

Louisiana to be listed pursuant to Clean Water Act Section 303(d), and request for public comment. Section 303(d) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On October 19, 2007, EPA partially approved and partially disapproved Louisiana's 2006 Section 303(d) submittal. Specifically, EPA approved Louisiana's listing of 347 waterbody pollutant combinations, and associated priority rankings. EPA disapproved Louisiana's decisions not to list 136 waterbody pollutant combinations. EPA identified these additional waterbodies and pollutants along with priority rankings for inclusion on the 2006 Section 303(d) List.

EPA is providing the public the opportunity to review its final decisions to add waters and pollutants to Louisiana's 2006 Section 303(d) List, as required by EPA's Public Participation regulations (40 CFR part 25). EPA will consider public comments and if necessary amend its final action on the additional waterbodies and pollutants identified for inclusion on Louisiana's Final 2006 Section 303(d) List.

DATES: Comments must be submitted in writing to EPA on or before December 5, 2007.

ADDRESSES: Comments on the decisions should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, telephone (214) 665-2145, facsimile (214) 665-7373, or e-mail: smith.diane@epa.gov. Oral comments will not be considered. Copies of the documents which explain the rationale for EPA's decisions and a list of the 136 water quality limited segments for which EPA disapproved Louisiana's decisions not to list can be obtained at EPA Region 6's Web site at <http://www.epa.gov/earth1r6/6wq/tmdl.htm>, or by writing or calling Ms. Smith at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Smith to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Diane Smith at (214) 665-2145.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act (CWA) requires that each state identify those waters for which existing technology-

based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish Total Maximum Daily Loads (TMDLs) according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7). On March 31, 2000, EPA promulgated a revision to this regulation that waived the requirement for states to submit Section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 (65 FR 17170).

Consistent with EPA's regulations, Louisiana submitted to EPA its listing decisions under Section 303(d) on February 12, 2007 with subsequent corrections submitted on September 20, 2007. On October 19, 2007, EPA approved Louisiana's listing of 347 water body-pollutant combinations and associated priority rankings. EPA disapproved Louisiana's decisions not to list 136 water body pollutant combinations. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2006 Section 303(d) List. EPA solicits public comment on its identification of 136 additional waters and associated pollutants for inclusion on Louisiana's 2006 Section 303(d) List.

Dated: October 29, 2007.

Miguel I. Flores,

Director, Water Quality Protection Division, Region 6.

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FEDERAL COMMUNICATIONS COMMISSION

[DA 07-4335]

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 Mrs. Evelyn

Myers Scott's ("Myers Scott") 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 her. Mrs. Myers Scott, or any person who has an existing contract with or intends to contract with her 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, 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 December 5, 2007. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or December 5, 2007, 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: 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. 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.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.521 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, DA 07-4335, which was mailed to Mrs. Myers Scott and released on October 18, 2007. 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 12 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 S. DeNigro,

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

October 18, 2007

DA 07-4335

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED AND
FACSIMILE (404-261-2842)

Mrs. Evelyn Myers Scott, c/o Charles M. Abbott, Esq., C. Michael Abbott, P.C., 3127 Maple Drive, NE., Atlanta, GA 30305-2503, E-Mail:

michael@michaelabbottlaw.com.

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-07-IH-7305

Dear Mrs. Scott:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction for conspiracy to defraud the United States 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").¹ Consequently, pursuant to 47 CFR 54.521, 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.²

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.³ You pled guilty to

engaging in a conspiracy to defraud the United States in connection with your participation in the E-Rate program.⁴ You admitted that while employed by the Atlanta Public Schools ("APS") Information Services Department, you conspired with others, including your husband Arthur R. Scott ("Scott"), to enter into an E-Rate contract with a vendor on behalf of APS. In return for entering into the E-Rate contract, the vendor agreed to pay money to the consulting firm owned by you and Scott.⁵ The loss and the restitution that you owed to the E-Rate program resulting from the criminal offense was \$300,176.^{10,6}

Pursuant to section 54.521(a)(4) of the Commission's rules,⁷ 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.⁸ Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.⁹

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.¹⁰ Such requests,

however, will not ordinarily be granted.¹¹ The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.¹² Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.¹³

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 54.521(c) of the Commission's rules.¹⁴ Therefore, pursuant to section 54.521(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**.¹⁵ Absent extraordinary circumstances, the Bureau will debar you.¹⁶ 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.¹⁷ 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**.¹⁸

¹¹ *Second Report and Order*, 18 FCC Rcd at 9226, ¶70.

¹² 47 CFR 54.521(e)(5).

¹³ See *Second Report and Order*, 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(5), 54.521(f).

¹⁴ "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 54.521(c). Such activities "include 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 schools and libraries support mechanism described in this section ([47 CFR] 54.500 et seq.)." 47 CFR 54.521(a)(1).

¹⁵ See *Second Report and Order*, 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

¹⁶ *Second Report and Order*, 18 FCC Rcd at 9227, ¶74.

¹⁷ See *id.*, 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(5).

¹⁸ *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon

Order). 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 54.521(a)(6).

⁴ See generally *United States v. Arthur R. Scott and Evelyn Myers Scott a/k/a Evelyn M. Myers*, Criminal Docket No. 1:07-CR-139, Information (N.D.Ga. filed Apr. 30, 2007 and entered May 3, 2007) ("*Scott and Myers Scott Information*"); *Myers Scott Plea Agreement* at 1.

⁵ *Scott and Myers Scott Information* at 1-9. See also Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, to Arthur R. Scott, DA 07-4336, dated October 18, 2007.

⁶ See *Myers Scott Judgment* at 5; see also *Myers Scott Plea Agreement* at 4.

⁷ 47 CFR 54.521(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-9227, ¶67-74 (2003).

⁸ *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).

⁹ *Second Report and Order*, 18 FCC Rcd at 9226, ¶69; 47 CFR 54.521(e)(1).

¹⁰ *Second Report and Order*, 18 FCC Rcd at 9226, ¶70; 47 CFR 54.521(e)(4).

¹ Any further reference in this letter to "your conviction" refers to your May 2, 2007 guilty plea and subsequent conviction of conspiracy to defraud the United States. *United States v. Evelyn Myers Scott*, Criminal Docket No. 1:07-CR-139-CC-02, Plea Agreement (N.D.Ga. filed May 2, 2007 and entered May 7, 2007) ("*Myers Scott Plea Agreement*"); *United States v. Evelyn Myers Scott*, 1:07-CR-139-CC-02, Judgment (N.D.Ga. filed and entered Oct. 2, 2007) ("*Myers Scott Judgment*").

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 See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225, 66 (2003) ("*Second Report and*

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.¹⁹ The Bureau may, if necessary to protect the public interest, extend the debarment period.²⁰

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 e-mail to diana.lee@fcc.gov and to 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. 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.

Sincerely yours,

Hillary S. DeNigro

Chief, Investigations and Hearings
Division Enforcement Bureau

cc: Kristy Carroll, Esq., Universal
Service Administrative Company

(via e-mail) Aaron M. Danzig, Esq.,
Assistant United States Attorney

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Vaccine Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

Authority: 42 U.S.C. 300aa-5, Section 2105 of the Public Health Service (PHS) Act, as amended. The Committee is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The National Vaccine Program Office (NVPO), a program office within the Office of Public Health and Science, DHHS, is soliciting nominations of qualified candidates to be considered for appointment as members to the National Vaccine Advisory Committee (NVAC). The activities of this Committee are governed by the Federal Advisory Committee Act (FACA).

Consistent with the National Vaccine Plan, the Committee advises and makes recommendations to the Assistant Secretary for Health in his/her capacity as the Director of the National Vaccine Program, on matters related to the Program's responsibilities. Specifically, the Committee studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States; recommends research priorities and other measures to enhance the safety and efficacy of vaccines. The Committee also advises the Assistant Secretary for Health in the implementation of Sections 2102 and 2103 of the PHS Act; and identifies annually the most important areas of government and non-government cooperation that should be considered in implementing Sections 2102 and 2103 of the PHS Act.

DATES: Nominations for membership on the Committee must be received no later than 5 p.m. EST on December 11, 2007, at the address below.

ADDRESSES: All nominations should be mailed or delivered to: Bruce G. Gellin, M.D., M.P.H., Executive Secretary, NVAC, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue, SW., Room 443-H, Hubert H.

Humphrey Building; Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Emma English, Program Analyst, National Vaccine Program Office, Department of Health and Human Services, 200 Independence Avenue, SW., Room 443-H, Hubert H. Humphrey Building, Washington, DC 20201; (202) 690-5566; nvpo@hhs.gov.

A copy of the Committee charter and list of the current membership can be obtained by contacting Ms. English or by accessing the NVAC Web site at: <http://www.hhs.gov/nvpo/nvac>.

SUPPLEMENTARY INFORMATION:

Committee Function, Qualifications, and Information Required: As part of an ongoing effort to enhance deliberations and discussions with the public on vaccine and immunization policy, nominations are being sought for interested individuals to serve on the Committee. Individuals selected for appointment to the Committee will serve as voting members. Voting members shall be selected from individuals who are engaged in vaccine research or the manufacture of vaccines, or who are physicians, members of parent organizations concerned with immunizations, representatives of state or local health agencies or public health organizations. The Committee currently has particular needs for individuals with expertise in the fields of vaccine safety and vaccine and immunization financing. Individuals selected for appointment to the Committee can be invited to serve terms of up to four years.

Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (i.e., specific attributes which qualify the nominee for service in this capacity), and a statement that the nominee is willing to serve as a member of the Committee; (2) the nominator's name, address and daytime telephone number, and the home and/or work address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae. Applications cannot be submitted by facsimile. The names of Federal employees should not be nominated for consideration of appointment to this Committee.

The Department makes every effort to ensure that the membership of HHS Federal advisory committees is fairly balanced in terms of points of view

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 54.521(f).

¹⁹ Second Report and Order, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

²⁰ *Id.*