contact labor and management quickly, efficiently, and offer dispute resolution services. Either party to a contract may make a request in writing for a copy of the notice filed with FMCS. The F–7 form was created to allow FMCS to gather desired information in a uniform manner. The collection of such information, including the name of the employer or employer association, address and phone number, e-mail address, official contact, bargaining unit and establishment size, location of affected establishment and negotiations, industry, union address, phone number, e-mail address and official contact, contract expiration date or renewal date, whether the notice is filed on behalf of the employer or the union, and whether this is a health care industry notice is critical for reporting and mediation purposes.

*Burden Statement:* The current annual burden estimate is approximately 18,000 respondents. This one-page form takes about 10 minutes to complete.

**II. Request for Comments**

FMCS solicits comments to:

(i) Evaluate whether the proposed collecton of information is necessary for the proper performance of the functions of the agency, including whether the information to be collected will have practical utility.

(ii) Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

**III. The Official Record**

The official record is the paper electronic record maintained at the address at the beginning of this document. FMCS will transfer all electronically received comments into printed-paper form as they are received.

Dated: July 30, 2009.

**Michael J. Bartlett,**

*Deputy General Counsel.*

[FR Doc. E9–18579 Filed 8–3–09; 8:45 am]

**BILLING CODE 6732–01–P**

## FEDERAL RESERVE SYSTEM

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 12:00 p.m., Monday, August 10, 2009.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

**FOR FURTHER INFORMATION CONTACT:** Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

**SUPPLEMENTARY INFORMATION:** You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, July 31, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9–18757 Filed 7–31–09; 4:15 pm]

**BILLING CODE 6210–01–S**

## FEDERAL MARITIME COMMISSION

**[Docket No. 09–05]**

### Application of Leonardo Ortiz for Admission To Practice Before the Federal Maritime Commission; Order Initiating Proceeding

On December 31, 2007, Respondent Leonardo Ortiz (''Mr. Ortiz'') filed his Application for Admission to Practice before the Federal Maritime Commission (''Form FMC–12''). According to his application, Mr. Ortiz is self-employed. His business is located at 4324 Belton Highway, Anderson, SC 29621.

The Federal Maritime Commission (''Commission'') allows for attorney and non-attorney practitioners. In order to be admitted to practice before the Commission as a non-attorney, Rule 27 of the Commission's Rules of Practice and Procedure, 46 CFR § 502.27, requires that the applicant file proof that he or she possesses, to the satisfaction of the Commission, ''the necessary legal, technical, or other qualifications to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before [it].'' Further, if the Commission is not satisfied that the applicant has sufficient qualifications, it will notify the applicant and, if requested, the applicant will be granted a hearing ''for the purpose of showing his or her qualifications.'' 46 CFR 502.29.

After reviewing his application, the Commission determined that Mr. Ortiz did not demonstrate that he possesses the qualifications required to practice before the Commission.[1] On April 15, 2009, the Secretary of the Commission notified Mr. Ortiz of the Commission's intent to deny his application for admission to practice before it and the procedures permitting a request for a hearing. On April 29, 2009, Mr. Ortiz filed his request for a hearing on the issue.

Now therefore, it is ordered that pursuant to Rule 29 of the Commission's Rules of Practice and Procedure, 46 CFR 502.29, the Commission institute a proceeding for the purpose of allowing Mr. Ortiz to show his qualifications to practice before it as a non-lawyer;

It is further ordered that this matter be heard before the Commission;

It is further ordered that this proceeding is limited to the submission of affidavits of fact and memoranda of law;

It is further ordered that any person having an interest and desiring to intervene in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72. Such petition shall be accompanied by the petitioner's memorandum of law and affidavit of fact, if any, and shall be filed no later than the day fixed below;

It is further ordered that Leonardo Ortiz is named as Respondent in this proceeding. Affidavits of fact and memoranda of law shall be filed by the Respondent and any intervenors in support of the Respondent no later than September 4, 2009;

[1] Pursuant to 46 CFR 501.24(a), the Commission has delegated to the Secretary the authority to approve applications for permission to practice before the Commission and to issue admission certificates to approved applicants.

It is further ordered that the Commission's Bureau of Enforcement be made a party to this proceeding;

It is further ordered that rebuttal affidavits and memoranda of law shall be filed by the Bureau of Enforcement and any intervenors in opposition to the Respondent no later than October 5, 2009;

It is further ordered that reply affidavits and memoranda of law shall be filed by the Respondent and intervenors in support no later than October 20, 2009;

It is further ordered that:

(a) Should any party believe that an evidentiary hearing is required, that party must submit a request for such a hearing together with a statement setting forth in detail the facts to be proved, the relevance of those facts to the issues in this proceeding, a description of the evidence which would be adduced, and why such evidence cannot be submitted by affidavit;

(b) Should any party believe that an oral argument is required, that party must submit a request specifying the reasons therefor and why argument by memorandum is inadequate to present the party's case; and

(c) Any request for evidentiary hearing or oral argument shall be filed no later than October 5, 2009;

It is further ordered that notice of this proceeding be published in the **Federal Register** and that a copy thereof be served upon Respondent at his last known address;

It is further ordered that all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, as well as being mailed directly to all parties of record;

Finally, it is ordered that pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the final decision of the Commission in this proceeding shall be issued by February 17, 2010.

By the Commission.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. E9–18601 Filed 8–3–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Determination and Declarations Regarding Emergency Use of Certain In vitro Diagnostic, Antiviral, and Personal Respiratory Products Accompanied by Emergency Use Information

**AGENCY:** Office of the Secretary (OS), HHS.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Health and Human Services (HHS) is issuing this notice pursuant to section 564(b) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 360bbb–3(b)(4). On April 26, 2009, the Acting Secretary of HHS determined that a public health emergency exists nationwide involving Swine Influenza A (now known as 2009–H1N1 Influenza A, or 2009–H1N1 influenza) that affects or has significant potential to affect national security. On the basis of this determination, on April 26 and April 27, 2009, the Acting Secretary declared emergencies justifying the authorization of emergency use of certain *in vitro* diagnostic, antiviral, and personal respiratory protection products accompanied by emergency use information subject to the terms of any authorization issued by the Commissioner of Food and Drugs (Commissioner) under 21 U.S.C. 360bbb–3(a). The Acting Secretary also specified that these declarations are declarations of emergency as defined by former Secretary Michael O. Leavitt in the October 10, 2008 Declaration under the Public Readiness and Emergency Preparedness (PREP) Act for Influenza Antivirals Oseltamivir Phosphate and Zanamavir, as amended, and the December 17, 2008 Declaration under the PREP Act for Pandemic Influenza Diagnostics, Personal Respiratory Protection Devices, and Respiratory Support Devices.

**DATES:** The declaration of an emergency justifying the authorization of emergency use of certain *in vitro* diagnostic products is effective April 26, 2009. The declaration of an emergency justifying the authorization of certain antiviral products is effective April 26, 2009. The declaration of an emergency justifying the authorization of emergency use of certain respiratory protection products is effective April 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** Nicole Lurie, M.D., MSPH, Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone (202) 205–2882 (this is not a toll free number).

**SUPPLEMENTARY INFORMATION:**

### I. Background

Under Section 564 of the FFDCA, the Commissioner, acting under delegated authority from the Secretary of HHS, may issue an Emergency Use Authorization (EUA) authorizing the emergency use of an unapproved drug, an unapproved or uncleared device, or an unlicensed biological product, or an unapproved use of an approved drug, approved or cleared device, or licensed biological product. Before an EUA may be issued, the Secretary of HHS must declare an emergency justifying the authorization based on one of three determinations: a determination of a domestic emergency, or a significant potential for a domestic emergency, by the Secretary of Homeland Security; a determination of a military emergency, or a significant potential for a military emergency, by the Secretary of Defense; or a determination of a public health emergency by the Secretary of HHS. *See* 21 U.S.C. 360bbb–3(b)(1). In the case of a determination by the Secretary of HHS (as was made here), the Secretary must determine that a public health emergency exists under section 319 of the Public Health Service (PHS) Act that affects, or has a significant potential to affect, national security, and that involves a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents. Based on such a determination, the Secretary of HHS may then declare an emergency that justifies the EUA, at which point the Commissioner may issue an EUA if the criteria for issuance of an authorization under section 564 of the FFDCA are met.

The Centers for Disease Control and Prevention (CDC), HHS, requested that the Food and Drug Administration (FDA) issue EUAs for certain *in vitro* diagnostic, antiviral, and personal respiratory protection products accompanied by emergency use information. The determination of a public health emergency by the Acting Secretary of HHS and the declarations of an emergency by the Acting Secretary of HHS based on that determination, as described below, enabled the Acting Commissioner to issue EUAs for certain *in vitro* diagnostic, antiviral, and personal respiratory protection products