

**FEDERAL MARITIME COMMISSION****Notice of Agreement Filed**

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (<http://www.fmc.gov>) or by contacting the Office of Agreements at (202)–523–5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

Agreement No.: 201175–002.

Title: Port of NY/NJ Sustainable Services Agreement.

Parties: APM Terminals North America, Inc.; Global Terminal & Container Services LLC; Maher Terminals LLC; New York Container Terminal, Inc.; and Port Newark Container Terminal LLC.

Filing Party: Carol N. Lambos, Esq.; The Lambos Firm, LLP; 303 South Broadway, Suite 410; Tarrytown, NY 10591

Synopsis: The amendment would allow the parties to enter into an agreement with the Port Authority of New York and New Jersey to discuss and agree on matters relating to environmentally sensitive, efficient, and secure marine terminal operations, including RFID technology; obtain and administer government grants to fund technology-related activities; meet with stakeholders to discuss deployment of RFID technologies; and to establish and manage an entity to implement and administer agreements reached regarding RFID and/or other similar technologies. The parties have requested expedited review.

By Order of the Federal Maritime Commission.

Dated: November 10, 2010.

**Karen V. Gregory,**  
Secretary.

[FR Doc. 2010–28869 Filed 11–15–10; 8:45 am]

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**FEDERAL MARITIME COMMISSION**

[Docket No. 10–10]

**Draft Cargoways India (PVT.) LTD. v. Damco USA, Inc., Damco A/S, and A.P. Moller-Maersk A/S; Notice of Filing of Complaint and Assignment**

Notice is given that a complaint has been filed with the Federal Maritime Commission (“Commission”) by DRAFT CARGOWAYS INDIA (PVT.) LTD.

(“DRAFT”), hereinafter “Complainant,” against DAMCO USA, INC. (“DAMCO US”), DAMCO A/S and A.P. MOLLER-MAERSK A/S (“MAERSK”), hereinafter “Respondents”. Complainant asserts that it is a corporation organized and existing pursuant to the laws of India and registered as a foreign corporation in the State of Virginia and a duly licensed and bonded non-vessel-operating common carrier (“NVOCC”). Complainant alleges that Respondent DAMCO US is a Delaware corporation and a licensed NVOCC and freight forwarder, that Respondent DAMCO A/S is a corporation organized and existing pursuant to the laws of Denmark and an NVOCC registered with the Commission; and that Respondent MAERSK is a corporation organized and existing pursuant to the laws of Denmark and a vessel-operating common carrier operating in the U.S. global trades.

Complainant asserts that Respondents violated Sections 8(a)(1), 10(b)(2)(A), 10(b)(11), 10(b)(13) and 10(d)(1) of the Shipping Act of 1984, 46 U.S.C.

40501(a)(1), 41104(2) and (11), 41103(a) and 41102(c). Complainant alleges that Respondent DAMCO A/S provided NVOCC services to Complainant. DAMCO A/S retained MAERSK as the ocean common carrier and DAMCO US as delivery agent for the shipments at issue. Complainant alleges that Respondent DAMCO US “invoiced and attempted to collect amounts from Complainant for demurrage and detention” on the shipments at issue and that “DAMCO A/S’ published tariff did not contain any demurrage and detention provisions \* \* \*.”

Complainant alleges that Respondent DAMCO US has “made \* \* \* false representations, misleading statements or omissions in a Complaint (\* \* \*) filed in the United States District Court for the Eastern District of Virginia” pertaining to the same shipping transactions. Complainant also alleges that Respondents “have repeatedly utilized a ‘bait and switch’ scheme \* \* \* in misleading the shipping public, including DRAFT, \* \* \* by utilizing DAMCO US, DAMCO A/S, and MAERSK as interchangeable parts” and that the scheme is a “practice.” Complainants assert that by using this scheme Respondents “knowingly disclosed, offered, solicited and received information concerning the nature, kind, quantity, destination, shipper, consignee, and routing of the property \* \* \* without the consent of DRAFT and us(ed) that information to the detriment and disadvantage to DRAFT.” Complainant asserts that it

“has lost significant business to MAERSK generated by its Indian accounts related to subject shipments.”

Complainant states that as a direct result of Respondents’ violations of the Shipping Act, it has suffered injury. Complainant requests the Commission: compel Respondents to answer the complaint; find Respondents in violation of the Shipping Act; award reparations to Complainant in the amount of \$20,725.00 “for amounts paid for demurrage and detention”, and \$150,000 for lost business and clients; pay interest, costs and attorneys’ fees; order Respondents to “cease and desist in the action filed in the United States District Court, Eastern District of Virginia \* \* \* and to cease and desist in attempting to collect amounts for demurrage and detention in the amount of \$174,412.50; and impose any other relief as the Commission determines to be proper, fair, and just.

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 November 9, 2011 and the final decision of the Commission shall be issued by March 8, 2012.

**Karen V. Gregory,**  
Secretary.

[FR Doc. 2010–28726 Filed 11–15–10; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Establishment of the Independence Advisory Council**

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**Authority:** The Independence Advisory Council is authorized under section 3207 of

the Affordable Care Act, Public Law 111–148. The Council is governed by provisions of Public Law 92–463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees.

**SUMMARY:** The U.S. Department of Health and Human Services announces establishment of the Independence Advisory Council, as directed by section 3207 of Public Law 111–148.

**FOR FURTHER INFORMATION CONTACT:** Sue McElheny, U.S. Department of Health and Human Services; Tel (202) 357–3521, Fax (202) 357–3467, [classprogram@hhs.gov](mailto:classprogram@hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the Affordable Care Act, Public Law 111–148, the President directed that the Council shall be established within the Department of Health and Human Services (HHS). To comply with the authorizing directive and guidelines under the Federal Advisory Committee Act (FACA), a charter has been filed with the Committee Management Secretariat in the General Services Administration (GSA), the appropriate committees in the Senate and U.S. House of Representatives, and the Library of Congress to establish the Council as a non-discretionary Federal advisory committee. The Secretary signed the charter on November 9, 2010. The charter was filed on November 9, 2010.

*Objectives and Scope of Activities.* The CLASS Independence Advisory Council is the Department's statutory public advisory body on matters of general policy in the administration of the CLASS program in the Affordable Care Act. The Council will provide the Secretary of Health and Human Services with advice and guidance on the development of the CLASS Independence Benefit Plan, the determination of monthly premiums under such plan, and the financial solvency of the program. In these matters, the Council shall consult with all components of the Department, other federal entities, and non-federal organizations, as appropriate; and examine relevant data sources.

*Membership and Designation.* The CLASS Independence Advisory Council shall consist of not more than 15 individuals, not otherwise in the employ of the United States who shall be appointed by the President without regard to the civil service laws and regulations; and a majority of whom shall be representatives of individuals who participate or are likely to participate in the CLASS program, and shall include representatives of older and younger workers, individuals with disabilities, family caregivers of individuals who require services and

supports to maintain their independence at home or in another residential setting of their choice in the community, individuals with expertise in long-term care or disability insurance, actuarial science, economics, and other relevant disciplines, as determined by the Secretary.

The members of the CLASS Independence Advisory Council shall serve overlapping terms of 3 years (unless appointed to fill a vacancy occurring prior to the expiration of a term, in which case the individual shall serve for the remainder of the term). A member shall not be eligible to serve for more than 2 consecutive terms. The President shall, from time to time, appoint one of the members of the CLASS Independence Advisory Council to serve as the Chair. All members will serve as special government employees. All members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by Section 5703, Title 5, U.S. Code, for employees serving intermittently.

Nominations shall be submitted to U.S. Department of Health and Human Services, c/o Administration on Aging, Attn: Class Nominations, Washington, DC, 20201 (or) [classprogram@hhs.gov](mailto:classprogram@hhs.gov) (or) fax (202) 357–3467 no later than December 1, 2010.

*Administrative Management and Support.* HHS will provide funding and administrative support for the Council to the extent permitted by law within existing appropriations. Staff will be assigned to a program office established to support the activities of the Council. Management and oversight for support services provided to the Council will be the responsibility of the CLASS Office. All executive departments and agencies and all entities within the Executive Office of the President shall provide information and assistance to the Council as the Chair may request for purposes of carrying out the Council's functions, to the extent permitted by law. A copy of the Council charter can be obtained from the designated contacts or by accessing the FACA database that is maintained by the GSA Committee Management Secretariat. The Web site for the FACA database is <http://fido.gov/facadatabase/>.

Dated: November 10, 2010.

**Kathy Greenlee,**

*Assistant Secretary for Aging.*

[FR Doc. 2010–28781 Filed 11–15–10; 8:45 am]

**BILLING CODE 4150–05–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day–11–11AO]

#### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Carol E. Walker, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to [omb@cdc.gov](mailto:omb@cdc.gov).

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

#### Proposed Project

Gulf Coast Children's Health Study—NEW—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

The Gulf Coast Children's Health Study addresses an important public health need to assess the potential short-term and long-term health effects among children who lived in Federal Emergency Management Agency (FEMA)-provided temporary housing units (THU) deployed in the Gulf Coast region following hurricanes Katrina and Rita and who were potentially exposed to higher levels of indoor air pollutants such as formaldehyde and other volatile organic compounds compared to other types of housing. These health effects