

biological and life sciences, food science, risk assessment, and other relevant scientific and technical disciplines. The agency is particularly interested in considering candidates with a comprehensive background in food technology, molecular biology, genetics, biotechnology, and a variety of medical specialties, as many issues brought before the Committee involve medical or epidemiological impact on nutrients, additives, contaminants, or other constituents of the diet, such as dietary supplements. The term of office is for up to 4 years, depending on the appointment date.

#### IV. Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on the Parent Committee or one or more of the subcommittees. Self-nominations are also accepted. Nominations shall include the name of the committee or subcommittee, a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member of the Parent Committee or subcommittee (name of committee/subcommittee(s) must be specified), and appears to have no conflict of interest that would

preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: October 1, 2004.

**Sheila Dearybury Walcoff,**  
*Associate Commissioner for External Relations.*

[FR Doc. 04-22498 Filed 10-5-04; 8:45 am]

**BILLING CODE 4160-01-S**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### **Memorandum of Understanding Between the State of Iowa, Department of Public Health, Bureau of Radiological Health and the Food and Drug Administration, Center for Devices and Radiological Health**

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between the State of Iowa, through the Iowa Department of Public Health, Bureau of Radiological Health and the Food and Drug Administration, Center for Devices and Radiological Health, to continue to conduct a State as certifiers program in Iowa under the Mammography Quality Standards Act.

**DATES:** The agreement became effective August 18, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Joanne Choy, Division of Mammography Quality and Radiation Programs (HFZ-240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301-827-2903, or e-mail: [jkc@cdrh.fda.gov](mailto:jkc@cdrh.fda.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 20.108(c), which states that all written agreements and MOUs between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this MOU.

Dated: September 30, 2004.

**Jeffrey Shuren,**  
*Assistant Commissioner for Policy.*

**BILLING CODE 4160-01-S**

Control No. 225-04-4006

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF IOWA

DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF RADIOLOGICAL HEALTH

AND

U.S. FOOD AND DRUG ADMINISTRATION  
CENTER FOR DEVICES AND RADIOLOGICAL HEALTH  
OFFICE OF COMMUNICATION, EDUCATION, AND RADIATION PROGRAMS

I. **PURPOSE:**

The purpose of this Memorandum of Understanding (MOU) is to authorize the State of Iowa, through the Iowa Department of Public Health, Bureau of Radiological Health (Department), to continue to conduct a State as certifiers (SAC) program in Iowa under the Mammography Quality Standards Act (MQSA) (42U.S.C.263b) as amended by the Mammography Quality Standards Reauthorization Act of 1998 (MQSRA). Through this MOU, the United States Food and Drug Administration (FDA) authorizes the Department to enforce MQSA certification standards as approved by the FDA, to issue certificates to mammography facilities to perform inspection of mammography facilities and to take enforcement action against facilities that violate MQSA to ensure safe, reliable, and accurate mammography in Iowa.

II. **BACKGROUND:**

The MQSA (Pub. L. 102-539) was enacted on October 27, 1992, to establish national quality standards for mammography. Subsection 354(q) of the MQSA gives the Secretary of Health and Human Services (Secretary) the power to authorize State programs to carry out certain MQSA certification program requirements. The Secretary has delegated authority under subsection 354(q) to FDA. FDA developed a States as Certifiers Demonstration Project (Project) to allow a limited trial of State Programs under subsection 354(q) of the MQSA. The State of Iowa applied to participate in the Project and was approved by FDA on July 8, 1998. The State's participation in the Project was subsequently renewed, through an MOU, on July 30, 1999. The State of Iowa requested FDA's approval to continue to serve as a certifying state agency after the completion of the Demonstration Project. FDA has approved the State's request and authorizes, through this MOU, the State of Iowa to continue to serve in its capacity as a certifying State.

### III. SUBSTANCE OF AGREEMENT:

1. FDA hereby reauthorizes the State of Iowa, through the Department, to carry out the certification requirements of subsections 354(b), (c), (d), (g)(1), (h), (i), and (j) of the MQSA (including the requirements under regulations promulgated pursuant to such subsections). This reauthorization applies to facilities within the Department's jurisdiction.
2. FDA shall continue to carry out subsections 354(e) and (f), may take action under subsections 354(h), (i), and (j) and shall conduct oversight functions under subsections 354(g)(2) and (g)(3) of the MQSA.
3. The State of Iowa shall, in addition, comply with the standards for certification agencies at 21CFR 900.22 and 900.25(b) including but not limited to, the requirements for establishing processes for the following activities:
  - certification and inspection of mammography facilities by qualified MQSA-qualified inspector;
  - appropriate criteria and processes for the suspension and revocation of certificates;
  - prompt investigation of and appropriate enforcement action for facilities performing mammography without certificates, as well as other violations of MQSA;
  - appeals by facilities regarding inspectional findings, enforcement actions, and adverse certification decisions or adverse accreditation decisions after exhausting appeals to their accreditation body;
  - additional mammography review of facilities when the State believes that mammography quality at a facility has been compromised and may present a serious risk to human health;
  - patient and physician notification by the facility when additional mammography review shows that the quality of mammography performed was so inconsistent with established quality standards so as to present a significant risk to human health;
  - timely and accurate electronic transmission of inspection, certification, and compliance data in a format and timeframe determined by FDA;
  - authorization by FDA of changes the State proposes to make to any standard that FDA previously has accepted under 21 CFR 900.21.
4. By October 1<sup>st</sup>, the beginning of FDA's fiscal year, the State of Iowa shall provide to FDA its plan for inspecting all of the facilities under its jurisdiction during the coming year. At the beginning of each quarter, the State shall provide an update to FDA describing any changes in its annual plan that occurred in the last quarter or are planned for the coming quarter. (Quarters will be calculated on a fiscal rather than calendar year basis, beginning in October and continuing through September of the following year).

5. The State of Iowa will electronically transmit the dates of inspections, and the results of all MQSA facility inspections conducted by the State within 5 business days after conducting the inspection by uploading these data to the MQSA Mammography Program Reporting and Information System (MPRIS) facility inspection data application (FISS).
6. The FDA will bill and charge each inspected mammography facility a fee, in accordance with 42 USC 263b(r)(1), of \$509 to cover the FDA's costs for support of the inspection. This fee may be subject to change by FDA. The types of services that will be provided by the FDA are as follows:
  - Training and qualifying inspectors.
  - Billing facilities for the FDA portion of the fees due for annual inspections.
  - Collecting the FDA portion of the facility payments.
  - Developing instrument calibration procedures and calibrating instruments used in the inspections.
  - Supplying, repairing, and replacing inspection equipment.
  - Designing, programming, and maintaining inspection data systems.
  - Administering attributable support to facility inspections.
7. Facilities that qualify as governmental entities (GE) will not be subject to the payment of FDA inspection fees.
8. By the end of each quarter, the State of Iowa shall electronically update and maintain facility noncompliance information via the MPRIS facility compliance tracking data application (FaNTMS) to reflect status and resolution of inspectional findings. Quarters will begin in October and continue through September of the following year.
9. The State of Iowa will, in accordance with 21 CFR 900.23, provide all information as specified by FDA as part of FDA's oversight responsibilities, including keeping FDA's SAC liaison informed of compliance actions as they occur and through resolution (e.g., AMR, PPN, Injunctions, Cease and Desist Order, Suspension, or Revocation).
10. The State of Iowa will provide FDA with updates and revisions to its policies and procedures previously approved by FDA, as appropriate.
11. In the event FDA determines, through its oversight activities under 21 CFR 900.23, or through other means, that the State of Iowa is no longer in substantial compliance with its certification program responsibilities, FDA may take action in accordance with 21 CFR 900.24.

12. FDA will provide to the State of Iowa, under 21 CFR 900.25(a), the opportunity to appeal final actions taken by FDA regarding its approval or withdrawal of approval of the certification body.
13. FDA will provide the State of Iowa with access to the FDA MQSA database (MPRIS).

IV. **NAMES AND ADDRESSES OF PARTICIPATING AGENCIES:**

State of Iowa:  
Bureau of Radiological Health  
Iowa Department of Public Health  
401 SW 7<sup>th</sup> Street  
Suite D  
Des Moines, IA 50309-4611

FDA:  
Office of Communication, Education, and Radiation Programs  
1350 Piccard Drive  
Rockville, MD 20850

V. **LIAISON OFFICERS:**

For matters and notices related to this MOU:

**A. The contact person for the Department is:**

Donald A. Flater, Chief  
Bureau of Radiological Health  
Iowa Department of Public Health  
401 SW 7<sup>th</sup> Street, Suite D  
Des Moines, IA 50309-4611  
Phone: (515) 281-3478  
dflater@idph.state.ia.us

**B. The contact person for FDA is:**

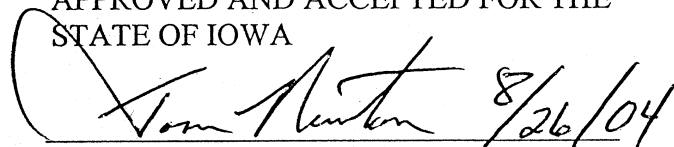
Joanne Choy  
Food and Drug Administration, HFZ-240  
Division of Mammography Quality and Radiation Programs  
1350 Piccard Drive  
Rockville, MD 20850  
Phone: (301) 827-2963  
jkc@cdrh.fda.gov

Either party may designate in writing different contact persons or addresses.

**VI. PERIOD OF AGREEMENT:**

This MOU will become effective on the date or as of the acceptance by both parties and will continue until termination in writing by either party with a 30-day prior notice (such notice shall be sent to the addresses listed in Section V.) This MOU may be modified by mutual written consent at any time. The MOU will be formally reviewed by the FDA every seven years, and updated or modified as appropriate.

APPROVED AND ACCEPTED FOR THE  
STATE OF IOWA



(Signature and date)

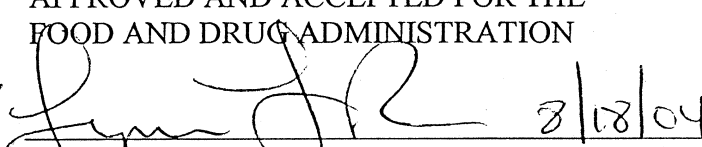
Mary Mincer Hansen

Director

Iowa Department of Public Health

State of Iowa

APPROVED AND ACCEPTED FOR THE  
FOOD AND DRUG ADMINISTRATION



(Signature and date)

Lynne L. Rice

Director

Office of Communication, Education, and Radiation  
Programs

Center for Devices and Radiological Health

Food and Drug Administration

[FR Doc. 04-22497 Filed 10-5-04; 8:45 am]  
BILLING CODE 4160-01-C

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following 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 Cancer Institute Initial Review Group, Subcommittee I—Career Development NCI-I Initial Review of Training Grants.

*Date:* November 3-4, 2004.

*Time:* 7:30 a.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Wyndham City Center Hotel, 1143 New Hampshire Ave., NW., Washington, DC 20037.

*Contact Person:* Robert Bird, PhD, Scientific Review Administrator, Resources and Training Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., MSC 8328, Room 8113, Bethesda, MD 20892-8328, 301-496-7978, [birdr@mail.nih.gov](mailto:birdr@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

*Dated:* September 29, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04-22404 Filed 10-5-04; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meeting

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*Name of Committee:* National Cancer Institute Special Emphasis Panel, Spore In Myeloma And Genitourinary Cancer.

*Date:* December 1-2, 2004.

*Time:* 6 p.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.

*Contact Person:* Brian E. Wojcik, PhD, Scientific Review Administrator, Grants