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This proceeding shall be treated as a "permit but disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclosed proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554, (202) 418-0270. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing (BCPI), Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: [www.bcpiweb.com](http://www.bcpiweb.com) or by calling 1-800-378-3160.

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## Synopsis

On July 28, 2004, Express Consolidation, Inc. (Express or Petitioner) filed a petition for declaratory ruling asking the Commission to preempt a Florida telemarketing law, Florida Statute, section 501.059 (Florida Statute). According to Petitioner, Express has been charged in a complaint by the Florida Department of Agriculture and Consumer Services with violating the Florida Statute, which restricts the making of telephonic sales calls to Florida citizens whose names appear on the state's quarterly "no sales solicitation calls listing." The Florida law also restricts the use of automatic dialing systems and artificial or prerecorded messages to make sales calls. Express contends that the Florida Statute is inconsistent with the Telephone Consumer Protection Act (TCPA) by placing more onerous restrictions on the making of interstate telephone calls by a tax-exempt nonprofit organization. Express indicates that, unlike the Florida Statute, the TCPA exempts calls made by tax-exempt nonprofit organizations from the restrictions on "telephone solicitations." Express further explains that the calls that are the basis of the state's enforcement action are made on behalf of Express, a nonprofit corporation with offices in Florida, by a California company. Express maintains that the TCPA authorizes a state to implement more restrictive regulations only with respect to intrastate calls; therefore, the state law should be preempted.

Federal Communications Commission.

### Jay Keithley,

*Deputy Chief, Consumer & Governmental Affairs Bureau.*

[FR Doc. 04-23295 Filed 10-15-04; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Performance Review Board

As required by the Civil Service Reform Act of 1978 (Pub. L. 95-454), Chairman Michael K. Powell appointed the following executives to the Performance Review Board: Julius Knapp, Renee Licht, Mary Beth Richards, and David Solomon.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 04-23291 Filed 10-15-04; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act; Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that, at 10:30 a.m. on Tuesday, October 12, 2004, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and liquidation activities.

In calling the meeting, the Board determined, on motion of Vice Chairman John M. Reich, seconded by Director Thomas J. Curry, concurred in by Director James E. Gilleran (Office of Thrift Supervision), Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donald E. Powell, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice of the meeting earlier than October 7, 2004, was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: October 12, 2004.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E4-2689 Filed 10-15-04; 8:45 am]

**BILLING CODE 6714-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) allow the proposed information collection project:

“Questionnaire and Data Collection Testing, Evaluation, and Research for the Agency for Healthcare Research and Quality”. In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on August 16th, 2004 and allowed 60 Days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 Days for public comment.

**DATES:** Comments on this notice must be received by November 17, 2004.

**ADDRESSES:** Written comments should be submitted to: John Kraemer, at the Office of Information and Regulatory Affairs, OMB at the email address [John\\_Kraemer@omb.eop.gov](mailto:John_Kraemer@omb.eop.gov) and the fax number is (202) 395–6974.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Cynthia D. McMichael, AHRQ, Reports Clearance Officer, (301) 427–1651.

**SUPPLEMENTARY INFORMATION:**

**Proposed Project**

“*Questionnaire and Data Collection Testing, Evaluation, and Research for the Agency for Healthcare Research and Quality*”

AHRQ plans to employ the latest techniques to improve its current data collections by developing new surveys, and by revising existing surveys in anticipation of, or in response to, changes in the healthcare field, for a 3 year period. The clearance request is limited to testing research questionnaires, data collection methods, and related reports. Data collected under this clearance will be used to improve agency products and such data are not intended for direct use in the development of health policy. The final instruments will be used for subsequent data collections that may impact health policies. A generic clearance for his work will allow AHRQ to draft and test survey instruments more quickly and with greater lead time, thereby managing project time more efficiently and improving the quality of the data it collects.

It is envisioned that in some instances the ability to pretest/pilot-test survey-related instruments, in anticipation of work, or early in a project, may result in the decision not to proceed with particular survey activities, thereby saving both public and private resources

and effectively eliminating or reducing respondent burden.

The health care environment changes rapidly and requires a quick response from the agency to provide appropriately refined tools. A generic clearance for this methodological work will facilitate the agency’s timely development of survey tools suitable for use in changing conditions.

It is particularly important to refine AHRQ’s survey tools because many of the survey tools AHRQ develops are made widely available to users in the private sector. They are made available to help the private sector improve health care quality by enabling the gathering of useful data for analysis and for providing information about health care quality to consumers and purchasers so that they can use their marketplace choices to influence and improve health care quality.

**Methods of Collection**

Participation in survey testing will be fully voluntary and non-participation will have no effect on eligibility for, or receipt of, future AHRQ health services research support or on future opportunities to participate in research or to obtain informative research results. Specific estimation procedures, when used, will be described when we notify OMB as to actual studies conducted under the clearance.

Type of research activity	Number of respondents	Estimated time per respondent	Total burden hours
Face-to-Face Interviews .....	100	60 minutes .....	100
Field Tests (short) .....	2,400	20 minutes .....	800
Field Tests (long) .....	7,600	30 minutes .....	3,800
Lab Experiments .....	200	90 minutes .....	300
Focus Groups .....	100	60 minutes .....	100
Cognitive Interviews .....	100	60 minutes .....	100
Totals .....	10,500	Not Applicable ....	5,200

**Estimated Costs to the Federal Government**

Expenses for equipment, overhead, printing, and support staff will be incurred by AHRQ components as part of their normal operating budgets. No additional cost to the Federal Government is anticipated. Any deviation from these limits will be noted in reports made to OMB with respect to a particular study or studies conducted under the clearance.

**Request for Comments**

In accordance with the above-cited legislation, comments on the AHRQ information collection are requested with regard to any of the following: (a)

Whether the proposed collection of information is necessary for the proper performance of functions of AHRQ, including whether the information will have practical utility; (b) the accuracy of the AHRQ’s estimate of burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB

approval of the proposed information collection. All comments will become a matter of public record.

Dated: October 4, 2004.

**Carolyn M. Clancy,**  
*Director.*

[FR Doc. 04–23234 Filed 10–15–04; 8:45 am]

**BILLING CODE 4160–90–M**