

## I. Background

Section 306(b)(1)(C) of the act (21 U.S.C. 335a(b)(1)(C)) permits FDA to debar an individual from importing an article of food or offering such an article for import into the United States if FDA finds, as required by section 306(b)(3)(A) of the act (21 U.S.C. 335a(b)(3)(A)), that the individual has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any food.

On October 29, 2008, Mr. Lam was convicted in the United States District Court for the Central District of California of one count of conspiracy, in violation of 18 U.S.C. 371, for conspiring to violate 18 U.S.C. 545 (importation contrary to law) and 21 U.S.C. 331(a) and (c) and 21 U.S.C. 333(a)(2) (felony delivery and receipt of misbranded food) and of three counts of violating 18 U.S.C. 545 and 18 U.S.C. 2(b) (trafficking in fish contrary to 18 U.S.C. 541 and 21 U.S.C. 331(a)). Judgment was entered against Mr. Lam on May 22, 2009.

FDA's finding that debarment is appropriate is based on three felony convictions for trafficking in illegally imported merchandise and one felony conviction for conspiracy. The factual basis for those convictions is as follows: From May 2004 until on or about October 2006, Mr. Lam conspired to falsely identify, mislabel, and fraudulently declare certain imports of frozen fillets of *Pangasius hypophthalmus*, commonly referred to as "Vietnamese catfish" or "basa," in order to evade antidumping duties and to then market them, still falsely labeled. Mr. Lam sold the imported frozen Vietnamese catfish fillets in the United States, mislabeled as other types of fish, for a lower price than would have been necessary if the antidumping duties had been paid. He told purchasers who had specifically ordered Vietnamese catfish, and who questioned the subsequently received boxes of fish labeled as other species, or invoices identifying the fish as other species, that, among other things, the names used were alternative names for what the purchasers had ordered, or that the factory had made an error with the boxes, but the contents of the box were in fact the Vietnamese catfish that the purchasers had ordered. On or about November 17, 2004, Mr. Lam filled an order for 800 cases of "catfish fillet (Basa)" with 800 cases of "conger pike fillet," and then represented to the purchaser that "conger pike fillet" was the scientific name for basa and that the product sold to the purchaser was basa.

On or about November 7, 2004, December 7, 2004, February 3, 2005, and February 27, 2005, in violation of 18 U.S.C. 545 and 18 U.S.C. 2(b), Mr. Lam made and knowingly submitted to a customs broker a false record, account, and label for false identification of fish with a market value greater than \$350. The documents and labels identified the fish as "common carp," "sole," and "conger pike," though Mr. Lam knew the fish was Vietnamese catfish which had been transported in foreign commerce and imported with intent to sell.

FDA sent Mr. Lam by certified mail on September 11, 2009, a proposal to debar Mr. Lam for a period of 20 years from importing an article of food or offering such an article for import into the United States. The proposal was based on a finding under section 306(b)(1)(C) of the act that Mr. Lam was convicted of four felonies under Federal law for conduct relating to the importation into the United States of any food, and a determination, after consideration of the factors set forth in section 306(c)(3) of the act (21 U.S.C. 335a(c)(3)), that the full periods of debarment shall run consecutively as provided by section 306(c)(2)(A)(iii) of the act (21 U.S.C. 335a(c)(2)(A)(iii)). The proposal also offered Mr. Lam an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Lam did not request a hearing and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

## II. Findings and Order

Therefore, the Acting Director, Office of Enforcement, Office of Regulatory Affairs, under section 306(b)(1)(C) of the act, and under authority delegated to the Acting Director (Staff Manual Guide 1410.35), finds that Mr. Peter Xuong Lam has been convicted of four felonies under Federal law for conduct relating to the importation of an article of food into the United States and that the full periods of debarment shall run consecutively under section 306(c)(2) of the act (21 U.S.C. 335a(c)(2)).

As a result of the foregoing finding, Mr. Lam is debarred for a period of 20 years from importing articles of food or offering such articles for import into the United States, effective (see **DATES**). Under section 301(cc) of the act (21 U.S.C. 331(cc)), the importing or offering for import into the United

States of an article of food by, with the assistance of, or at the direction of Mr. Lam is a prohibited act.

Any application by Mr. Lam for termination of debarment under section 306(d)(1) of the act (21 U.S.C. 335a(d)(1)) should be identified with Docket No. FDA-2009-N-0293 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 20, 2009.

**Brenda Holman,**

*Acting Director, Office of Enforcement, Office of Regulatory Affairs.*

[FR Doc. E9-29715 Filed 12-11-09; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Advisory Council.

*Date:* February 2, 2010.

*Open:* 8 a.m. to 12 p.m.

*Agenda:* To discuss program policies and issues.

*Place:* National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

*Closed:* 1 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

*Contact Person:* Stephen C. Mockrin, PhD, Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, (301) 435-0260, [mockrins@nhlbi.nih.gov](mailto:mockrins@nhlbi.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nhlbi.nih.gov/meetings/index.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: December 8, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9-29677 Filed 12-11-09; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; R03 Chemical Senses.

*Date:* January 13, 2010.

*Time:* 11 a.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852. (Telephone Conference Call)

*Contact Person:* Susan Sullivan, PhD, Scientific Review Officer, National Institute of Deafness and Other, Communication Disorders 6120 Executive Blvd Ste., 400C, Rockville, MD 20852, 301-496-8683, [sullivas@mail.nih.gov](mailto:sullivas@mail.nih.gov).

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; R03 VSL.

*Date:* January 14, 2010.

*Time:* 12:30 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852. (Telephone Conference Call)

*Contact Person:* Shiguang Yang, DVM, PhD, Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301-496-8683.

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; R03 Hearing and Balance.

*Date:* January 15, 2010.

*Time:* 2 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852. (Telephone Conference Call)

*Contact Person:* Shiguang Yang, DVM, PhD, Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301-496-8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: December 8, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9-29680 Filed 12-11-09; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Science Education Awards (R25).

*Date:* January 5, 2010.

*Time:* 10:30 a.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817. (Telephone Conference Call)

*Contact Person:* Edward W. Schroder, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301-435-8537, [eschroder@niaid.nih.gov](mailto:eschroder@niaid.nih.gov).

*Name of Committee:* Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases Research Committee.

*Date:* February 22-23, 2010.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marriott Courtyard Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Michelle M. Timmerman, PhD, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, Room 2217, 6700B Rockledge Drive, MSC-7616, Bethesda, MD 20892-7616, 301-451-4573, [timmermanm@niaid.nih.gov](mailto:timmermanm@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 8, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. E9-29681 Filed 12-11-09; 8:45 am]

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