

subcommittee that maintains ASTM D1076-06), for example, noted that the Category 4 standard specified in the petition was added for NRL from botanical sources other than *Hevea* and that ASTM D1076-06 does not apply to "compounded latex concentrates," such as adhesives (Ref. 20).

The Pressure Sensitive Tape Council noted many of the same issues discussed in this unit, including concerns similar to ASTM's regarding the appropriateness of the standard, the lack of facts supporting the petitioner's autism hypothesis, and the unexplained focus on *Hevea* NRL adhesives as opposed to the many other uses of *Hevea* NRL (gloves, sports equipment, carpet backing, balloons, rubber bands, handles on tools, and clothing elastics) (Ref. 21).

The Rubber Manufacturers Association (RMA) noted the lack of evidence of a link between *Hevea* NRL exposure and autism, commenting that in the long history of NRL harvest and use, and in the course of multiple government inquiries into latex allergy, no one had observed a link between NRL and autism. The RMA also commented that the petition did not cite any evidence that allergens in NRL adhesives are being transported to the human body and described differences in exposure potential between dipped latex products (such as medical gloves, balloons, and condoms) and dry rubber products (such as tires, hoses, belts, and balls). The RMA also commented that the primary route of consumer exposure to adhesives would be through medical bandages, which, as a medical device, would fall under the jurisdiction of FDA. Finally, the RMA criticized the use of some of the references in petitioner's *Medical Hypotheses* paper, commenting that several references did not in fact support the petitioner's hypothesis (Ref. 22).

## V. References

1. Dochniak, Michael J. Citizen Petition under TSCA to prohibit the use of *Hevea-Brasiliensis* natural rubber latex adhesives in the United States, wherein said adhesives have a protein content greater than 200 micrograms per dry weight of latex. February 26, 2008.
2. EPA, OPPT, Economics, Exposure and Technology Division (EETD). Profile: Natural Rubber Latex Adhesives. May 7, 2008.
3. ASTM. ASTM D1076-06. Standard Specification for Rubber-Concentrated, Ammonia Preserved, Creamed, and Centrifuged Natural Latex. June 2006.
4. ASTM. Active Standard: D6499-07. Standard Test Method for the Immunological Measurement of

Antigenic Protein in Natural Rubber and Its Products. Available on-line at: [http://enterprise.astm.org/REDLINE\\_PAGES/D6499.htm](http://enterprise.astm.org/REDLINE_PAGES/D6499.htm) (last visited May 13, 2008).

5. Dochniak, Michael J. Autism spectrum disorders-Exogenous protein insult, *Medical Hypotheses* (2007), doi:10.1016/j.mehy.2007.01.060.

6. CPSC. Letter from Todd Stevenson, Secretary, U.S. Consumer Product Safety Commission, to Debra Adkins, responding to her petition HP 00-2 requesting CPSC to issue a rule adding NRL to the list of strong sensitizers. June 4, 2004.

7. FDA. FDA Clears Glove Made from New Type of Latex. *FDA News*. April 23, 2008.

8. National Institute of Occupational Safety and Health (NIOSH), NIOSH Publication No. 97-135: Preventing Allergic Reactions to Natural Rubber Latex in the Workplace (June 1997).

9. Center for Food Safety and Applied Nutrition, Food Advisory Committee Meeting, Additives and Ingredients Subcommittee. Latex Glove Background Report. August 2003.

10. Northwestern University, Office for Research Safety, Laboratory Safety, Office of the Vice President for Research. Allergic Reactions to Latex Gloves. Available on-line at: <http://www.research.northwestern.edu/ors/labsafe/latex.htm> (last visited May 13, 2008).

11. CPSC. Memorandum from Jacqueline Elder, Assistant Executive Director for Hazard Identification and Reduction, to Todd Stevenson, Secretary, re: Additional Information on Petition on the Natural Rubber Latex (HP 00-2). April 1, 2004.

12. CPSC. Briefing Package, Petition Requesting that Natural Rubber latex be declared a Strong Sensitizer (HP00-2). October 2003.

13. European Commission, Scientific Committee on Medicinal Products and Medical Devices. Opinion on natural rubber latex allergy. June 2000.

14. U.S. Patent #5,741,885.

15. Siler, D.J.; Cornish, K.; and Hamilton, R.G. Absence of cross-reactivity of IgE antibodies from subjects allergic to *Hevea brasiliensis* latex with a new source of natural rubber latex from guayule (*Parthenium argentatum*). *Journal of Allergy Clinical Immunology*. 98: 895-902. 1996.

16. U.S. Patent #6,054,525.

17. EPA. *Hevea brasiliensis* Natural Rubber Latex Adhesives; TSCA Section 21 Petition; Notice of Receipt. **Federal Register** (73 FR 22368, April 25, 2008) (FRL-8361-3). Available on-line at: <http://www.epa.gov/fedrgstr>.

18. Comment from Andover Healthcare, Inc. May 12, 2008.

19. Letter from the Yulex Corp. May 7, 2008.

20. Letter from ASTM International. May 7, 2008.

21. Letter from the Pressure Sensitive Tape Council. May 9, 2008.

22. Letter from the Rubber Manufacturers Association. May 12, 2008.

## List of Subjects

Environmental protection, Antigenic proteins, Asperger syndrome, Autism, Health, *Hevea brasiliensis* natural rubber latex adhesives, Infants and children.

Dated: June 3, 2008.

**James B. Gulliford,**

*Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. E8-12850 Filed 6-6-08; 8:45 am]

**BILLING CODE 6560-50-S**

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 08-1181]

### 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 gives notice of Mr. George Marchelos' suspension from the schools and libraries universal service support mechanism (or "E-Rate Program"). Additionally, the Enforcement Bureau gives notice that debarment proceedings are commencing against him. Mr. Marchelos, 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 Diana Lee.

**DATES:** Opposition requests must be received by July 9, 2008. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or July 9, 2008, whichever comes first. The Enforcement 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:** 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 Enforcement 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 08-1181, which was mailed to Mr. Marchelos and released on May 19, 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 attached is the Suspension and Initiation of Debarment Letter to George Marchelos.

May 19, 2008

DA 08-1181

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED AND  
FACSIMILE (415-436-7706)

Mr. George Marchelos, c/o Geoffrey A. Hanson, Esq., Federal Public Defender, 19th Floor Federal Building—Box 36106, 450 Golden Gate Avenue, San Francisco, CA 94102.

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-08-IH-1140

Dear Mr. Marchelos: The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of wire fraud and aiding and abetting, in violation of 18 U.S.C. 1343 and 2, as well as collusion and aiding and abetting, in violation of 15 U.S.C. 1 and 2, in connection with your participation in the

schools and libraries universal service support mechanism ("E-Rate program").<sup>1</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>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 wire fraud and collusion in connection with your participation in two schemes to defraud the E-Rate program.<sup>4</sup> Specifically, you admitted that, as a former consultant for two school districts in California and sales representative of Video Network Communications, Inc. ("VNCI"), you participated in schemes to defraud the E-rate program and bid rigging on E-rate projects for certain school districts in favor of other co-conspirators or defendants.<sup>5</sup>

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent conviction. *United States v. George Marchelos*, Criminal Docket No. 3:05-CR-00208-CRB-009, Judgment (N.D.Cal. filed and entered Apr. 10, 2008) ("George Marchelos Judgment"). See *United States v. Video Network Communications, Inc. et al.*, Criminal Docket No. 3:05-CR-00208-CRB, Superseding Indictment at paras. 72-88 (N.D.Cal. filed Dec. 8, 2005 and entered Dec. 12, 2005), <http://www.usdoj.gov/atr/cases/f213600/213626.htm> (accessed May 1, 2008) ("VNCI Superseding Indictment").

<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> See *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC 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>4</sup> See *George Marchelos Judgment* at 1.

<sup>5</sup> See *VNCI Superseding Indictment* at paras. 6, 72-88. The following four individuals, who were also charged in the *VNCI Superseding Indictment*, have pled guilty or been found guilty and subsequently sentenced: Judy Green, Earl Nelson, William Holman, and Allan Green. We are sending

Pursuant to section 54.8(a)(4) of the Commission's rules,<sup>6</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>7</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>8</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>9</sup> Such requests, however, will not ordinarily be granted.<sup>10</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>11</sup> 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>12</sup>

**II. Initiation of Debarment Proceedings**

Your guilty plea and conviction of 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>13</sup> Therefore, pursuant to section 54.8(a)(4) of

separate notices of suspension and initiation of debarment proceedings to these individuals. VNCI is now defunct and charges against the company have been dropped.

<sup>6</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-9227, paras. 67-74.

<sup>7</sup> 47 CFR 54.8(a)(1), (d).

<sup>8</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

<sup>9</sup> 47 CFR 54.8(e)(4).

<sup>10</sup> *Id.*

<sup>11</sup> 47 CFR 54.8(e)(5).

<sup>12</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), 54.8(f).

<sup>13</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, 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).

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>14</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>15</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>16</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>17</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>18</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>19</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 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 email 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,

Hillary S. DeNigro,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau.

cc: Kristy Carroll, Esq., Universal Service  
Administrative Company (via e-mail);  
Michael Wood, Antitrust Division,  
United States Department of Justice (via  
mail)

[FR Doc. E8-12832 Filed 6-6-08; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 08-1179]

### 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 gives notice of Mr. Allan Green's suspension from the schools and libraries universal service support mechanism (or "E-Rate Program"). Additionally, the Enforcement Bureau gives notice that debarment proceedings are commencing against him. Mr. Green, 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 Diana Lee.

**DATES:** Opposition requests must be received by July 9, 2008. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or July 9, 2008, whichever comes first. The Enforcement 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:

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 Enforcement 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 08-1179, which was mailed to Mr. Green and released on May 19, 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 attached is the Suspension and Initiation of Debarment Letter to Allan Green.

May 19, 2008

DA 08-1179

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED AND  
E-MAIL

Mr. Allan Green, c/o Mark Rosenbush, Esq.,  
Attorney at Law, 214 Duboce Avenue,  
San Francisco, CA 94103.

Re: Notice of Suspension and Initiation of  
Debarment Proceedings, File No. EB-08-  
IH-1141

Dear Mr. Green:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of conspiracy to commit mail fraud, in violation of 18 U.S.C. 371, in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>1</sup>

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent conviction of conspiracy to commit mail fraud. See *United States v. Allan Green*, Criminal Docket No. 3:05-CR-00208-CRB-009, Judgment (N.D.Cal. filed and entered Apr. 10, 2008) ("*Allan Green Judgment*"), Substitute Information (N.D.Cal. filed Apr. 9, 2007 and entered Apr. 10, 2007) ("*Allan Green Substitute Information*"). See *United States v. Video Network Communications*,

Continued

<sup>14</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

<sup>15</sup> *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

<sup>16</sup> See *id.*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

<sup>17</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>18</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), 54.8(g).

<sup>19</sup> *Id.*