

OEF; that Respondents Louis J. Mischianti, David Cardenas, and Keith Heffernan, are the partners in Olympus Partners, and were officers and directors of Global Link; that Respondent CJR World Enterprises, Inc. ("CJR"), is a Florida corporation that was an owner of Global Link; and that Respondent Chad Rosenberg is the owner of CJR and was an officer and director of Global Link.

Complainant alleges that Respondents violated the Shipping Act of 1984, as amended ("Shipping Act"), by: (1) Engaging in a deliberate scheme to obtain ocean transportation of property at rates lower than the applicable service contract or tariff rates; and (2) failing to establish, observe and enforce just and reasonable practices relating to or connected with receiving, handling, and delivering property. 46 U.S.C. 41102(a), (c). Complainant also asserts that Respondents violated the Commission's regulations at 46 CFR 515.31(e) which prohibits preparation or filing of false or fraudulent claims or false information relative to an Ocean Transportation Intermediary transaction. Complainant claims that, as a direct result of Respondents' actions, Complainant suffered damages of no less than \$4.5 million.

Specifically, Complainant MOL asserts that it provided transportation to Global Link subject to MOL's tariff rules; including rules related to the diversion of cargo, defined as a change in the original billed destination. Complainant maintains that its tariff rules require shippers to request diversion of cargo in writing and require payment of a diversion charge, as well as the difference in price between the original and new destination. Complainant alleges that Respondent Global Link booked cargo to false inland destinations while intending to deliver the cargo to different inland destinations, and diverted cargo without submitting a request to Complainant or paying Complainant the difference in rate and the applicable diversion changes. Complainant claims that Respondents referred to this practice as "split routing," "mis-booking," and re-routing." This practice, Complainant contends, resulted in lower rates paid to Complainant than the rates applicable to the actual destinations.

Complainant requests that the Commission: (1) Require Respondents to answer the charges in this Complaint; (2) order Respondents to cease and desist from the violations of the Shipping Act; (3) establish and put in force such practices as the Commission determines lawful and reasonable; (3) order Respondents to pay to the

Complainant reparations plus interests, costs and attorney's fees, and any other damages to be determined; and (4) take any other action or provide any other relief as the Commission determines to be proper, fair and just under the circumstances. Complainant also requests that a hearing be held in Washington, DC.

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 14, 2010, and the final decision of the Commission shall be issued by September 13, 2010.

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

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### CBRN Medical Countermeasures Workshop 2009

**AGENCY:** Department of Health and Human Services, Assistant Secretary for Preparedness and Response.

**ACTION:** Notice.

**SUMMARY:** As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Biomedical Advanced Development Authority (BARDA), Chemical Biological, Radiological & Nuclear (CBRN) Medical Countermeasures and Acquisitions Management Systems (AMS) will be holding a public workshop. The workshop is open to the public.

**DATES:** The BARDA Divisions of CBRN and AMS will hold a public workshop on June 25 and 26, 2009 from 8:30 a.m.

to 5 p.m. EDT daily. This agenda is subject to change as priorities dictate.

**ADDRESSES:** Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814. Phone: 301-657-1234.

**FOR FURTHER INFORMATION, CONTACT:**  
*CBRN-Workshop@hhs.gov.*

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Preparedness and Response, Biomedical Advanced Research and Development Authority, Division of Chemical, Biological, Radiological and Nuclear and the Division of Acquisitions Management Systems will host a 2-day Medical Countermeasures Workshop.

The purpose of this two-day event is to engage industry and academic stakeholders in a discussion of how to engage and work with BARDA. Informational sessions include:

- The strategic vision for CBRN MCM development.
- The generation of MCM requirements.
- Responding to a Request for Proposal (RFP) or Broad Agency Announcement (BAA).
- The proposal review process.
- Earned Value Management.
- The FDA Animal Rule.

This Workshop is open to the public. There is no fee to attend; however, seating is limited and registration is required. Online registration is available at <http://www.medicalcountermeasures.gov>.

Stakeholder Registration will be open from April 14-June 1, 2009. Federal Government Employee Registration will be open from June 2-12, 2009.

*Availability of Materials:* The workshop agenda and other materials will be available on site on the workshop dates.

Dated: May 6, 2009.

**RADM William C. Vanderwagen,**  
*Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.*

[FR Doc. E9-11948 Filed 5-20-09; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Submission to OMB, Comment Request; A Process Evaluation of the NIH Director's New Innovator Award (NIA) Program

**SUMMARY:** Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the