

## CALENDAR OF REPORTING DATES FOR FLORIDA SPECIAL ELECTION

| Report                                                                                                     | Close of books <sup>1</sup> | Reg. cert. & overnight mailing deadline | Filing deadline |
|------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------|-----------------|
| <b>Committees Involved in <i>Only</i> the Special Primary (02/02/10) Must File</b>                         |                             |                                         |                 |
| Year-End .....                                                                                             | —WAIVED—                    |                                         |                 |
| Pre-Primary .....                                                                                          | 01/13/10                    | <sup>2</sup> 01/18/10                   | 01/21/10        |
| April Quarterly .....                                                                                      | 03/31/10                    | 04/15/10                                | 04/15/10        |
| <b>Committees Involved in Both the Special Primary (02/02/10) and Special General (04/13/10) Must File</b> |                             |                                         |                 |
| Year-End .....                                                                                             | —WAIVED—                    |                                         |                 |
| Pre-Primary .....                                                                                          | 01/13/10                    | <sup>2</sup> 01/18/10                   | 01/21/10        |
| Pre-General .....                                                                                          | 03/24/10                    | 03/29/10                                | 04/01/10        |
| April Quarterly .....                                                                                      | 03/31/10                    | 04/15/10                                | 04/15/10        |
| Post-General .....                                                                                         | 05/03/10                    | 05/13/10                                | 05/13/10        |
| July Quarterly .....                                                                                       | 06/30/10                    | 07/15/10                                | 07/15/10        |
| <b>Committees Involved in <i>Only</i> the Special General (04/13/10) Must File</b>                         |                             |                                         |                 |
| Pre-General .....                                                                                          | 03/24/10                    | 03/29/10                                | 04/01/10        |
| April Quarterly .....                                                                                      | 03/31/10                    | 04/15/10                                | 04/15/10        |
| Post-General .....                                                                                         | 05/03/10                    | 05/13/10                                | 05/13/10        |
| July Quarterly .....                                                                                       | 06/30/10                    | 07/15/10                                | 07/15/10        |

<sup>1</sup> The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee with the Commission up through the close of books for the first report due.

<sup>2</sup> Notice that the registered/certified & overnight mailing deadline falls on a federal holiday. The report should be postmarked on or before that date.

On behalf of the Commission.

Dated: December 8, 2009.

**Steven T. Walther,**

*Chairman, Federal Election Commission.*

[FR Doc. E9-29611 Filed 12-11-09; 8:45 am]

BILLING CODE 6715-01-P

## FEDERAL ELECTION COMMISSION

[Notice 2009-28]

### Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record

**AGENCY:** Federal Election Commission.

**ACTION:** Statement of Policy.

**SUMMARY:** The Federal Election Commission will resume the practice of placing all First General Counsel's Reports on the public record, subject to appropriate redaction or withholding.

**DATES:** December 14, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Lawrence Calvert, Deputy General Counsel, or Nicole St. Louis Matthis, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Federal Election Commission is returning to its prior practice of placing First General Counsel's Reports on the public record to promote transparency.

## I. Background

For approximately the first 25 years of its existence, the Federal Election Commission ("Commission") placed on the public record, at the close of an enforcement matter, all materials considered by the Commissioners in their disposition of a case, except for those materials prohibited from disclosure by the Federal Election Campaign Act ("FECA" or "the Act") or, in most instances, those exempt from disclosure under the Freedom of Information Act ("FOIA").

In 2001, following the decision of the district court in *AFL-CIO v. FEC*, 177 F. Supp. 2d 48 (D.D.C. 2001) ("*AFL-CIO*"), the Commission placed on the public record only those documents that reflected the very final action in an enforcement matter and the reasons for that action. Then, after the court of appeals decision in the *AFL-CIO* case, 333 F.3d 168 (DC Cir. 2003), the Commission adopted an interim policy, in which it said it would place on the public record, among other things, "General Counsel's Reports that recommend dismissal, reason to believe, no reason to believe, no action at this time, probable cause to believe, no probable cause to believe, no further action, or acceptance of a conciliation agreement[.]" See Statement of Policy Regarding Disclosure of Closed Enforcement or Related Files, 68 FR

70423 (Dec. 20, 2003) ("Interim Disclosure Policy").

In 2006, the Commission reconsidered its practice of placing First General Counsel's Reports on the public record after a case arose in which the Commission adopted a recommendation offered by the Office of General Counsel ("OGC") in a General Counsel's Report, but rejected one of several underlying rationales for the recommendation. Thereafter, OGC began recommending the approval of a Factual & Legal Analysis ("F&LA") in all cases, not just those with reason to believe recommendations. From January 2007 forward, F&LAs providing an explanation for the Commission's decisions were placed on the public record in new enforcement matters, but First General Counsel's Reports were not.

## II. Return to Prior Practice

In the interest of promoting transparency, the Commission is resuming the practice of placing all First General Counsel's Reports on the public record, whether or not the recommendations in these First General Counsel's Reports are adopted by the Commission.

The Commission will place all First General Counsel's Reports on the public record in closed enforcement matters, prospectively and retroactively, while

reserving the right to redact portions of such documents consistent with the Act, the principles articulated by the court of appeals in *AFL-CIO*, and subject to the Commission's authority to withhold material under an exemption set forth in the FOIA.

Until such time as all previously undisclosed First General Counsel's Reports have been placed on the public record, the Commission intends to approve any FOIA request seeking a First General Counsel's Report or accompanying F&LA that has not yet been placed on the public record, but reserves the right to redact portions of such documents consistent with the Act, the principles articulated by the court of appeals in *AFL-CIO*, and subject to the Commission's authority to withhold material under an exemption set forth in the FOIA.

This document amends an agency practice or procedure. This document does not constitute an agency regulation requiring notice of proposed rulemaking, opportunities for public comment, prior publication, and delay effective under 5 U.S.C. 553 of the Administrative Procedure Act ("APA"). The provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), which apply when notice and comment are required by the APA or another statute, are not applicable.

On behalf of the Commission.

Dated: December 4, 2009.

**Steven T. Walther,**

*Chairman, Federal Election Commission.*

[FR Doc. E9-29609 Filed 12-11-09; 8:45 am]

**BILLING CODE 6715-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments

must be received not later than December 30, 2009.

**A. Federal Reserve Bank of Kansas City** (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *The Robert and Norman Ohlde Trust, Robert and Norma Ohlde, trustees*; Steven and Cynthia Ohlde, all of Linn, Kansas; and Timothy and Debra Ohlde, Clyde, Kansas, acting in concert; to retain/acquire voting shares of Elkc Corp., Inc., and thereby indirectly retain/acquire voting shares of The Elk State Bank, both in Clyde, Kansas.

Board of Governors of the Federal Reserve System, December 9, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9-29651 Filed 12-11-09; 8:45 am]

**BILLING CODE 6210-01-S**

## 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 applications 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/](http://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 January 8, 2010.

**A. Federal Reserve Bank of Cleveland** (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *Excel Bancorp, LLC*, St. Clairsville, Ohio; to become a bank holding company by acquiring a controlling interest in Ohio Legacy Corp., and thereby indirectly acquire Ohio Legacy Bank, N.A., Wooster, Ohio.

Board of Governors of the Federal Reserve System, December 9, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9-29652 Filed 12-11-09; 8:45 am]

**BILLING CODE 6210-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2009-N-0293]

#### Peter Xuong Lam: Debarment Order

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the act) debarring Peter Xuong Lam for a period of 20 years from importing articles of food or offering such articles for importation into the United States. FDA bases this order on a finding that Mr. Lam was convicted of four felonies under Federal law for conduct relating to the importation into the United States of an article of food. After being given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation, Mr. Lam failed to request a hearing. Mr. Lam's failure to request a hearing constitutes a waiver of his right to a hearing concerning this action.

**DATES:** This order is effective December 14, 2009.

**ADDRESSES:** Submit applications for termination of debarment to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Kenny Shade, Division of Compliance Policy (HFC-230), Office of Enforcement, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 240-632-6844.

**SUPPLEMENTARY INFORMATION:**