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 crossexamination 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 crossexamination 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, Massachussetts; 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

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

Charlene Brown, Depu 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

Michaele 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

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

Beverly Davis, Director, Center for Substance Abuse Prevention

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, Pagional Hub Director

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
Device Could Director Division of

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

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
Lohn Hubbard In Director Navio

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

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 Kelty, 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

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Herbert Kuhn, Director Center for Medicare Management

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Mary Laureno, Director, Beneficiary
Information Services Group
Laure Laurence Counselor for Public

Laura Lawlor, Counselor for Public Health and Science

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

Mary Anne Malarkey, Director, Office of Compliance

Diane Maloney, Associate Director for Policy

Christophe Mandregan Jr., Director, Alaska Area

Teri Manolio, Director, Epidemiology and Biometry Program

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Michael Marron, Associate Director for Biomedical Technology

Anna Marsh, Executive Öfficer Michael Martin, Director, Division of Physiological Systems

Ruth Martin, Chief Management Officer John Marzilli, Deputy Associate

Commissioner for Regulatory Affairs 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

Richard McKeown, Chief of Staff Michael McMullan, Deputy Director for Beneficiary Services

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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

Reginald Mebane, Chief Management Officer

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

Allan Mirsky, Chief, Section on Clinical and Experimental Neuropsychology Madeline Mocko, Director, Office of

Legislative Affairs and Budget Jess Montes, Senior Advisor for Special

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Deugles Morgan, Director, Division of

Douglas Morgan, Director, Division of Service Systems

Charles Morris, Director, Center for Faith Based and Community Initiatives

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

Theresa Mullin, Assistant Commissioner for Planning

Solomon Mussey, Supervisory Actuary David Naimon, Deputy Associate General Counsel for Public Health

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

Robert Noonan, Director, Office of Competitive Sourcing

Biochemical Genetics

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

Karen O'Steen, Director, Office of Operations Management and Chief Administrative Officer

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Secretary for Management Delores Parron, Scientific Advisor for Capacity Development

Elaine Parry, Director of Special Initiatives

Roger Parvin, Chief Management Officer Christophe Pascal, Director, Office of Research Initiatives

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Christina Pearson, Deputy Assistant Secretary Public Affairs (Media)

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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 Pruett, 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

Elliot Siegel, Associate Director for Health Information Programs Development

Stewart Šimonson, Assistant Secretary for Public Health Emergency Preparedness

Jean Ślutsky, 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 Stehmever Ir., Director, Fac

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 Ŭlatowski, 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

Gerald Walters, Director, Financial Services Group

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

Donalda 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