

quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds are eligible for reregistration, provided the risks are mitigated either in the manner described in the REDs or by another means that achieves equivalent risk reduction. Upon submission of any required product-specific data under section 4(g)(2)(B) of FIFRA and any necessary changes to the registration and labeling (either to address concerns identified in the REDs or as a result of product-specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) of FIFRA for products containing ATMD, bioban P-1487, copper 8-quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL-7357-9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, ATMD, bioban P-1487, copper 8-quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds were reviewed through the modified 4-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for ATMD, bioban P-1487, copper 8-quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds.

The reregistration program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is issuing the ATMD, bioban P-1487, copper 8-quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds REDs for public comment. This comment period is intended to provide an additional opportunity for public input and a mechanism for initiating any necessary amendments to the REDs. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the comment date.

These comments will become part of the Agency Docket for ATMD, bioban P-1487, copper 8-quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a response to comments memorandum in the docket and regulations.gov. If any comment significantly affects the document, EPA also will publish an amendment to the REDs in the **Federal Register**. In the absence of substantive comments requiring changes, the ATMD, bioban P-1487, copper 8-quinolinolate, naphenate salts, octhiline, and the trimethoxysilyl quaternary ammonium chloride compounds REDs will be implemented as now presented.

#### *B. What is the Agency's Authority for Taking this Action?*

Section 4(g)(2) of FIFRA, as amended, directs that, after submission of all data concerning a pesticide active ingredient, the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration, before calling in product-specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: June 17, 2008.

#### **Frank Sanders,**

*Director, Antimicrobials Division, Office of Pesticide Programs.*

[FR Doc. E8-15008 Filed 7-1-08; 8:45 am]

**BILLING CODE 6560-50-S**

## **FEDERAL COMMUNICATIONS COMMISSION**

[DA 08-1417]

### **Notice of Debarment; Schools and Libraries Universal Service Support Mechanism**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debar Mr. Rafael G. Adame from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years

based on his conviction of wire fraud in connection with his participation in the program. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

**DATES:** Debarment commences on the date Mr. Rafael G. Adame receives the debarment letter or July 2, 2008, whichever date come first, for a period of three years.

#### **FOR FURTHER INFORMATION CONTACT:**

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at (202) 418-0843 or e-mail at [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov). If Ms. Lee is unavailable, you may contact Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau debarred Mr. Rafael G. Adame from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.8 and 47 CFR 0.111. Attached is the debarment letter, DA 08-1417, which was mailed to Mr. Rafael G. Adame and released on June 13, 2008. The complete text of the notice of debarment is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at <http://www.fcc.gov>. The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY-B420, Washington, DC 20554, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via e-mail <http://www.bcpweb.com>.

Federal Communications Commission.

#### **Hillary DeNigro,**

*Chief, Investigations and Hearings Division, Enforcement Bureau.*

The debarment letter, which attached the suspension letter, follows:

June 13, 2008.

**DA 08-1417**

Via Certified Mail; Return Receipt Requested and Facsimile (956-664-2703).

Mr. Rafael G. Adame, c/o Eric Samuel Jarvis, Esq., Alvarez & Jarvis, PC, 6521 N. 10th Street, Suite A, McAllen, TX 78504, E-Mail: [eric@alvarezandjarvis.com](mailto:eric@alvarezandjarvis.com).

**Re: Notice of Debarment, File No. EB-07-IH-9547**

Dear Mr. Adame: Pursuant to section 54.8 of the rules of the Federal Communications Commission (the "Commission"), by this Notice of Debarment you are debarred from the schools and libraries universal service support mechanism (or "E-Rate program") for a period of three years.<sup>1</sup>

On April 2, 2008, the Enforcement Bureau (the "Bureau") sent you a Notice of Suspension and Initiation of Debarment Proceedings (the "Notice of Suspension").<sup>2</sup> That Notice of Suspension was published in the **Federal Register** on May 2, 2008.<sup>3</sup> The Notice of Suspension suspended you from the schools and libraries universal service support mechanism and described the basis for initiation of debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.<sup>4</sup>

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from the earlier date of your receipt of the Notice of Suspension or publication of the Notice of Suspension in the **Federal Register**.<sup>5</sup> The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, you pled guilty to and were convicted of wire fraud, in violation of 18 U.S.C. 1343, for your participation in the E-Rate program.<sup>6</sup> You admitted to submitting fraudulent invoices to the Universal Service Administrative Company for reimbursement from the E-rate program.<sup>7</sup> Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.8(c) of the Commission's rules.<sup>8</sup> For the foregoing reasons, you are hereby debarred for a period of three years from the debarment date, i.e., the earlier date of your receipt of this Notice of Debarment or its publication date in the **Federal Register**.<sup>9</sup> Debarment excludes you, for the debarment period, from activities "associated with or related to the schools and libraries support mechanism," including "the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism."<sup>10</sup>

Sincerely,

<sup>1</sup> See 47 CFR 0.111(a), 54.8.

<sup>2</sup> Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Mr. Rafael G. Adame, Notice of Suspension and Initiation of Debarment Proceedings, 23 FCC Rcd 5518 (Inv. & Hearings Div., Enf. Bur. 2008) (Attachment 1).

<sup>3</sup> FR 24287 (May 2, 2008).

<sup>4</sup> See Notice of Suspension, 23 FCC Rcd at 5519-21.

<sup>5</sup> See 47 CFR 54.8(e)(3) and (4). That date occurred no later than June 2, 2008. See *supra* note 3.

<sup>6</sup> See Notice of Suspension, 23 FCC Rcd at 5519.

<sup>7</sup> See *id.*

<sup>8</sup> *Id.* at 5519; 47 CFR 54.8(c).

<sup>9</sup> See Notice of Suspension, 23 FCC Rcd at 5520.

<sup>10</sup> See 47 CFR 54.8(a)(1), 54.8(a)(5), 54.8(d); Notice of Suspension, 23 FCC Rcd at 5520-21.

Hillary S. DeNigro,

Chief, Investigations and Hearings Division, Enforcement Bureau.

cc: Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail); Duncan S. Currie, Esq., Chief, Dallas Field Office, Antitrust Division, Department of Justice.

April 2, 2008.

**DA 08-770**

Via Certified Mail; Return Receipt Requested and Facsimile (956-664-2703).

Mr. Rafael G. Adame, c/o Eric Samuel Jarvis, Esq., Alvarez & Jarvis, PC, 6521 N. 10th Street, Suite A, McAllen, TX 78504, E-Mail: [eric@alvarezandjarvis.com](mailto:eric@alvarezandjarvis.com).

**Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-07-IH-9547**

Dear Mr. Adame: The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction for wire fraud in violation of 18 U.S.C. 1343 in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>11</sup> Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.<sup>12</sup>

**I. Notice of Suspension**

The Commission has established procedures to prevent persons who have "defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism" from receiving the benefits associated with that program.<sup>13</sup> On

<sup>11</sup> Any further reference in this letter to "your conviction" refers to your conviction of seven counts of wire fraud. *United States v. Rafael Gongora Adame*, Criminal Docket No. 7:06-CR-1082, CRIMINAL NO. M-06-1082, Judgment (S.D. Tex. filed Mar. 3, 2008 and entered Mar. 11, 2008) ("*Adame Judgment*").

<sup>12</sup> 47 CFR 54.8; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the schools and libraries universal service support mechanism in 2003. See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) ("*Second Report and Order*") (adopting section 54.521 to suspend and debar parties from the E-rate program). In 2007, the Commission extended the debarment rules to apply to all of the Federal universal service support mechanisms. See *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, Report and Order, 22 FCC Rcd 16372, 16410-12 ("*Program Management Order*") (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (5), (c), (d), (e)(2)(i), (3), (e)(4), and (g)).

<sup>13</sup> See *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order* 22 FCC

November 19, 2007, the United States District Court of Texas sentenced you to serve three years in prison following your conviction on seven counts of wire fraud in connection with your participation in the E-Rate program.<sup>14</sup> As the owner of ATE Tel, a vendor that provided computer-related goods and services to various school districts, including the Weslaco Independent School District in South Texas, you submitted fraudulent invoices via wire communications to the Universal Service Administrative Company ("USAC") for reimbursement from the E-Rate program.<sup>15</sup> By making false representations on invoices filed with USAC, you fraudulently obtained more than \$106,000 in illegitimate payments from the federal E-Rate program.<sup>16</sup>

Pursuant to section 54.8(a)(4) of the Commission's rules,<sup>17</sup> your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.<sup>18</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>19</sup>

Suspension is immediate pending the Bureau's final debarment determination. In accordance with the Commission's debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.<sup>20</sup> Such requests, however, will not ordinarily be granted.<sup>21</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>22</sup>

Rcd at 16387, para. 32. The Commission's debarment rules define a "person" as "[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however, organized." 47 CFR 54.8(a)(6).

<sup>14</sup> See generally *Adame Judgment* at 1.

<sup>15</sup> *United States v. Rafael Gongora Adame*, Criminal Docket No. 7:06-CR-1082, CRIMINAL NO. M-06-1082, Indictment, 3 (S.D. Tex. filed Dec. 6, 2006 and entered Dec. 12, 2006) ("*Adame Indictment*"). See *United States v. Rafael Gongora Adame*, Criminal Docket No. 7:06-CR-1082, CRIMINAL NO. M-06-1082, Verdict (S.D. Tex. filed Feb. 9, 2007 and entered Mar. 20, 2007) ("*Adame Verdict*"); *Adame Judgment*; Department of Justice Press Release: *Former Telecom Owner Sentenced to Three Years in Prison for Scheme to Defraud Federal E-Rate Program*, 1 ("*DOJ November 20 Press Release*").

<sup>16</sup> See *Adame Judgment*; see also DOJ November 20 Press Release at 1.

<sup>17</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-9227, paras. 67-74.

<sup>18</sup> 47 CFR 54.8(a)(1), (d).

<sup>19</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

<sup>20</sup> 47 CFR 54.8(e)(4).

<sup>21</sup> *Id.*

<sup>22</sup> 47 CFR 54.8(f).

Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.<sup>23</sup>

## II. Initiation of Debarment Proceedings

Your conviction in connection with the E-Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction falls within the categories of causes for debarment defined in section 54.8(c) of the Commission's rules.<sup>24</sup> Therefore, pursuant to section 54.8(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

As with your suspension, you may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.<sup>25</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>26</sup> Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.<sup>27</sup> If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.<sup>28</sup>

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment.<sup>29</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>30</sup>

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch,

<sup>23</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), 54.8(f).

<sup>24</sup> "Causes for suspension and debarment are the conviction or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism." 47 CFR 54.8(c). Such activities "include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms." 47 CFR 54.8(a)(1).

<sup>25</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

<sup>26</sup> *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

<sup>27</sup> See *id.*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

<sup>28</sup> *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.8(f).

<sup>29</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), 54.8(g).

<sup>30</sup> *Id.*

Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Diana Lee, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Diana Lee, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC 20554, with a copy to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC 20554. You shall also transmit a copy of the response via e-mail to [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov) and to [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418-1420 or by e-mail at [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov). If Ms. Lee is unavailable, you may contact Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

Sincerely yours,

Trent Harkrader,  
*Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.*

cc: Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail);  
Duncan S. Currie, Esq., Chief, Dallas Field Office, Antitrust Division, Department of Justice.

[FR Doc. E8-15033 Filed 7-1-08; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

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

*Agreement No.:* 201188.

*Title:* Houston Terminal LLC Cooperative Working Agreement.

*Parties:* Ceres Gulf, Inc.; Container Marine Terminals LLC; Houston

Terminal LLC; and Mediterranean Shipping Company, S.A.

*Filing Party:* Robert T. Basseches, Esq., Goodwin/Procter LLP; 901 New York Avenue; Washington, DC 20001.

*Synopsis:* The agreement would authorize the parties to operate Houston Terminal LLC and discuss and agree on matters relating to the operation of that company at the Port of Houston.

*Agreement No.:* 201189.

*Title:* New Orleans Terminal LLC Cooperative Working Agreement.

*Parties:* Ceres Gulf, Inc.; Container Marine Terminals LLC; New Orleans Terminal LLC; and Mediterranean Shipping Company, S.A.

*Filing Party:* Robert T. Basseches, Esq., Goodwin/Procter LLP; 901 New York Avenue; Washington, DC 20001.

*Synopsis:* The agreement would authorize the parties to operate New Orleans Terminal LLC and discuss and agree on matters relating to the operation of that company at the Port of New Orleans.

By Order of the Federal Maritime Commission.

Dated: June 27, 2008.

**Karen V. Gregory,**

*Assistant Secretary.*

[FR Doc. E8-15039 Filed 7-1-08; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Privacy Act of 1974; Proposed New Systems of Records

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Proposed New Systems of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Federal Maritime Commission is issuing notice of the establishment of new systems of records.

**DATES:** Submit an original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 10, Microsoft Word 2003, or earlier versions of these applications, no later than August 1, 2008. The new systems will be effective August 11, 2008, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Address all comments concerning this notice to: Karen V. Gregory, Assistant Secretary, Federal Maritime Commission, 800 N. Capitol Street, NW., Washington, DC 20573-0001, [Secretary@fmc.gov](mailto:Secretary@fmc.gov).

**FOR FURTHER INFORMATION CONTACT:** Karen V. Gregory, Assistant Secretary, Federal Maritime Commission, 800 N.