

occupied facilities must provide the owner of the dwelling or facility with the EPA's pamphlet number EPA 747-K-99-001, entitled "Protect Your Family From Lead in Your Home," or a true reproduction of the EPA pamphlet, or an equivalent pamphlet approved by the department. If the owner does not occupy the dwelling unit, then the person performing renovation shall also provide an adult occupant of the housing unit with the EPA pamphlet. Exceptions are: Emergency repairs, lead abatement projects, minor repairs, and work in zero-bedroom dwellings and housing for the elderly. Authority for enforcement actions is established for the Michigan Department of Community Health under sections 5466(1), 5473(a)(1), 5475(2), 5476(2) and 5477 of the Lead Abatement Act, being sections 333.5466, 333.5473(a), 333.5475, and 333.5476 of the Michigan Compiled Laws, and Rule 325.99104.

#### IV. Federal Overfilling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State program.

Dated: August 27, 2008.

**Lynn Buhl,**

*Regional Administrator, Region 5.*

[FR Doc. E8-21711 Filed 9-16-08; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8716-8]

#### Proposed Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act for the Bofors Nobel Site

**AGENCY:** Environmental Protection Agency ("EPA").

**ACTION:** Notice; Request for public comment on proposed CERCLA 122(h)(1) agreement with Normand Phaneuf for the Bofors Nobel Superfund Site.

**SUMMARY:** In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), notification is hereby given of a proposed administrative agreement concerning the Bofors Nobel

hazardous waste site in Muskegon, Michigan (the "Site"). EPA proposes to enter into this agreement under the authority of section 122(h) and 107 of CERCLA. The proposed agreement has been executed by Normand Phaneuf (the "Settling Party").

Under the proposed agreement, the Settling Party will pay \$50,000 to the Hazardous Substances Superfund to resolve EPA's claims against the Settling Party for response costs incurred by EPA at the Site. EPA has incurred response costs investigating and performing response actions at the Site, and overseeing response actions performed by other parties at the Site to mitigate potential imminent and substantial endangerments to human health or the environment presented or threatened by hazardous substances present at the Site.

For thirty days following the date of publication of this notice, the EPA will receive written comments relating to this proposed agreement. EPA will consider all comments received and may decide not to enter this proposed agreement if comments disclose facts or considerations which indicate that the proposed agreement is inappropriate, improper or inadequate.

**DATES:** Comments on the proposed agreement must be received by EPA on or before October 17, 2008.

**ADDRESSES:** Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to: In the Matter of Bofors Nobel Site, Chicago, Illinois, U.S. EPA Docket No. V-W-08C-889.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Krueger, U.S. Environmental Protection Agency, Office of Regional Counsel, C-14J, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 886-0562.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Additional background information relating to the settlement is available for review at the EPA's Region 5 Office of Regional Counsel.

**Authority:** The Comprehensive Environmental Response, Compensation, and

Liability Act, as amended, 42 U.S.C. 9601-9675.

**Douglas Ballotti,**

*Acting Director, Superfund Division, Region 5.*

[FR Doc. E8-21712 Filed 9-16-08; 8:45 am]

**BILLING CODE 6560-50-P**

#### FEDERAL COMMUNICATIONS COMMISSION

[DA 08-2041]

#### Notice of Suspension and Initiation of Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") gives notice of Mr. Joseph E. Mello's suspension from the schools and libraries universal service support mechanism (or "E-Rate Program"). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Mello, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation to Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554.

**DATES:** Opposition requests must be received by October 17, 2008. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or October 17, 2008, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

**FOR FURTHER INFORMATION CONTACT:** Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418-7931 or e-mail at [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov). If Ms. Bina 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 has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111. Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 08–2041, which was mailed to Mr. Mello and released on September 4, 2008. The complete text of the notice of suspension 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 attached is the Suspension and Initiation of Debarment Letter to Mr. Joseph E. Mello.

September 4, 2008

DA 08–2041

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED AND  
E-MAIL

Mr. Joseph E. Mello, c/o Michael O. Sheehan, Esq., Sheehan & Reeve, 139 Orange St., Suite 301, New Haven, CT 06510

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–08–IH–1615

Dear Mr. Mello: The Federal Communications Commission (“FCC” or “Commission”) has received notice of your conviction of mail fraud, in violation of 18 U.S.C. 1341, and subscribing a false tax return, in violation of 26 U.S.C. 7206(1), in connection with your participation in the schools and libraries universal service support mechanism (“E-Rate program”).<sup>1</sup> Consequently, pursuant to

<sup>1</sup> Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent conviction of one count of mail fraud and one count of subscribing a false tax return. *United States v. Joseph E. Mello*, Criminal Docket No. 3:07–CR–00224 (RNC–1), Plea Agreement (D.

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>2</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>3</sup> You pled guilty to mail fraud and income tax fraud in connection with your participation in the E-Rate program involving telecommunications upgrade projects in four Connecticut school districts.<sup>4</sup> While employed as Vice President of Operations for Innovative Network Solutions (“INS”), a first-tier subcontractor of Southwestern Bell Communications (“SBC”) for performing E-Rate funded telecommunications upgrades, you and former SBC employees Richard E. Brown and Keith J. Madeiros participated in a scheme to defraud the E-Rate program.<sup>5</sup> In your position at

Conn. filed and entered Oct. 9, 2007) (“*Mello Plea Agreement*”); *United States v. Joseph E. Mello*, 3:07–CR–00224 (RNC–1), Judgment (D. Conn. filed June 26, 2008 and entered June 30, 2008) (“*Mello Judgment*”). See also *United States v. Joseph E. Mello*, Criminal Docket No. 3:07–CR–00224 (RNC–1), Information (D. Conn. filed and entered Oct. 9, 2007) (“*Mello Information*”).

<sup>2</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. *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 (2007) (*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>3</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 66. 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>4</sup> See *Mello Information* at 2; *Mello Plea Agreement* at 1–2, 5; *Mello Judgment* at 1.

<sup>5</sup> *Mello Information* at 3. The Bureau has debarred Richard E. Brown and Keith Madeiros from the E-Rate Program. See Letter from Hillary S. DeNigro,

INS, you agreed to accept invoices submitted by fictitious companies created by Mr. Madeiros and Mr. Brown for work allegedly performed in the Connecticut school districts.<sup>6</sup> INS made payments totaling \$608,505 on those fictitious invoices and then passed the costs on to SBC as legitimately reimbursable services under the E-Rate program.<sup>7</sup>

Pursuant to section 54.8(a)(4) of the Commission’s rules,<sup>8</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>9</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>10</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>11</sup> Such requests, however, will not ordinarily be granted.<sup>12</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>13</sup> Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification

Chief, Investigations and Hearings Division, Enforcement Bureau, to Richard E. Brown, Notice of Debarment, 22 FCC Rcd 20569 (Inv. & Hearings Div., Enf. Bur. 2007); Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, to Keith J. Madeiros, Notice of Debarment, 23 FCC Rcd 7959 (Inv. & Hearings Div., Enf. Bur. 2008).

<sup>6</sup> *Mello Information* at 2–4. See also Department of Justice, Press Release (Oct. 9, 2007) (available at <http://www.usdoj.gov/usao/ct/Press2007/20071009.html>) (last accessed Feb. 5, 2008) (“DOJ October 9 Press Release”).

<sup>7</sup> *Mello Information* at 4.

<sup>8</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225–27, paras. 67–74.

<sup>9</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 U.S.C. 254; 47 CFR 54.502–54.503; 47 CFR 54.521(a)(4).

<sup>10</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

<sup>11</sup> 47 CFR 54.8(e)(4).

<sup>12</sup> *Id.*

<sup>13</sup> 47 CFR 54.8(e)(5).

of suspension within 90 days of its receipt of such request.<sup>14</sup>

## II. Initiation of Debarment Proceedings

Your guilty plea to criminal conduct 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>15</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>16</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>17</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>18</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>19</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>20</sup> The

<sup>14</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), 54.8(f).

<sup>15</sup> "Causes for suspension and debarment are the conviction of 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." 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 mechanism." 47 CFR 54.8(a)(1).

<sup>16</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

<sup>17</sup> *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

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

<sup>19</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>20</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), 54.8(g).

Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>21</sup>

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Rebekah Bina, 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 Rebekah Bina, 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 [rebekah.bina@fcc.gov](mailto:rebekah.bina@fcc.gov) and to [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418-7931 or by e-mail at [rebekah.bina@fcc.gov](mailto:rebekah.bina@fcc.gov). If Ms. Bina 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).

Hillary S. DeNigro  
Chief Investigations and Hearings Division  
Enforcement Bureau

cc: Calvin B. Kurimay, Esq., Assistant United States Attorney; Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail).

[FR Doc. E8-21723 Filed 9-16-08; 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

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

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 ([www.fmc.gov](http://www.fmc.gov)) or contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 201194.

*Title:* Marine Terminal Services Agreement between Port of Houston Authority and CMA CGM.

*Parties:* Port of Houston Authority and CMA CGM S.A.

*Filing Party:* Erik A. Eriksson, Esq.; General Counsel; Port of Houston Authority; PO Box 2562; Houston, TX 77252-2562.

*Synopsis:* The agreement authorizes Port of Houston Authority to establish discounted rates and preferential berthing rights for CMA CGM vessels calling at the port.

*Agreement No.:* 201195.

*Title:* Marine Terminal Services Agreement between Port of Houston Authority and CIA. SudAmericana de Vapores S.A.

*Parties:* Port of Houston Authority and CIA. SudAmericana de Vapores S.A.

*Filing Party:* Erik A. Eriksson, Esq.; General Counsel; Port of Houston Authority; PO Box 2562; Houston, TX 77252-2562.

*Synopsis:* The agreement authorizes Port of Houston Authority to establish discounted rates and preferential berthing rights for CIA. SudAmericana de Vapores S.A. vessels calling at the port.

By Order of the Federal Maritime Commission.

Dated: September 12, 2008.

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

[FR Doc. E8-21757 Filed 9-16-08; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to