

**ADDRESSES:** Interested parties are invited to submit written comments. Comments should refer to "RFID Workshop—Comment, P049106," to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and the original and two copies should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159-H (Annex G), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The Commission is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form (except comments containing any confidential material) should be sent, as prescribed in the Supplementary Information section, to the following email box: [rfidworkshop@ftc.gov](mailto:rfidworkshop@ftc.gov).

**FOR FURTHER INFORMATION CONTACT:** Julie K. Brof, Attorney, (206) 220-4475, Northwest Region, Federal Trade Commission, 915 Second Avenue, Suite 2896, Seattle, WA 98174. To read our policy on how we handle the information you submit, please visit <http://www.ftc.gov/ftc/privacy.htm>.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background and Workshop Goals**

On June 21, 2004, the FTC is planning to host a public workshop, "Radio Frequency Identification: Applications and Implications for Consumers," that will explore the uses, efficiencies, and implications for consumers associated with radio frequency identification (RFID) technology. The workshop will address both current and anticipated uses of RFID tags and their impact on

the marketplace. Questions to be addressed at the workshop are set forth in the Commission's Notice Announcing Public Workshop and Requesting Public Comment, published in the **Federal Register** on April 15, 2004.

##### **Form and Availability of Comments**

The time period during which public comments may be submitted has been extended. Interested parties may submit written comments on the questions and issues addressed by the workshop until July 9, 2004. Especially useful are any studies, surveys, research, and empirical data. Comments should refer to "RFID Workshop—Comment, P049106," to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and the original and two copies should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159-H (Annex G), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled "Confidential."<sup>1</sup> The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form (except comments containing any confidential material) should be sent to the following email box: [rfidworkshop@ftc.gov](mailto:rfidworkshop@ftc.gov).

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will

be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov>. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

**Donald S. Clark,**

*Secretary.*

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**BILLING CODE 6750-01-P**

#### **FEDERAL TRADE COMMISSION**

##### **Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans No.	Acquiring	Acquired	Entities
<b>TRANSACTIONS GRANTED EARLY TERMINATION—04/26/2004</b>			
20040744 .....	LGB Keystone LLC .....	Keystone Foods Holding Company, Inc ..	Executive Holdings LLC. Keystone Foods LLC.
20040762 .....	Calpine Power Income Fund .....	Basic American, Inc .....	Basic American, Inc.
20040763 .....	Nautic Partners V, L.P .....	Flavor & Fragrance Group Holdings, Inc	Flavor & Fragrance Group Holdings, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—04/28/2004</b>			
20040747 .....	Bank One Corporation .....	Marc Ladreit de Lacharriere .....	LBC S.A.

<sup>1</sup> Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must

identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the

public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

Trans No.	Acquiring	Acquired	Entities
<b>TRANSACTIONS GRANTED EARLY TERMINATION—04/29/2004</b>			
20040509 .....	Connors Bros. Income Fund .....	Centre Capital Investors III, L.P .....	Bumble Bee LLC.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—04/30/2004</b>			
20040759 .....	Thomas Cressey Fund VII, L.P .....	Web Clients, Inc .....	Web Clients, Inc.
20040765 .....	JP Morgan Chase & Co .....	Nathan Kirsh .....	Jetro JMDH Holdings, Inc.
20040767 .....	BSW Holdings, Inc .....	Electronic Data Systems Corporation .....	UGS PLM Solutions Inc.
20040770 .....	Roger Barnett .....	Yamanouchi Pharmaceutical Co., Ltd .....	INOBYS LLC. Shaklee Corporation. PECO Telcove.
20040771 .....	TelCove, Inc .....	Exelon Corporation .....	Todd Pipe & Supply—Hawthorne, Inc.
20040773 .....	Hughes Supply, Inc .....	Karl B. McMillen, Jr .....	Domino's Pizza, Inc.
20040779 .....	Bain Capital Fund VI, L.P .....	Domino's Pizza, Inc .....	Domino's Pizza, Inc.
20040780 .....	Bain Capital VI Coinvestment Fund, L.P .....	Domino's Pizza, Inc .....	Domino's Pizza, Inc.
20040788 .....	Arsenal Capital Partners Qualified Purchaser Fund L.P.	Millennium Chemicals, Inc .....	Millennium Specialty Chemicals Inc.
20040792 .....	SR. Teleperformance .....	Newco .....	Newco.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—04/30/2004</b>			
20040411 .....	L'Air Liquide SA .....	Messer Griesheim Group GmbH & Co. KGaA.	Messer Griesheim GmbH.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/04/2004</b>			
20040787 .....	William Blair Capital Partners VII QP, L.P	Lauri E. Union Grantor Retained Trust ...	Union Corrugating Company.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/05/2004</b>			
20040728 .....	Kerry Group plc .....	J. Manheimer Inc .....	J. Manheimer Inc.
20040740 .....	Amgen Inc .....	Tularik Inc .....	Tularik Inc.
20040784 .....	Occum Acquisition Corp .....	Safeco Corporation .....	American States Life Insurance Company. Employee Benefits Consultants, Inc. First Safeco National Life Insurance Company of New York. Safeco Administrative Services, Inc. Safeco Asset Management Company. Safeco Assigned Benefits Service Company. Safeco Life Insurance Company. Safeco National Life Insurance Company. Safeco Securities, Inc. Safeco Services Corporation. Wisconsin Pension and Group Services, Inc.
20040797 .....	Pitney Bowes Inc .....	Group 1 Software, Inc .....	Group 1 Software, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/06/2004</b>			
20040713 .....	Informa Group plc .....	Taylor & Francis Group plc .....	Taylor & Francis Group plc.
20040758 .....	Headquarters Incorporated .....	Eldorado Stone Holdings Co, LP .....	Eldorado Stone Acquisition Co., LLC
20040834 .....	Mr. Kjell Inge Rokke .....	Kvaerner ASA .....	Kvaerner ASA.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—05/07/2004</b>			
20040764 .....	Calpine Corporation .....	General Electric Company .....	Cogen Holdings I LLC.
20040768 .....	Ainsworth Lumber Co. Ltd .....	Boise Cascade Corporation .....	Voyageur Panel Limited.
20040769 .....	Bristol-Myers Squibb Company .....	Mr. Pierre Fabre .....	Pierre Fabre Medicament S.A.
20040783 .....	Genstar Capital Partners III, L.P .....	Gregory Block .....	American Pacific Enterprises, LLC.
20040789 .....	United Technologies Corporation .....	Automated Logic Corporation .....	Automated Logic Corporation.
20040794 .....	Welsh, Carson, Anderson & Stowe IX, L.P. (WCAS IX).	U.S. Oncology Holdings, Inc .....	U.S. Oncology Holdings, Inc.
20040795 .....	Welsh, Carson, Anderson & Stowe IX, L.P.	U.S. Oncology, Inc .....	U.S. Oncology, Inc.
20040800 .....	International Paper Company .....	Dennis Mehiel .....	Box USA Holdings, Inc.
20040803 .....	JAKKS Pacific, Inc .....	Play Along (Hong Kong) Ltd .....	Play Along (Hong Kong) Ltd.
20040806 .....	Kerr-McGee Corporation .....	Westport Resources Corporation .....	Westport Resources Corporation
20040808 .....	Sumner M. Redstone .....	Midway Games, Inc .....	Midway Games, Inc.
20040811 .....	Bruckmann, Rosser, Sherrill & Co. II, L.P	Prudential plc .....	LD Holdings, Inc.

Trans No.	Acquiring	Acquired	Entities
20040812 .....	Ormat Industries Ltd .....	Constellation Energy Group Inc .....	CE Puna II, Inc. CE Puna I, Inc. CE Puna Limited Partnership. Puna Geothermal Venture. Amgen Inc. Open Software Solutions. Open Software Solutions, Inc. Sunoco, Inc. (R&M). MyStar Communications Corporation. MyStar Communications Corporation. FACA of Arkansas, LLC. First American Cash Advance of Alabama, LLC. First American Cash Advance of Colorado, LLC. First American Cash Advance of Florida, LLC. First American Cash Advance of Oklahoma, LLC. First American Cash Advance of South Carolina, LLC. First American Cash Advance of Tennessee, LLC. First American Financial Services, LLC. First American Franchising, LLC. First American Holding, LLC. Foresight Management Company, LLC. Union Management Company, LLC. United Services, Inc.
20040814 .....	Dr. David V. Goeddel .....	Amgen Inc .....	
20040819 .....	SunGard Data Systems Inc .....	Joseph A. Savage, Jr .....	
20040820 .....	SunGard Data Systems Inc .....	Hua "Frank" Luo .....	
20040821 .....	Citigroup Inc .....	Sunoco, Inc .....	
20040823 .....	Joseph M. & Marie H. Field .....	Michael S. Maurer .....	
20040824 .....	Joseph M. & Marie H. Field .....	Robert E. Schloss .....	
20040835 .....	CompuCredit Corporation .....	First American Management, Inc .....	

**TRANSACTIONS GRANTED EARLY TERMINATION—05/11/2004**

20040782 .....	ABRY Partners IV, L.P .....	Providence Equity Partners III L.P .....	Language Line Holdings, Inc.
20040807 .....	Albemarle Corporation .....	Akzo Nobel NV .....	Akzo Nobel Catalysts LLC.
20040815 .....	Teledyne Technologies Incorporated .....	Isco, Inc .....	Isco, Inc.
20040816 .....	Stephen L. LaFrance and Linda LaFrance.	May's Drug Stores, Inc .....	May's Drug Stores, Inc.
20040817 .....	Hub International Limited .....	Safeco Corporation .....	Talbot Financial Corporation.
20040822 .....	The Lubrizol Corporation .....	Noveon International, Inc. ....	Noveon International, Inc.
20040831 .....	Charterhouse Equity Partners IV, L.P .....	Washington & Congress Capital Partners, L.P.	LogistiCare, Inc.
20040833 .....	Fair Isaac Corporation .....	London Bridge Software Holdings plc .....	London Bridge Software Holdings plc.
20040837 .....	MacDonald, Dettwiler and Associates Ltd	Marshall & Swift Holdings, LLC .....	Marshall & Swift/Boeckh Company (Canada) Marshall & Swift, L.P.
20040841 .....	TA IX L.P .....	CGW Southeast Partners III, L.P .....	Youth & Family Centered Services, Inc.

**TRANSACTIONS GRANTED EARLY TERMINATION—05/12/2004**

20040735 .....	JDS Uniphase Corp .....	E20 Communications, Inc .....	E20 Communications, Inc.
20040785 .....	Summit Venture VI-B, L.P .....	GCA Holdings, Inc .....	GCA Holdings, Inc.
20040786 .....	Summit Ventures VI-A, L.P .....	GCA Holdings, Inc .....	GCA Holdings, Inc.
20040793 .....	M&C International .....	GCA Holdings, Inc .....	GCA Holdings, Inc.

**TRANSACTIONS GRANTED EARLY TERMINATION—05/14/2004**

20040804 .....	Smiths Group plc .....	The Veritas Capital Fund LP .....	Trak Holding Corp.
20040839 .....	Molina Healthcare, Inc .....	Gerald W. Landgraf .....	Health Care Horizons, Inc.
20040842 .....	The Home Depot, Inc .....	Green Equity Investors III, L.P .....	White Cap Industries, Inc.
20040844 .....	Jarden Corporation .....	Bicycle Holding, Inc .....	Bicycle Holding, Inc.
20040846 .....	CCG Investment Fund, L.P .....	LHP Holding Corp .....	LHP Holding Corp.
20040847 .....	LHP Holding Corp .....	Leiner Health Products, Inc .....	Leiner Health Products, Inc.
20040853 .....	Cortec Group Fund III, L.P .....	Linsalata Capital Partners Fund III, L.P ..	Fasteners Holding Company.

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay, contact Representative or Renee Hallman, Case Management Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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**BILLING CODE 6750-01-M**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Docket No. 2004S-0233]

### **Solicitation of Comments on Stimulating Innovation in Medical Technologies**

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) is seeking public comment on how HHS and its agencies can work together to facilitate the development and approval of new medical technologies.

**DATES:** Submit written or electronic comments by August 23, 2004.

**ADDRESSES:** Submit written comments concerning this document to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

**FOR FURTHER INFORMATION CONTACT:**

*For general questions about this document:* Lisa Rovin, Office of the Commissioner (HFP-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1443.

*For information about the seven specific questions listed in the SUPPLEMENTARY INFORMATION section of this document:* Tom Kuchenberg, Office of the Secretary, Department of Health and Human Services, 200 Independence Ave. SW., Washington, DC 20201, 202-205-8644.

**SUPPLEMENTARY INFORMATION:****I. Background**

HHS is seeking comment on how to stimulate innovation in medical technologies, such as drug and biological products and medical devices. We are interested in hearing about ways HHS and its agencies (e.g., National Institutes of Health (NIH), Food and Drug Administration (FDA),

Centers for Medicare and Medicaid Services (CMS), and Centers for Disease Control and Prevention (CDC), can work together to facilitate the development and approval of new medical technologies.

Recent advances in basic sciences, such as genomics, proteomics, and bioinformatics, have created the potential for the development of innovative medical technologies that can provide new hope and better quality of life for many Americans. At the same time, more funds are being invested in biomedical science in America than ever before. NIH, which is just completing a 5-year doubling of its budget to \$27 billion (Ref. 1), has launched its Roadmap initiative (Ref. 2). The Roadmap initiative aims to transform the nation's medical research enterprise and help speed the movement of research discoveries from the laboratory to the patient.

During the past decade, pharmaceutical firms have increased their research and development investments to more than \$30 billion (Ref. 3). Considering the many other organizations involved in medical research in this country (e.g., Department of Defense, Department of Energy, Department of Veteran's Affairs, academic organizations, and foundations), the total amount spent each year in the development of medical technology in the United States could conceivably approach \$100 billion.

With an aging population it is worth noting that in 2002 Medicare expenditures for new drugs and devices were approximately \$4 to 6 billion. To help speed access to these new technologies, CMS is working on novel ways to better coordinate coverage, payment, and coding for a more timely reimbursement process.

Nonetheless, there is concern that new discoveries in basic sciences are not rapidly translating into new medical products for patients. In a recent report announcing its Critical Path initiative<sup>1</sup> (Ref. 4), FDA noted that the numbers of new drug and biologic applications being submitted to FDA are decreasing despite the dramatic increase in research and development spending over the past decade.<sup>2</sup> Current estimates suggest that it takes 10 to 15 years and \$800 million in investment for a new

drug to make it from the laboratory bench to a patient's bedside (Ref. 5). On April 22, 2004, FDA published a notice in the **Federal Register** (69 FR 21839) asking for input on the scientific and technical hurdles that cause delays and other problems during the product development process. That notice focused exclusively on FDA. In this notice we are requesting that all constituents comment on what HHS agencies can do together to stimulate innovation in medical technologies.

HHS, through its operating agencies (e.g., NIH, FDA, CMS, and CDC), is an important part of the nation's medical technology infrastructure. To help HHS understand what it can do to facilitate the development of innovative medical technologies, we are asking the following questions:

1. What strategies and approaches could HHS implement to accelerate the development and application of new medical technologies?

2. How can HHS help its agencies (e.g., NIH (and its grantees), FDA, CDC, and CMS) to work together more effectively to eliminate obstacles to development of medical technologies?

3. How can the HHS scientific and regulatory agencies work more effectively with CMS to eliminate obstacles to development?

4. What forums should HHS use to survey constituents about obstacles to innovation (e.g., public meetings, contract research, focus groups)?

5. How can the portability of information between HHS agencies be optimized?

6. Which HHS policies and programs effectively spur innovation? Which policies and programs at NIH (and its grantees), CMS, FDA, and CDC should be expanded to help spur innovation? Do any policies and programs pose obstacles to innovation?

7. What role should be played by nongovernmental partners in assisting the Federal Government in this process?

**II. Comments**

Interested persons may submit written or electronic comments to the Division of Dockets Management (see **ADDRESSES**). Submit a single copy of electronic comments or two paper copies of mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

<sup>1</sup> The report lays out FDA plans to help make the critical path more predictable and efficient. If products that are likely to fail can be identified earlier in the development process, more research and development resources can be devoted to developing those products that are likely to succeed.

<sup>2</sup> Only one in five products that reach the clinical testing stage ever makes it to marketing.