

address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

## II. What Action is the Agency Taking?

Under section 5 of FIFRA, 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

**Submitter:** Mycogen Seeds c/o Dow Agrosiences LLC, (68467-EUP-O).  
**Pesticide Chemical:** *Bacillus thuringiensis* Cry1A.105 protein and the genetic material necessary for its production (vector PV-ZMIR245) in MON 89034 corn, *Bacillus thuringiensis* Cry2Ab2 protein and the genetic material necessary for its production (vector PV-ZMIR245) in MON 89034 corn, *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector PV-ZMIR39) in MON 88107 corn, *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary for their production (vector PHP 17662) in Event DAS-59122-7 corn, and *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (vector PHP8999) in Event TC1507 corn.

**Summary of Request:** The 68467-EUP-O application is for 279 acres of MON 89034 x TC1507 x MON 88017 x DAS-59122-7, 2,239 acres of intermediate combinations, 1,014 of registered plant-incorporated protectants, and 1,205 acres of non-plant-incorporated protectant acres and border rows for a total of 4,736 acres. Proposed shipment/use dates are February 15, 2009 to June 30, 2010. Five trial protocols will be conducted, including:

- Corn breeding and observation nursery.
- Corn agronomic trials.
- Herbicide tolerance trials.
- Corn efficacy trials.
- Insect resistance management trials.

States and Commonwealth involved include: Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Texas, and Wisconsin.

A copy of the application and any information submitted is available for public review in the docket established for this EUP application as described under **ADDRESSES**.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: November 19, 2008.

**Sheryl K. Reilly,**

*Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. E8-28296 Filed 11-26-08; 8:45 am]

**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 08-2523]

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

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debars Mr. Joseph E. Mello from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

**DATES:** Debarment commences on the date Mr. Joseph E. Mello receives the debarment letter or November 28, 2008, whichever date come first, for a period of three years.

**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 debarred Mr. Joseph E. Mello 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 08-2523, which was mailed to Mr. Joseph E. Mello and released on November 18, 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.

**Trent Harkrader,**

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

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

November 18, 2008.

VIA CERTIFIED MAIL—RETURN RECEIPT REQUESTED AND VIA FACSIMILE (203) 787-9031

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

Re: Notice of Debarment; File No. EB-08-IH-1615

Dear Mr. Mello: 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 September 4, 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

<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. Joseph Mello, Notice of Suspension and Initiation of Debarment Proceedings, DA 08-2041 (Inv. & Hearings Div., Enf. Bur., rel. Sept. 4, 2008) (Attachment 1).

the **Federal Register** on September 17, 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 mail fraud and income tax fraud, in violation of 18 U.S.C. 1341, in connection with your participation in the E-Rate program involving telecommunications upgrade projects in four Connecticut school districts.<sup>6</sup> You admitted to participating in a scheme to defraud the E-Rate program whereby you agreed, in your capacity as Vice President of Operations for Innovative Network Solutions ("INS"), to accept invoices submitted by fictitious companies for work allegedly performed in the Connecticut school districts.<sup>7</sup> As a result of your actions, INS made payments totaling \$608,505 on those fictitious invoices that were ultimately submitted to the Universal Service Administrative Company as legitimately reimbursable services under the E-Rate program.<sup>8</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>9</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>10</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>11</sup>

Sincerely,

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

cc: Calvin B. Kurimai, Esq., Assistant United States Attorney, Department of Justice (via e-mail)

Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

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>12</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>13</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>14</sup> You pled

<sup>12</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. 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>13</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>14</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 66. The Commission's debarment rules define

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>15</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>16</sup> In your position at 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>17</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>18</sup>

Pursuant to section 54.8(a)(4) of the Commission's rules,<sup>19</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>20</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>21</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

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>15</sup> See Mello Information at 2; Mello Plea Agreement at 1-2, 5; Mello Judgment at 1.

<sup>16</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, 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>17</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>18</sup> Mello Information at 4.

<sup>19</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-27, paras. 67-74.

<sup>20</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>21</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

<sup>3</sup> 73 FR 53868 (Sept. 17, 2008).

<sup>4</sup> See Notice of Suspension, 73 FR at 53869-70.

<sup>5</sup> See 47 CFR 54.8(e)(3) and (4). That date occurred no later than October 17, 2008. See *supra* note 3.

<sup>6</sup> 73 FR at 53869.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> 47 CFR 54.8(c).

<sup>10</sup> See 47 CFR 54.8(g). See also Notice of Suspension, 73 FR at 53870.

<sup>11</sup> See 47 CFR 54.8(a)(1), 54.8(a)(5), 54.8(d); Notice of Suspension, 73 FR at 53869.

**Federal Register**, whichever comes first.<sup>22</sup> Such requests, however, will not ordinarily be granted.<sup>23</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>24</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>25</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>26</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>27</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>28</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>29</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>30</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>31</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>32</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).

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

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

[FR Doc. E8-28373 Filed 11-26-08; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:04 p.m. on Sunday, November 23, 2008, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to an open bank assistance transaction.

<sup>31</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), 54.8(g).

<sup>32</sup> *Id.*

In calling the meeting, the Board determined, on motion of Vice Chairman Martin J. Gruenberg, seconded by Chairman Sheila C. Bair, concurred in by Director John M. Reich (Director, Office of Thrift Supervision), Director Thomas J. Curry (Appointive), and Director John C. Dugan (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: November 24, 2008.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E8-28264 Filed 11-26-08; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL RESERVE SYSTEM

### Federal Open Market Committee; Domestic Policy Directive of the Conference Calls Held on September 29, 2008, and October 7, 2008, and its Meeting Held on October 28 and 29, 2008

In accordance with § 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee of the conference calls held on September 29, 2008, and October 7, 2008, and its meeting held on October 28 and 29, 2008.<sup>1</sup>

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets

<sup>1</sup> Copies of the Minutes of the Federal Open Market Committee conference calls held on September 29, 2008, and October 7, 2008, and its meeting held on October 28 and 29, 2008, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

<sup>22</sup> 47 CFR 54.8(e)(4).

<sup>23</sup> *Id.*

<sup>24</sup> 47 CFR 54.8(e)(5).

<sup>25</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), 54.8(f).

<sup>26</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>27</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

<sup>28</sup> *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

<sup>29</sup> See *id.*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

<sup>30</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).