

reserving the right to redact portions of such documents consistent with the Act, the principles articulated by the court of appeals in *AFL-CIO*, and subject to the Commission's authority to withhold material under an exemption set forth in the FOIA.

Until such time as all previously undisclosed First General Counsel's Reports have been placed on the public record, the Commission intends to approve any FOIA request seeking a First General Counsel's Report or accompanying F&LA that has not yet been placed on the public record, but reserves the right to redact portions of such documents consistent with the Act, the principles articulated by the court of appeals in *AFL-CIO*, and subject to the Commission's authority to withhold material under an exemption set forth in the FOIA.

This document amends an agency practice or procedure. This document does not constitute an agency regulation requiring notice of proposed rulemaking, opportunities for public comment, prior publication, and delay effective under 5 U.S.C. 553 of the Administrative Procedure Act ("APA"). The provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), which apply when notice and comment are required by the APA or another statute, are not applicable.

On behalf of the Commission.

Dated: December 4, 2009.

**Steven T. Walther,**

*Chairman, Federal Election Commission.*

[FR Doc. E9-29609 Filed 12-11-09; 8:45 am]

BILLING CODE 6715-01-P

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## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments

must be received not later than December 30, 2009.

**A. Federal Reserve Bank of Kansas City** (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *The Robert and Norman Ohlde Trust, Robert and Norma Ohlde, trustees*; Steven and Cynthia Ohlde, all of Linn, Kansas; and Timothy and Debra Ohlde, Clyde, Kansas, acting in concert; to retain/acquire voting shares of Elkc Corp., Inc., and thereby indirectly retain/acquire voting shares of The Elk State Bank, both in Clyde, Kansas.

Board of Governors of the Federal Reserve System, December 9, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9-29651 Filed 12-11-09; 8:45 am]

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## 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 applications 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/](http://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 January 8, 2010.

**A. Federal Reserve Bank of Cleveland** (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *Excel Bancorp, LLC*, St. Clairsville, Ohio; to become a bank holding company by acquiring a controlling interest in Ohio Legacy Corp., and thereby indirectly acquire Ohio Legacy Bank, N.A., Wooster, Ohio.

Board of Governors of the Federal Reserve System, December 9, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9-29652 Filed 12-11-09; 8:45 am]

BILLING CODE 6210-01-S

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2009-N-0293]

#### Peter Xuong Lam: Debarment Order

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the act) debarment of Peter Xuong Lam for a period of 20 years from importing articles of food or offering such articles for importation into the United States. FDA bases this order on a finding that Mr. Lam was convicted of four felonies under Federal law for conduct relating to the importation into the United States of an article of food. After being given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation, Mr. Lam failed to request a hearing. Mr. Lam's failure to request a hearing constitutes a waiver of his right to a hearing concerning this action.

**DATES:** This order is effective December 14, 2009.

**ADDRESSES:** Submit applications for termination of debarment to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Kenny Shade, Division of Compliance Policy (HFC-230), Office of Enforcement, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 240-632-6844.

**SUPPLEMENTARY INFORMATION:**

## 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.