

Lines, Limited ("Complainant") against Value Imports, Inc. ("Respondent"). Complainant is an ocean common carrier under the Shipping Act of 1984, as amended ("the Act"). Respondent, an importer, was the beneficial owner of cargo discharged at Total Terminals Inc. ("TTI") a marine terminal operator at the Port of Long Beach, California. Complainant alleges that demurrage accrued on the cargo pursuant to its tariff resulting in a possessory maritime lien, permitting it to hold the cargo until all charges, including demurrage, were paid. Complainant contends that Respondent entered bank information and payment instructions at TTI's internet Web site and that TTI, as agent for Complainant, accepted the payment information and released the cargo to Respondent. Complainant asserts the bank designated by Respondent refused to pay because of insufficient funds on deposit. Complainant further contends that these alleged activities violate section 10(a)(1) of the Act in that Respondent knowingly and willfully obtained ocean transportation for property at less than the rates or charges that would otherwise be applicable. Complainant prays that Respondent be required to answer the charges herein; that after due hearing, an order be made commanding Respondent to cease and desist from the aforesaid violation of the Act; to pay to Complainant by way of reparations for the unlawful conduct described the sum of \$75,140 with interest and attorney's fees, and any other sums and further orders as the Commission may determine to be proper.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by October 6, 2006, and the

final decision of the Commission shall be issued by February 8, 2007.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 05-20481 Filed 10-12-05; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 4, 2005.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

1. *Salem Five Bancorp*, Salem, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Salem Five Cents Savings Bank, Salem, Massachusetts, and Heritage Co-Operative Bank, Salem, Massachusetts.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200

North Pearl Street, Dallas, Texas 75201-2272:

1. *South Plains Financial, Inc., Employee Stock Ownership Plan*, Lubbock, Texas; to become a bank holding company by acquiring 26 percent of the voting shares of South Plains Financial, Inc., Lubbock, Texas, and indirectly acquire South Plains Delaware Financial Corporation, Dover, Delaware; City Bank, Lubbock, Texas; Zia Financial Corporation, Ruidoso, New Mexico; and City Bank New Mexico, Ruidoso, New Mexico.

Board of Governors of the Federal Reserve System, October 6, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E5-5585 Filed 10-12-05; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Senior Executive Service; Performance Review Board Members

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Title 5, U.S. Code, Section 4314(c)(4) of the Civil Service Reform Act of 1978, Public Law 95-454, requires that appointment of Performance Review Board members be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Andrea Burckman, Office of Human Resources, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201, telephone 202-690-6528.

SUPPLEMENTARY INFORMATION: The following persons may serve on a Performance Review Board, which oversees the evaluation of performance appraisals of Senior Executive Service members throughout the Department of Health and Human Services. (list attached)

Dated: October 5, 2005.

Joe Ellis,

Deputy Assistant Secretary for Administration and Management.

Department of Health and Human Services

Performance Review Board

Russell Abbott, Director, Office of Management
Ann Agnew, Executive Secretary to the Department
John Aguirre, Director, Administrative Operations Service
John Agwunobi, Senior Advisor to the Secretary

Kathleen Annette, Director, Bemidji Area
Carol Arbogast, Executive Leader (Human Resource Systems)
Gale Arden, Director, Disabled and Elderly Health Programs Group
Joseph Autry, Senior Associate for Medical Affairs
Jane Axelrad, Associate Director for Policy
Lawrence Bachorik, Senior Advisor for International Policy and Communications
Gary Bailey, Deputy Director for Plan Policy and Operations
Colleen Barros, Deputy Director for Management
Lisa Barsoomian, Deputy Associate General Counsel for Claims and Employment Law
Robert Baughman, Director, Division of Fundamental Neurosciences
Margaret Bean, Deputy Director, Office of Child Support Enforcement
Catherine Beck, Associate Director for Policy and Executive Programs
Larry Bedker, Director Financial Management Service
Carol Bennett, Deputy Associate General Counsel for Program Integrity
David Benor, Associate General Counsel, Public Health
Susan Bernard, Associate Director for Regulations
Joyce Berry, Director Division of State and Community Systems Development
Douglas Black, Associate Director for Tribal Activities
Robert Blitzer, Deputy Assistant Secretary for Planning and Emergency Response Coordination
Abby Block, Director, Center for Beneficiary Choices
Stephen Blount, Associate Director for Global Health
Eric Blumberg, Deputy Associate General Counsel for Litigation Food and Drug Division
Susan Bond, Director Scientific Policy Development
Julie Boughn, Director, Information Services Modernization Group
Sheldon Bradshaw, Associate General Counsel, Food and Drug Division
David Brailer, National Health Information Technology Coordinator
Marcia Brand, Director Office of Rural Health Policy
Kimberly Brandt, Director, Program Integrity Group
William Breithaupt, Associate Director for Management and Operations
Barbara Broman, Deputy to the Deputy Assistant Secretary for Planning and Evaluation (Human Services Policy)
Charlene Brown, Deputy Chief Operating Officer
Gary Buehler, Director Office of Generic Drugs
William Burel, Chief Management Officer
Maurice Burg, Chief, Laboratory of Kidney and Electrolyte Metabolism
Jamie Burke, White House Liaison for Political Personnel, Boards and Commissions
Francis Burns, Deputy Assistant Secretary for Wellness and Community-Based Services
Jeremy Burton, Deputy Assistant Secretary for Legislation (Planning and Budget)
David Cade, Deputy General Counsel
Richard Campanelli, Director Office for Civil Rights
Galen Carver, Chief Management Officer, Office of Terrorism Preparedness and Emergency Response
Lester Cash, Director, Division of Discretionary Programs
Glenn Chaney, Director, Accounting Management Group, Office of Financial Management
Robert Chatfield, Director, Human Resources Accountability and Technology Division
Laura Cheever, Deputy Associate Administrator, HIV/AIDS Bureau
Philip Chen Jr., Senior Advisor to Deputy Director for Intramural Research
Michael Christian, Associate Director, Cancer Therapy Evaluation Program
Don Christoferson, Associate Director for Administrative Management
H. Westley Clark, Director, Center for Substance Abuse Treatment
James Cohen, Associate Director for Compliance and Biologic Quality
Lois Cohen, Associate Director for International Health
Janet Collins, Deputy Director, Center for Chronic Disease Prevention and Health Promotion
Timothy Condon, Deputy Director, National Institute on Drug Abuse
Cecil Conway Jr., Director, Billings Area
Jeffrey Cooper, Director, Office of Information Technology Shared Services
Milton Corn, Associate Director for Extramural Programs
Curtis Coy, Deputy Assistant Secretary for Administration
John Daugherty, Director, Oklahoma Area
Beverly Davis, Director, Center for Substance Abuse Prevention
Don Davis, Director, Phoenix Area Office
Jeffrey Davis, Associate General Counsel, General Law Division
Diann Dawson, Director, Regional Operations
Robert Delaney, Special Advisor for Policy
Avis Dickey, Chief Management Officer, Office of Workforce and Career Development
Gregory Doyle, Chief of Shared Services
Carl Draper, Director of Compliance
Yvonne DuBuy, Associate Director for Management
Elizabeth Duke, Administrator, Health Resources and Services Administration
Carlton Duncan, Deputy Chief Operating Officer
David Dwyer, Director, Office of Real Property Services
John Dyer, Chief Operating Officer
Gary Dykstra, Regional Food and Drug Director, Southeast Region
Phyllis Eddy, Deputy Director for Management Operations
Brenda Edwards, Associate Director, Surveillance Research Program
Robert Eiss, Senior Advisor for Strategic Initiatives
Joe Ellis, Assistant Secretary for Administration and Management
Joseph Ellis, Director, Office of Policy for Extramural Research
Leon Ellwein, Associate Director for Applications of Vision Research
James Farris Jr., Dallas Regional Administrator
Linda Fishman, Director, Office of Legislation
J. Fitzmaurice, Senior Science Advisor for Information Technology
William Fitzsimmons, Executive Officer, National Institute of Mental Health
Jeffrey Flick, San Francisco Regional Administrator
Catherine Flickinger, Director, Office of Information Technology and Chief Information Officer
Ashley Flory, Deputy Executive Secretary
Cecilia Ford, Chairperson, Departmental Appeals Board
Richard Foster, Director, Office of the Actuary
Leslye Fraser, Associate Director of Regulations
Diane Frasier, Director, Office of Contracts Management
Robinsue Frohboese, Principal Deputy Director
Frank Fuentes Jr., Deputy Commissioner, Administration for Children, Youth and Families
Sharon Fujii, Regional Hub Director
Gayla Fuller, Chief Counsel, Region VI
Wallace Fung, Deputy Director (Technology)
Jacqueline Garner, Chicago Regional Administrator
Kay Garvey, Director, Office of Communications
Edward Gendron, Director, Finance Systems and Budget Group
Denise Geolot, Director, Division of Nursing
Julie Gerberding, Director, Center for Disease Control and Prevention Administration

Margaret Giannini, Director, Office of Disability
Lillian Gill, Senior Associate Director
Center for Devices and Radiological Health
William Gimson, Chief Operating Officer
Margaret Glavin, Associate Commissioner for Regulatory Affairs
Alma Golden, Deputy Assistant Secretary for Population Affairs
Naomi Goldstein, Director, Office of Planning, Research and Evaluation
Julie Goon, Director of Medicare Outreach and Special Advisor to the Secretary
Maureen Gormley, Chief Operating Officer
Scott Gottlieb, Deputy Commissioner for Policy
Bruce Granger, Chief Counsel, Region IV
Karen Groux, Director, Atlanta Human Resources Center
Thomas Gustafson, Deputy Director, Center for Medicare Management
William Hall, Director News Division
John Hallenbeck, Chief, Stroke Branch
Thomas Hamilton, Director, Survey and Certification Group
Nguyen VanHanh, Director, Office of Refugee Resettlement
Carrie Hanley, Assistant Commissioner for Management
Eric Hargan, Deputy General Counsel—Regulation
Carl Harper, Director, Resource Access and Partners
Kathleen Harrington, Director, Office of External Affairs
Barbara Harris, Chief Financial Officer
John Hartinger, Associate Director for Budget and Financial Management
Florence Haseltine, Director, Center for Population Research
Steven Hausman, Deputy Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases
Charles Havekost, Deputy Assistant Secretary for Information Resources Management and Chief Information Officer
Dana Haza, Director, Commission on Systemic Interoperability
Lynn Hellinger, Director of Management
Deborah Henderson, Senior Advisor
Rosemarie Henson Steele, Director
Kathleen Heuer, Associate Commissioner for Management
Mary Ann Higgins, Regional Hub Director
Timothy Hill, Director, Office of Financial Management
John Hoff, Health Attaché—Paris
Thomas Hooven, Associate Director for Administration
Helen Horn, Senior Advisor for Strategic Planning
Mary Horner, Director, Office Minority Health
David Horowitz, Director Office of Compliance
Robert Hosenfeld, Deputy Assistant Secretary for Human Resources
Sharon Hrynkow, Deputy Director, Fogarty International Center
John Hubbard Jr., Director, Navajo Area
Betsy Humphreys, Deputy Director, National Library of Medicine
Edward Hunter, Associate Director for Planning, Budget and Legislation
Clarence Huntley, Director Information Technology Service Center
Terry Hurst, Director, Program Management Office
Hugh Hurwitz, Director, Office of Acquisitions and Grants Services
Karen Jackson, Director, Medicare Contractor Management Group
Richard Jackson, Senior Advisor to the Director at the Centers for Disease Control and Prevention
David Jacobowitz, Chief, Section on Histopharmacology
John Jarman, Executive Officer
Sharon Jenkins, Executive Officer
Walter Jones, Deputy Director for Management and Operations
Wanda Jones Deputy Assistant Secretary (Women's Health) and Director, Women's Health
Maria Joyce, Director, Division of Financial Operations
Daryl Kade, Associate Administrator for Policy and Programs Coordinator
Linda Kahan, Deputy Director, Center for Devices and Radiological Health
John Kalavritinos, Director of Intergovernmental Affairs
Ruth Katz, Deputy to Deputy Assistant Secretary for Planning and Evaluation (Disability, Aging and Long Term Care Policy)
Gary Kavanagh, Director, Business Standards and Systems Operations Group
Robert Keith, Associate General Counsel Children, Family and Aging Division
Miriam Keltz, Director, Office of Extramural Affairs
Kathleen Kendrick, Deputy Director
Judith Kenny, Director, Information Technology Services
James Kerr, New York Regional Administrator
Roxane Kerr, Associate Director for Management
William Kerr, Associate Director for Administration
Margo Kerrigan, Director, California Area
Thomas Kickham, Director of Beneficiary Services and Partnership Group
Terris King, Deputy Director, Office of Clinical Standards and Quality
Ruth Kirschstein, Senior Advisor to the Director, National Institutes of Health
Andrew Knapp, Senior Advisor to the Administrator
Paula Kocher, Deputy Associate General Counsel for Public Health
Diana Kolaitis, Regional Food and Drug Director, Northeast Region
Richard Kopanda, Deputy Director, Center for Substance Abuse Treatment
Jack Kress, Executive Director of Advisory Committee
Herbert Kuhn, Director Center for Medicare Management
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Michael Landa, Deputy Director for Regulatory Affairs
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Mary Lauren, Director, Beneficiary Information Services Group
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Donald Lee, Director, Aberdeen Area
Thomas Lenz, Kansas City Regional Administrator
Caroline Lewis, Deputy Associate Administrator
Michel Lincoln, Executive Advisor to the Director
Simon Liu, Director, Information Systems
Stephen Long, Associate Director for Administration
Keith Longie, Director, Office of Information Technology
Timothy Love, Director, Office of Research, Development, and Information
Daryl Lucas, Acting Director, Rockville Human Resources Center
Ernest Lunsford Jr., Director, White Oak Consolidation Program
George Lyon, Senior Advisor to the General Counsel
Stacie Maass, Executive Director of Medicaid Commission
Patricia Mackey, Director, Office of Equal Opportunity and Civil Rights
James Macrae, Director, Office of Performance Review
Mary Anne Malarkey, Director, Office of Compliance
Diane Maloney, Associate Director for Policy
Christophe Mandregan Jr., Director, Alaska Area
Teri Manolio, Director, Epidemiology and Biometry Program
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Michael Marron, Associate Director for Biomedical Technology
Anna Marsh, Executive Officer
Michael Martin, Director, Division of Physiological Systems
Ruth Martin, Chief Management Officer
John Marzilli, Deputy Associate Commissioner for Regulatory Affairs
Leon McCowan, Regional Hub Director
Barbara McGarey, Deputy Associate General Counsel for Public Health (National Institutes of Health)

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Robert McSwain, Deputy Director, Indian Health Service

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Richard Millstein, Senior Advisor and Counselor for Special Initiatives

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Madeline Mocko, Director, Office of Legislative Affairs and Budget

Jess Montes, Senior Advisor for Special Initiatives

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Willis Morris, Senior Advisor to the Assistant Secretary of Health

Marcelle Morrison-Bogorad, Director of Neuroscience and Neuropsychology of Aging Program

Patricia Morrissey, Commissioner, Administration on Developmental Disabilities

Theresa Mullin, Assistant Commissioner for Planning

Solomon Mussey, Supervisory Actuary

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Geraldine Nicholson, Director, Provider Communications

Stuart Nightingale, Director, Office of Medical, Science and Public Health

Marshall Nirenberg, Chief, Laboratory of Biochemical Genetics

Robert Noonan, Director, Office of Competitive Sourcing

Leslie Norwalk, Deputy Administrator

Scott Nystrom, Executive Director

Nancy O'Connor, Philadelphia Regional Administrator

Susan Orr, Associate Commissioner, Children's Bureau

Brent Orrell, Deputy Assistant Secretary for Policy and External Affairs

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Laura Ott, Deputy Assistant Secretary for Legislation (Human Services)

Gerald Parker, Deputy Assistant Secretary for Management

Delores Parron, Scientific Advisor for Capacity Development

Elaine Parry, Director of Special Initiatives

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Steven Pelovitz, Deputy Associate Administrator, Maternal and Child Health Bureau

Audrey Penn, Deputy Director, National Institute of Neurological Disorders and Stroke

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Vivian Pinn, Associate Director, Research on Women's Health

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Diane Porter, Deputy Director for Management

William Porter, Chief Security Officer

Robert Post, Chief Biological Psychiatry Branch

Elliot Postow, Director, Division of Biologic Basis of Disease

A. Kathryn Power, Director, Center for Mental Health Services

Douglas Pruett, Director of Security/Drug Testing

Alan Rabson, Deputy Director, National Cancer Institute

Deborah Ralston, Director, Office of Regional Operations

Louise Ramm, Deputy Director, National Center for Research Resources

William Raub, Principal Deputy Assistant Secretary for Public Health Emergency Preparedness

Thomas Reilly, Principal Deputy Assistant Secretary (Budget, Technology and Finance)

Elizabeth Richter, Director, Hospital and Ambulatory Policy Group

Josephine Robinson, Director, Office of Community Services

Patrick Ronan, Associate Commissioner for Legislation

Laura Rosenthal, Associate Director for Management and Operations

Roy Ruff, Seattle Regional Admin

Neil Sampson, Deputy Associate Administrator

Taylor Satala, Director, Tucson Area

Mark Scally, Associate Director for Management and Operations

James Scanlon, Deputy Assistant Secretary

Daniel Schneider, Principal Deputy Assistant Secretary

Donald Schneider, Director, Division of Molecular and Cellular Mechanisms

Edward Searle, Deputy Director

Lawrence Self, Director, Office of Equal Opportunity

James Seligman, Chief Information Officer

Susan Setterberg, Regional Food and Drug Director, Central Region

Karen Shebesh, Chief Management Officer

Jean Sheil, Director, Family and Children's Health Programs Group

Donald Shriber, Associate Director, Washington

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Jean Slutsky, Director, Center for Outcomes and Evidence

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Stephen Smith, Special Assistant to the Administrator

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Philip Spiller, Director, Office of Seafood

Sidonie Squier, Director, Office of Family Assistance

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Paula Stannard, Deputy General Counsel—Program Review

Mary Stanton, Deputy Director for Indian Health

Edward Stehmeyer Jr., Director, Facility Planning and Management Office

William Steiger, Director, Office of Global Health

Kenneth Stith, Director, Office of Financial Management

James Stone, Deputy Administrator, Substance and Mental Health Services Administration

Ellen Stover, Director, Division of Mental Disorders, Behavioral

Research and Acquired Immunodeficiency Syndrome
 James Strachan, Director, Office of Resource Management
 George Strader Jr., Deputy Assistant Secretary for Finance
 Stewart Streimer, Director, Provider Billing Group
 Richard Suzman, Director of Behavioral and Social Research Program
 Edgar Swindell, Associate General Counsel
 Sheila Taube, Associate Director, Cancer Diagnosis Program
 Deborah Taylor, Deputy Director, Office of Financial Management
 John Teeter, Information Technology Enterprise Architect
 Dianne Thomas, Deputy Director, Office of Human Resources
 Joyce Thomas, Regional Hub Director
 Nancy Thompson, Director, Medicare Hearings and Appeals Transition
 John Tibbs, Financial Manager
 James Toya, Director, Albuquerque Area
 Brenda Tranchida, Deputy Director Employer Policy and Operations Group
 Anthony Trenkle, Director, Office of E-Health Standards and Services
 Alexander Trujillo, Denver Regional Administrator
 Richard Turman, Deputy Assistant Secretary for Budget
 Timothy Ulatowski, Director, Office of Compliance
 Mary Lou Valdez, Deputy Director for Policy, Office of Global Health Affairs
 Ronald Valdiserri, Deputy Director
 Peter Van Dyck, Associate Administrator for Maternal and Child Health Bureau
 Joseph Vanlandingham, Deputy Assistant Secretary for Program Support
 Martha Vaughan, Chief Metabolic Regulation Section
 Terrell Vermillion, Director Office Criminal Investigations
 Francis Vocci Jr., Director, Medication Development
 Linda Vogel, Senior Public Health Advisor
 Sheila Walcoff, Associate Commissioner for External Relations
 Edwin Walker, Deputy Assistant Secretary for Policy and Programs
 Frederick Walker, Associate Director for Management
 Sondra Wallace, Associate General Counsel
 Gerald Walters, Director, Financial Services Group
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 Richard Waterman, Chief Counsel
 Mark Weber, Associate Administration for Communications

Kerry Weems, Deputy Chief of Staff
 Michael Weinrich, Director, National Center for Medical Rehabilitation Research
 Donna Weinstein, Chief Counsel
 Marc Weisman, Director, Office of Acquisition Management
 Jacquelyn White, Director, Office of Strategic Operations and Regulatory Affairs
 Donald Wilder, Director Portland Area
 Carlis Williams, Regional Hub Director
 Dennis Williams, Deputy Administrator, Health Resources and Services Administration
 Paula Williams, Director, Tribal Self-Governance
 Harry Wilson, Associate Commissioner, Family and Youth Services Bureau
 Laurence Wilson, Director, Chronic Care Policy Group
 Helen Winkle, Director, Office of Pharmaceutical Science
 Ann Wion, Deputy Chief Counsel, Program Review
 Edwin Woo, Associate General Counsel
 Charlotte Yeh, Boston Regional Administrator
 David Young, Deputy Director for Management Operations
 Donald Young, Principal Deputy Assistant Secretary
 Samir Zakhari, Director, Division of Basic Research
 Howard Zucker, Deputy Assistant Secretary for Health (Science, Technology, and Medicine)
 Phyllis Zucker, Director, Policy Coordination, Executive Secretariat and Departmental Liaison

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BILLING CODE 5150-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of a New System of Records

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice of a New System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new SOR titled, "Fluoro-Deoxy Glucose (FDG) Positron Emission Tomography (PET) for Dementia and Neurodegenerative Diseases (DND) (PET DND), HHS/CMS/OCSQ, System No. 09-70-0561." National Coverage Determinations are determinations by

the Secretary (HHS) with respect to whether or not a particular item or service is covered nationally under Title XVIII of the Social Security Act (the Act) section 1869(f)(1)(B). In order to be covered by Medicare, an item or service must fall within one or more benefit categories contained in Part A or Part B, and must not be otherwise excluded from coverage.

In our review of DND indications, we found sufficient evidence to determine that PET scans are no longer experimental. However, the evidence was insufficient to reach a conclusion that FDG PET is reasonable and necessary in all instances. A sufficient inference of benefit, however, can be drawn to support limited coverage if certain safeguards for patients are provided. This inference is based on both the physiological basis for FDG PET usefulness in a differential diagnosis of fronto-temporal dementia (FTD) and Alzheimer's disease (AD), as well as, evidence of a positive benefit of PET for patients with several other dementing neurodegenerative diseases for which there is evidence of sufficient quality to warrant coverage.

The purpose of this system is to collect and maintain information on Medicare beneficiaries receiving FDG PET scans for indications for DND when there is not sufficient evidence to reach a firm conclusion that the scan is reasonable and necessary unless they are enrolled in an approved study. Information retrieved from this system will be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor or consultant; (2) assist another Federal or state agency with information to enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support constituent requests made to a Congressional representative; (5) support litigation involving the agency; and (6) combat fraud and abuse in certain health benefits programs. We have provided background information about the new system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed routine uses, CMS invites comments on