

(“Receiver”). In complying with its statutory duty to resolve the institution in the method that is least costly to the deposit insurance fund (see 12 U.S.C. 1823(c)(4)), the FDIC facilitated a transaction in which MB Financial Bank, N.A., Chicago, Illinois, assumed all of the deposits and a portion of the assets of the failed institution.

Section 11(d)(11)(A) of the Federal Deposit Insurance Act, 12 U.S.C. 1821(d)(11)(A), sets forth the order of priority for distribution of amounts realized from the liquidation or other resolution of an insured depository institution to pay claims. Under the statutory order of priority, administrative expenses and deposit liabilities must be paid in full before any distribution may be made to general unsecured creditors or any lower priority claims.

As of December 31, 2010, the value of assets available for distribution by the Receiver, together with anticipated recoveries, was \$1,485,477,307. As of the same date, administrative expenses and depositor liabilities equaled \$2,599,960,134, exceeding available assets and potential recoveries by at least \$1,114,482,827. Accordingly, the FDIC has determined that insufficient assets exist to make any distribution on general unsecured creditor claims (and any lower priority claims) and therefore all such claims, asserted or unasserted, will recover nothing and have no value.

Dated: May 11, 2011.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. 2011-11890 Filed 5-13-11; 8:45 am]

BILLING CODE 6714-01-P

## FEDERAL MARITIME COMMISSION

[Docket No. 11-08]

### **Ndahendekire Barbara v. African Shipping; Njoroge Muhia; Alco Logistics, Llc; Brenda Alexander; and AIR 7 Seas Transportlogistics, Inc.; Notice of Filing of Complaint and Assignment**

Notice is given that a complaint has been filed with the Federal Maritime Commission (“Commission”) by Ndahendekire Barbara, hereinafter “Complainant,” against African Shipping; Njoroge Muhia, ALCO Logistics, LLC; Brenda Alexander; and Air 7 Seas Transport Logistics, Inc.; hereinafter “Respondents”. Complainant asserts that she is acting agent for Ndahendekire Foundation located in Mbarara, Uganda. Complainant alleges that: Respondent African Shipping specializes in international cargo

shipping; Respondent Njoroge Muhia is Chief Executive Officer for African Shipping; Respondent ALCO Logistics, LLC, is a freight forwarding and logistics company; Respondent Brenda Alexander is an acting agent for ALCO Logistics, LLC; and Respondent Air 7 Seas Transport Logistics, Inc., is a freight forwarding company.

Complainant alleges that Respondents, in connection with the shipment of two containers and chassis to Mombasa Kenya, violated Section 10(d)(1) of the Shipping Act, 46 U.S.C. 41102(c), by “failing to ensure that Ms. Barbara[‘s] (sic) container was delivered safely, securely and on time to the required destination.” Specifically, Complainant alleges that Respondents “Mr. Muhia and African Shipping are in full breach of contract by contracting with other shippers and not paying the shippers, allowing the containers and chassis to be delivered to the wrong location, not notifying Ms. Barbara of the delivery, allowing demurrages to incur, requesting additional payments for delivery and release of the chassis and containers.” Complainant also alleges that Respondents thereby caused “Ms. Barbara additional shipping cost as well as the loss of her contract for supplying medical supplies and equipment.”

Complainant asks “that respondent be required to answer the charges herein; that after due hearing, an order be made commanding said respondent (and each of them); to cease and deist (sic) from the aforesaid violations of said act(s); to establish and put in force such practices as the Commission determines to be lawful and reasonable; to pay said complainant by way of reparations for the unlawful conduct \* \* \* the sum of One Hundred Fifty Thousand Dollars and zero cents (\$150,000), with interest and attorney’s fees or such sum as the Commission may determine to be proper as an award of reparation; and that such other and further order or orders be made as the Commission determines to be proper in the premises.”

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 May 9, 2012 and the final decision of the Commission shall be issued by September 6, 2012.

**Karen V. Gregory,**  
*Secretary.*

[FR Doc. 2011-11888 Filed 5-13-11; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL TRADE COMMISSION

[File No. 091 0013]

### **Southwest Health Alliances, Inc., Doing Business as BSA Provider Network; Analysis of Agreement Containing Consent Order To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before June 10, 2011.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “Southwest Health, File No. 091 0013” on your comment, and file your comment online at <https://ftcpublish.commentworks.com/ftc/southwesthealthalliances>, by following the instructions on the Web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex D), 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** John P. Wiegand (415-848-5174), FTC, Western Region, San Francisco, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade

Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 10, 2011), on the World Wide Web, at <http://www.ftc.gov/os/actions.shtm>. A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 10, 2011. Write "Southwest Health Alliances, File No. 091 0013" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any "[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential," as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, don't include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>1</sup> Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/southwesthealthalliances> by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov/#/home>, you also may file a comment through that Web site.

If you file your comment on paper, write "Southwest Health Alliances, File No. 091 0013" on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex D), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 8 2011. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

#### **Analysis of Agreement Containing Consent Order To Aid Public Comment**

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a proposed Consent Order with Southwest Health Alliances, Inc., dba BSA Provider Network ("BSA Provider Network" or "Respondent"). The agreement settles charges that BSA Provider Network

<sup>1</sup> In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, by fixing prices charged to those offering coverage for health care services ("payers") in the Amarillo, Texas, area. The proposed Consent Order has been placed on the public record for 30 days to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed Consent Order final.

The purpose of this analysis is to facilitate public comment on the proposed Consent Order. The analysis is not intended to constitute an official interpretation of the agreement and proposed Consent Order or to modify their terms in any way. Further, the proposed Consent Order has been entered into for settlement purposes only and does not constitute an admission by Respondent that it violated the law or that the facts alleged in the Complaint (other than jurisdictional facts) are true.

#### **The Complaint's Allegations**

BSA Provider Network is a multi-specialty independent practice association consisting of multiple, independent medical practices with a total of approximately 900 physician members, of which approximately 300 are devoted to primary care, in the Amarillo, Texas, area.

Since at least 2000, BSA Provider Network has acted to restrain competition by facilitating, entering into, and implementing agreements to fix the prices and other terms at which it would contract with payers; and to engage in collective negotiations over terms and conditions of dealing with payers.

BSA Provider Network did not engage in any activity that might justify collective agreements on the prices its members would accept for their services. For example, the physicians in BSA Provider Network have not clinically or financially integrated their practices to create efficiencies sufficient to justify their acts and practices. The Respondent's actions have restrained price and other forms of competition among physicians in the Amarillo, Texas, area and thereby harmed consumers (including health plans, employers, and individual consumers) by increasing the prices for physician services.

#### **The Proposed Consent Order**

The proposed Consent Order is designed to prevent the continuance

and recurrence of the illegal conduct alleged in the complaint while it allows BSA Provider Network to engage in legitimate, joint conduct. The proposed Consent Order does not affect BSA Provider Network's activities in contracting with payers on a capitated basis.

Paragraph II.A prohibits Respondent from entering into or facilitating agreements between or among any health care providers: (1) To negotiate on behalf of any physician with payer; (2) to negotiate with any physician as a payer; (3) to deal, refuse to deal, or threaten to refuse to deal with any payer; (4) regarding any term, condition, or requirement upon which any physician deals, or is willing to deal, with any payer, including, but not limited to price terms; or (5) not to deal individually with any payer, or not to deal with any payer except through BSA Provider Network.

The other parts of Paragraph II reinforce these general prohibitions. Paragraph II.B prohibits Respondent from facilitating exchanges of information between health care providers concerning whether, or on what terms, to contract with a payer. Paragraph II.C bars attempts to engage in any action prohibited by Paragraph II.A or II.B, and Paragraph II.D proscribes encouraging, suggesting, advising, pressuring, inducing, or attempting to induce any person to engage in any action that would be prohibited by Paragraphs II.A through II.C.

As in other Commission orders addressing health care providers' collective bargaining with health care purchasers, certain kinds of agreements are excluded from the general bar on joint negotiations. Paragraph II does not preclude BSA Provider Network from engaging in conduct that is reasonably necessary to form or participate in legitimate "qualified risk-sharing" or "qualified clinically-integrated" joint arrangements, as defined in the proposed Consent Order. Also, Paragraph II would not bar agreements that only involve physicians who are part of the same medical group practice, defined in Paragraph I.B, because it is intended to reach agreements between and among independent competitors.

Paragraphs III–VI require BSA Provider Network to notify the Commission before it initiates certain contacts regarding contracts with payers. Paragraphs III and IV apply to arrangements under which BSA Provider Network would be acting as a messenger on behalf of its member physicians. Paragraphs V and VI apply to arrangements under which BSA

Provider Network plans to achieve financial or clinical integration.

Paragraph VII.A requires BSA Provider Network to send a copy of the Complaint and Consent Order to its physician members, its management and staff, and any payers who communicated with BSA Provider Network, or with whom BSA Provider Network communicated, with regard to any interest in contracting for physician services.

Paragraph VII.B allows for contract termination if a payer voluntarily submits a request to BSA Provider Network to terminate its contract. Pursuant to such a request, Paragraph VII.B requires BSA Provider Network to terminate, without penalty, any payer contracts that they had entered into since it began its alleged restraint of trade in 2000. This provision is intended to eliminate the effects of BSA Provider Network's joint price setting behavior. Paragraph VII.C requires that BSA Provider Network send a copy of any payer's request for termination to every physician who participates in each group.

Paragraph VII.D contains notification provisions relating to future contact with physicians, payers, management, and staff. These provisions require BSA Provider Network to distribute a copy of the Complaint and Consent Order to each physician who begins participating in each group; each payer who contacts each group regarding the provision of physician services; and each person who becomes an officer, director, manager, or employee for three years after the date on which the Consent Order becomes final. In addition, Paragraph VII.D requires BSA Provider Network to publish a copy of the Complaint and Consent Order, for three years, in any official publication that it sends to its participating physicians.

Paragraphs VII.E and VIII–IX impose various obligations on BSA Provider Network to report or to provide access to information to the Commission to facilitate monitoring its compliance with the Consent Order.

Pursuant to Paragraph X, the proposed Consent Order will expire 20 years from the date it is issued.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2011–11885 Filed 5–13–11; 8:45 am]

**BILLING CODE 6750–01–P**

## GENERAL SERVICES ADMINISTRATION

[VSI–Notice 2011–01; Docket 2011–0005; Sequence 11]

### Notice Pursuant to Executive Order 12600 of Receipt of Freedom of Information Act (FOIA) Requests for Access to the Central Contractor Registration (CCR) Database

**AGENCY:** General Services Administration.

**ACTION:** Notice.

**SUMMARY:** This notice provides submitters notice pursuant to Executive Order 12600 that the General Services Administration, Office of Governmentwide Policy, Acquisition Systems Division (ASD) has received several FOIA requests for certain data elements (CCR extracts) within the Central Contractor Registration (CCR) database. This notice describes each data element contained in CCR, and its exemption status under FOIA.

The following information applies to CCR data fields 250 through 254 only, which are marked with a “\*”:

Information posted in data fields 250 to 254 prior to April 15, 2011, regardless of which Federal Acquisition Regulation (FAR) provision or clause it is posted under, will be subject to release in accordance with the Freedom of Information Act procedures at 5 U.S.C. 552, including, where appropriate, procedures promulgated under E.O. 12600, “Predisclosure Notification Procedures for Confidential Commercial Information.”

Information posted in data fields 250 to 254 (or subsequently on the Federal Awardee Performance and Integrity Information System (FAPIIS)), on or after April 15, 2011, will be available to the public, as required by Section 3010 of Public Law 111–212 (see 41 U.S.C. 417b, as codified, 41 U.S.C. 2313) and in accordance with FAR clause 52.209–9 (version dated JAN 2011).

Federal contractors must NOT post information required under FAR clause 52.209–7 (version dated JAN 2011) on or after April 15, 2011. Any contractors with a contract containing clause 52.209–7 (version dated JAN 2011) that requires update of information on or after April 15, 2011, should contact their contracting officer immediately to discuss a modification.

The following information applies to CCR data fields 255 through 260, which are marked with “\*\*\*”:

Any information entered in data fields 255 to 260 before April 15, 2011, is only available to authorized individuals in accordance with the Freedom of