

equity within five days of registration or receipt of the disclosure forms. These requirements will provide the Commission and the NANC with the ability to continually monitor NeuStar's neutrality.

#### D. NANPA Solicitation

29. Some commenters suggest that eliminating the prior approval requirements for certain transactions requires rebidding the NANPA contract. We disagree. The requested changes do not constitute a material change to the scope of the original contract. NeuStar has not requested a change to its responsibilities as the NANPA or to the costs of its services. Nor does the relief granted to NeuStar in this Order change its ability to serve as a neutral numbering administrator. Rather, as discussed above, the basic statutory and regulatory neutrality requirements that apply to the NANPA remain intact. For these reasons, therefore, we do not believe that the scope of the current NANPA contract requirements have been exceeded so as to require rebidding.

30. CTIA and Syniverse also claim that potential bidders were deterred from participating in the original procurement due to the prior approval restrictions on ownership changes imposed by the *Warburg Transfer Order*. Again, we disagree. The requirements established in the *Warburg Transfer Order* and the *Bureau Letter* was designed to cure the specific neutrality conflicts that Lockheed and NeuStar faced. Any uncertainty regarding the applicability of those requirements to others could and should have been raised during the NANPA solicitation process when potential bidders were given an opportunity to obtain clarification of the RFP requirements. In fact, such questions were raised. In response to questions addressing the reach of the *Warburg Transfer Order*, the Commission stated, "Generally, the neutrality rules, requirements and policies will continue to apply to any entity selected as the NANPA" and that the "terms and conditions placed on NeuStar in the *Lockheed Martin [Warburg] Transfer Order* would continue with respect to NeuStar if it were selected as the NANPA for the next term." The Commission further explained that "Bidders cannot assume, however, that the FCC would find the same terms and conditions would cure a potential or actual violation of the neutrality provisions with respect to a different situation or entity." Thus, while the Commission clarified that the same types of prior approval restrictions contained in the *Warburg Transfer*

*Order* could be imposed on other bidders found in violation of a neutrality requirement, the Commission's own statements belie any basis for the presumption that all such restrictions applied to all bidders in all situations.

31. In this same vein, we reject claims made that because the actions taken in this Order remove alleged restrictions on public companies serving as the NANPA, rebidding the NANPA functions is required. Consistent with the analysis set forth above, any questions concerning the applicability of the requirements of the *Warburg Transfer Order* to this issue could and should have been raised during the solicitation process. In fact, such issues were raised and the Commission's response did not foreclose a public company from serving as the NANPA, a result made obvious by the fact that a public company did bid for the NANPA contract. We also find that the public interest is not served by rebidding the NANPA functions because an entity may have mistakenly believed a public company could not serve as the NANPA. Rebidding the contract is neither necessitated nor warranted, especially since NeuStar is meeting the requirements of its contract and any interested party had an opportunity to participate during the last solicitation.

32. We also reject Syniverse's claim that eliminating the prior approval requirement for certain transactions increased the value of the NANPA contract. Syniverse suggests that the value of the contract is increased as a result of the elimination of certain prior approval restrictions. According to Syniverse, this "windfall" value should not benefit NeuStar. In order for Syniverse's argument to have any validity, we would have to conclude that the eliminated restrictions hold some definitive dollar value and that this value would be translated into a reduced contract price. Syniverse does not provide evidence of NeuStar's purported increased value or a mechanism for establishing that value. Nor does Syniverse adequately demonstrate that changing the prior approval requirements would necessarily result in a lower contract price. Because Syniverse's contention is highly speculative, we find it to be without merit.

33. We strongly reject Syniverse's claim that "the Commission would utterly undermine the integrity of its procurements" if NeuStar is granted the relief it requested without any evidence that it needs such relief "in order to perform its contractual obligations" or that granting the relief requested

violated the procurement process. Whether or not NeuStar needs the relief requested to perform its contractual obligations is irrelevant to our analysis here. Rather, we focus on whether the relief requested would adversely impact NeuStar's ability to serve as a neutral numbering administrator. Our actions in this order in no way compromise the integrity of that process. In addition, Syniverse fails to provide specific evidence of a violation of the procurement process we used to select the NANPA. Because, as discussed above, NeuStar's request as modified herein, does not affect its ability to serve as a neutral numbering administrator we see no reason why the NANPA cannot make changes to its business plan that do not impact its neutrality.

34. Finally, Syniverse contends that the Commission should rebid the NANPA contract at the end of the current period if NeuStar chooses to make the requested changes to its ownership structure. We disagree. The decision whether or not to renew the option is not currently before the Commission. The factors that might impact a decision to exercise the option are specifically set forth in section 17.207 of the FAR and will be evaluated by the contracting officer at the time the option is to be exercised.

#### III. Ordering Clauses

35. *It is ordered*, pursuant to sections 1, 4, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 and 251 this order is adopted.

36. *It is further ordered* that the request of NeuStar, Inc., perform certain changes and transactions that do not affect its neutrality, without prior Federal Communications Commission approval, is granted, in part, to the extent set forth herein.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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#### FEDERAL COMMUNICATIONS COMMISSION

##### Advisory Committee on Diversity for Communications in the Digital Age; Notice of Public Meeting

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons that the

Advisory Committee on Diversity for Communications in the Digital Age is holding its fourth meeting, which will be held by teleconference. The meeting is scheduled, on an expedited basis, for October 4, 2004. Under 41 CFR 102–3.150, the Commission is holding this meeting with less than 15 calendar days notice due to exceptional circumstances, specifically to address time-sensitive resolutions. Because of these special circumstances, the Committee took the step, even prior to the date of this Notice, of placing copies of the proposed resolutions on the FAC Web site and inviting Committee members by e-mail to submit comments for the public record. Any comments that are submitted will be made available on the Web site, which is accessible to the public.

The Committee also notes that, effective September 27, 2004, Linda Blair will serve as the Designated Federal Officer.

**DATES:** October 4, 2004, 3 p.m., to 4 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Linda Blair, Designated Federal Officer of the Committee on Diversity, or Maureen C. McLaughlin, Alternate Designated Federal Officer of the Committee on Diversity, 202–418–2030, e-mail [Linda.Blair@fcc.gov](mailto:Linda.Blair@fcc.gov), [Maureen.McLaughlin@fcc.gov](mailto:Maureen.McLaughlin@fcc.gov). Press Contact, Audrey Spivak, Office of Public Affairs, 202–418–0512, [aspivak@fcc.gov](mailto:aspivak@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Diversity Committee was established by the Federal Communications Commission to examine current opportunities and develop recommendations for policies and practices that will further enhance the ability of minorities and women to participate in telecommunications and related industries. The Diversity Committee will prepare periodic and final reports to aid the FCC in its oversight responsibilities and its regulatory reviews in this area. In conjunction with such reports and analyses, the Diversity Committee will make recommendations to the FCC concerning the need for any guidelines, incentives, regulations or other policy approaches to promote diversity of participation in the communications sector. The Diversity Committee will also develop a description of best practices within the communications sector for promoting diversity of participation.

**Agenda**

The purpose of the meeting is to discuss two proposals: (1) A resolution urging the FCC to enforce its existing Designated Entity rules, including the

rules setting aside certain C-Block broadband PCS spectrum for bidding only by “entrepreneurial” companies (*i.e.*, small, minority or women-owned companies whose gross revenues and total assets are less than \$125 million and \$500 million, respectively); and (2) a resolution urging the FCC to adopt an NPRM seeking comment on ways to foster ownership diversity in the commercial FM radio band (92.1–107.9 MHz). More details on these resolutions are available on the Advisory Committee’s Web site at <http://www.fcc.gov/DiversityFAC>. *Members of the Advisory Committee and the public may submit written comments at any time by following the instructions on the Web site.*

**Public Participation**

Interested persons may contact Kevin Venters, (202) 418–2030, to obtain a number to call to participate in the teleconference, or may join the teleconference at the Federal Communications Commission, Commission Meeting Room, Room TW–A402 and TW–A442, 445 12th St., SW., Washington, DC 20554. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. A live RealAudio feed will be available over the Internet; information on how to tune in can be found at the Commission’s Web site, <http://www.fcc.gov>.

Federal Communications Commission.

**Jane E. Mago,**

*Designated Federal Officer.*

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**BILLING CODE 6712–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary, Office of the General Counsel; Notice Regarding the Federal Tort Claims Act, the Federally Supported Health Centers Assistance Act, and the Indian Self-Determination and Education Assistance Act; Alternative Settlement Process for Certain Administrative Claims Under the Federal Tort Claims Act**

**AGENCY:** Office of the General Counsel, Office of the Secretary.

**ACTION:** Notice of Pilot Program for an Alternative Settlement Process for Certain Administrative Claims Under the Federal Tort Claims Act.

**SUMMARY:** The Secretary of Health and Human Services is implementing a Pilot Program to study the effectiveness of an

Early Offers Alternative Dispute Resolution Process (“Early Offers”) for certain administrative tort claims under the Federal Tort Claims Act (“FTCA”). The Pilot Program becomes effective upon the publication of this Notice and will be applicable to administrative claims filed with the Department of Health and Human Services (“HHS” or “the Department”) on or after the publication date. The Pilot Program applies to all medical negligence tort claims cognizable under the FTCA and arising from the acts or omissions of HHS employees or deemed employees. The Pilot Program does not create new causes of action or change the requirements of the FTCA for the handling of administrative tort claims or the approval of administrative tort claim settlements. See 28 U.S.C. 2672 and 28 CFR Part 14.

**DATES:** This notice is effective upon publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Richard Bergeron, Office of the General Counsel, (202) 619–0150, U.S. Department of Health and Human Services, 330 Independence Avenue, SW., Room 4760, Washington, DC 20201.

**SUPPLEMENTARY INFORMATION**

**I. Introduction**

The FTCA mandates that administrative tort claims arising out of the medical negligence of HHS employees and deemed employees must be submitted to HHS for investigation and potential resolution before a lawsuit can be filed against the United States. 28 U.S.C. 1346(b) and 2671, *et seq.* Medical negligence claims against HHS may arise from acts or omissions of HHS employees (*see, e.g.*, 42 U.S.C. 233(a)) or from the acts or omissions of deemed employees of HHS (*see, e.g.*, 42 U.S.C. 233(g); 25 U.S.C. 450f(d)). The resolution of those administrative claims requires the claimant and HHS to engage in negotiations that often include a number of offers and counteroffers, sometimes over the course of a number of months, and, then, if such negotiations are unsuccessful, the filing of a lawsuit against the United States.

The Early Offers Pilot Program is designed to determine whether there is a better, quicker, less expensive method for resolving medical negligence claims. The Pilot Program applies to all medical negligence tort claims asserted under the FTCA and arising from the acts or omissions of HHS employees or deemed employees. The Pilot Program is a voluntary program available to claimants who submit timely tort claims under the FTCA. If a claim is not settled