

recommendations consist of some specific statements that should appear on all labels for this class of products, some model statements that registrants may adapt to the specific characteristics of their products, and some principles on organizing elements of the label.

B. Summary of the Labeling Recommendations

The recommendations in the PR Notice are meant to apply only to products labeled for wide-area application by ground or aerial equipment, as Ultra Low Volume (ULV) sprays or fogs, and not to home and garden use products which may list mosquitoes on the label, or for coarse (non-ULV) sprays intended for residual treatment of vegetation or other surfaces. Control of mosquito larvae is a wholly different use pattern from adult mosquito control, and thus, products registered as mosquito larvicides are not included in the scope of the Notice.

The PR Notice sets forth seven recommendations for improving labels of adult mosquito control products. In brief form, the recommendations are:

1. Adult mosquito control applications should be limited to trained personnel.
2. Mosquito control directions and precautions should be clearly distinguished from those applicable to any other use allowed on the label.
3. Label precautions and directions should be revised as needed to make hazards to aquatic life as clear as possible, and also to allow the application of these products over a body of water allowable under some circumstances.
4. Users should consult with the State or Tribal lead agency for pesticide regulation to determine if permits or other regulatory requirements exist.
5. Labels should specify a spectrum of spray/fog droplet sizes, and indicate that droplet size should be determined according to directions from equipment manufacturers or other appropriate sources.
6. Precautionary language to protect bees should have a provision to allow mosquito control applications in order to respond to threats to public health which are identified by health or vector control agencies on the basis of evidence of disease organisms or diseases cases in animals or humans.
7. Mosquito adulticide labels should include specific statements on timing and allowable frequency of applications to a specific site. Exceptions to application limits may be allowed in order to respond to threats to public health which are identified by health or vector control agencies on the basis of

evidence of disease organisms or diseases cases in animals or humans.

III. Do PR Notices Contain Binding Requirements?

The PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision makers and to pesticide registrants. While the requirements in the statutes and Agency regulations are binding on EPA and the applicants, this PR Notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or situation.

IV. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2005-0030. The official public docket consists of the documents specifically referenced in this action and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. You may obtain an electronic copy other PR Notices, both final and draft, at http://www.epa.gov/opppmsd1/PR_Notices.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets.

Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit IV.A. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 3, 2005.

James Jones,

Director, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7884-9]

Riverhills Battery Superfund Site; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has entered into an Agreement for response cost at the Riverhills Battery Superfund Site (Site) located in Tampa, Hillsborough County, Florida, with Henry H. Black.

EPA will consider public comments on settlement of response cost, paragraphs thirty-six (36) and thirty-seven (37), of the Agreement for April 15, 2005.

EPA may withdraw from or modify the Agreement should such comments disclose facts or considerations which

indicate the Agreement is inappropriate, improper, or inadequate. Copies of the Agreement are available from:

Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Superfund Enforcement & Information Management Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8887, Batchelor.Paula@epa.gov.

Written comments may be submitted to Ms. Batchelor at the above address within 30 days of the date of this publication.

Dated: March 2, 2005.

De'Lyntoneus Moore,

Acting Chief, Superfund Enforcement & Information Management Branch.

[FR Doc. 05-5130 Filed 3-15-05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[DA 05-607]

Notice of Suspension and of Proposed Debarment File No. EB-03-IH-0684

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau ("Bureau") gives notice to Mr. John Henry Weaver's suspension from the schools and libraries universal service support mechanism. Additionally, the Bureau gives notice that debarment proceeding are commencing against him.

DATES: Opposition requests must be received by April 15, 2005. However, an opposition request by the party to be suspended must be received 30 days from the receipt of suspension letter or April 15, 2005, 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.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554; Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743.

FOR FURTHER INFORMATION CONTACT: Ms. Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-A265, 445 12th Street, SW., Washington, DC 20554. Diana Lee can be contacted on (202) 418-1420 or by e-mail at diana.lee@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment

authority under 47 CFR 521 and 47 CFR 0.111(a)(14). 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, *Notice of Suspension and of Proposed Debarment Proceedings*. DA05-607, which was mailed to Mr. John Henry Weaver and released on March 8, 2005. The letter (1) gives notice of the suspension and proposed debarment; (2) gives the reasons for the proposed debarment; (3) explains the debarment procedures, and (4) describes the potential effect of debarment. The complete text of the suspension letter is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. In addition, the complete text of this letter may be retrieved from the FCC's Web site at <http://www.fcc.gov>. The text may also be purchased from the Commission's duplicating contractor, BCPI, Portals II, 445 12th Street, SW., Room CY-B400, Washington, DC 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail fcc@bcpiweb.com.

Federal Communications Commission.

William H. Davenport,

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

March 8, 2005.
Via Certified Mail
Return Receipt Requested
John Henry Weaver
146 Weldon Drive
York, PA 17404

Re: Notice of Suspension and of Proposed Debarment; File No. EB-03-IH-0684

Dear Mr. Weaver: The Federal Communications Commission ("FCC" or "Commission") has received notice of your March 1, 2005 conviction pursuant to 18 U.S.C. 371 and 666 for conspiracy to engage in bribery in a federally funded program.¹ Consequently, pursuant to 47 CFR 54.521,

¹ Any further reference in this letter to "your conviction" refers to your March 1, 2005 conviction based on your December 8, 2003 guilty plea to this count because you "did knowingly combine, conspire, confederate and agree with persons * * * to corruptly give, offer and agree to give things of value to another person with the intent to influence an agency of the Harrisburg School District." See *United States v. Weaver*, Criminal Docket No. 03-337, Information at 4 (M.D.Pa. filed December 8, 2003) ("Weaver Information"); *United States v. Weaver*, Criminal Docket No. 03-337, Plea Agreement at 1-2 (M.D.Pa. filed December 8, 2003) ("Weaver Plea Agreement"); *United States v. Weaver*, Judgment (M.D.Pa. filed on March 1, 2005 and entered on March 4, 2005) ("Weaver Judgment").

this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.²

I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,³ 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.⁴ Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.⁵

Suspension is immediate pending the Bureau's final debarment determination. 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.⁶ Such requests, however, will not ordinarily be granted.⁷ The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.⁸ Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.⁹

II. Notice of Proposed Debarment

A. Reasons for and Cause of Debarment

Commission rules establish 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.¹⁰ On March 1, 2005, you were convicted based on a December 8, 2003 plea of guilty to participating in a conspiracy with Ronald R.

² 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

³ 47 CFR 54.521(a)(4). See Schools and Libraries Universal Service Support Mechanism, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225-9227, ¶¶ 67-74 (2003) ("Second Report and Order").

⁴ Second Report and Order, 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502-54.503; 47 CFR § 54.521(a)(4).

⁵ Second Report and Order, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

⁶ Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

⁷ Second Report and Order, 18 FCC Rcd at 9226, ¶ 70.

⁸ 47 CFR 54.521(f).

⁹ Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

¹⁰ Second Report and Order, 18 FCC Rcd at 9225, ¶ 66.