

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 Kelyt, 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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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

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Anna Marsh, Executive Officer

Michael Martin, Director, Division of Physiological Systems

Ruth Martin, Chief Management Officer

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Leon McCowan, Regional Hub Director

Barbara McGarey, Deputy Associate General Counsel for Public Health (National Institutes of Health)

Patrick McGarey, Director, Office of Budget Formulation and Presentation
Kathleen McGuan, Associate General Counsel
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Lore Anne McNicol, Director, Division of Extramural Research
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Regina McPhillips, Director, Beneficiary Education and Analysis Group
Robert McSwain, Deputy Director, Indian Health Service
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Barbara Merchant, Associate Director for Management
David Mesterharm, Director, Office of Information Services (Chief Information Officer)
Richard Millstein, Senior Advisor and Counselor for Special Initiatives
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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
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Solomon Mussey, Supervisory Actuary
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Jon Nelson, Deputy Associate Administrator
William Nichols, Director, Procurement and Grants Office
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
Roger Parvin, Chief Management Officer
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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
Wesley Perich, Director, Budget Analysis Group
Martha Pine, Associate Director for Administration and Operations
Vivian Pinn, Associate Director, Research on Women's Health
Melinda Plaisier, Assistant Commissioner for International Programs
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 Pruet, 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
Dennis Smith, Director, Center for Medicaid State Operations
Patricia Smith, Director, Medicare Advantage Group
Stephen Smith, Special Assistant to the Administrator
Marc Smolonsky, Associate Director for Legislative Policy Analysis
Anna Snyder, Director, Office of Special Programs
Edward Sontag, Policy Program Management Officer
Anita Miller Sostek, Director, Division of Clinical and Population-Based Studies
Philip Spiller, Director, Office of Seafood
Sidonie Squier, Director, Office of Family Assistance
William Stamper, Deputy Assistant Secretary for Facilities Management and Policy
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
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 Kenneth Warren, Director, Office of Scientific Affairs
 Rueben Warren, Associate Administration for Urban Affairs
 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

[FR Doc. 05-20475 Filed 10-12-05; 8:45 am]

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