that the Board's order revoking Dr. Aquino's state medical license has been lifted or stayed and on October 15, 2004, it was confirmed via the Florida Department of Health, that his license remains in a revoked status. Therefore, the Deputy

Administrator finds that Dr. Aquino is not currently authorized to practice medicine in the State of Florida. As a result, it is reasonable to infer he is also without authorization 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 11,655 (2004); Dominick A. Ricci, M.D., 58 FR 51,104 (1993); Bobby Watts, M.D., 53 FR 11,919 (1988).

Here, it is clear Dr. Aquino's medical license has been revoked and he is not currently authorized to handle controlled substances in Florida, where he is registered with DEA. Therefore, he is not entitled to a DEA registration in that state.

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, AA1153991, issued to Nilvio R. Aquino, 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 December 20, 2004.

Dated: November 4, 2004.

**Michele M. Leonhart,**  
Deputy Administrator.

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**BILLING CODE 4410-09-M**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired

format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Pre-Hearing Statement (LS-18). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before January 18, 2005.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, e-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or e-mail).

#### SUPPLEMENTARY INFORMATION

##### I. Background

The Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. Title 20, CFR 702.317 provides for the referral of claims under the Longshore Act for formal hearings. This section provides that, before a case is transferred to the Office of Administrative Law Judges, the district director shall furnish each of the parties or their representatives with a copy of a pre-hearing statement form. Each party shall, within 21 days after receipt of each form, complete it and return it to the district director. Upon receipt of the forms, the district director, after checking them for completeness and after any further conferences that, in his/her opinion, are warranted, shall transmit the forms to the Office of the Chief Administrative Law Judge. The LS-18 is used to refer cases to the Office of the Administrative Law Judges for formal hearings under the Act. This information collection is currently approved for use through May 31, 2005.

##### II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

### III. Current Actions

The Department of Labor seeks the approval of the extension of this information collection in order to carry out its responsibility to prepare cases for formal hearings under the Act.

*Type of Review:* Revision.

*Agency:* Employment Standards Administration.

*Title:* Pre-Hearing Statement.

*OMB Number:* 1215-0085.

*Agency Number:* LS-18.

*Affected Public:* Individuals or households; business or other for-profit.

*Total Respondents:* 5,400.

*Total Annual Responses:* 5,400.

*Estimated Total Burden Hours:* 864.

*Time Per Response:* 10 minutes.

*Frequency:* On occasion.

*Total Burden Cost (Capital/Startup):* \$0.

*Total Burden Cost (Operating/Maintenance):* \$2,220.75.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 15, 2004.

**Bruce Bohanon,**

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

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**BILLING CODE 4510-CF-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Collection; Comment Request

**ACTION:** Notice.