

claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help 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 pesticides discussed in this document, compared to the general population.

## II. What Action is the Agency Taking?

EPA is making available for comment a registration application for a product containing the chemical combination of the anticoagulant rodenticide, diphacinone and the insecticide, imidacloprid, to control black-tailed prairie dogs and their host fleas. EPA is

providing this comment opportunity because it believes that pesticide products intended to control black-tailed prairie dogs have been the subject of particular public interest in recent years. Diphacinone is currently registered for use against rodents, including Norway rats, roof rats, house mice, ground squirrels, and voles. Imidacloprid is currently registered as an insecticide to control host fleas on the California ground squirrel. EPA will evaluate all comments received during the public comment period. The application would, if accepted by EPA, allow the use of diphacinone and imidacloprid for the control of the black-tailed prairie dogs and their host fleas.

A copy of the application (with information claimed by the applicant as CBI redacted) is available for public review in the docket established for this new use 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 registration application, and if issued, the conditions under which it is to be granted.

### List of Subjects

Environmental protection, Receipt of application.

Dated: September 14, 2009.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. E9-22810 Filed 9-22-09; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0632; FRL-8434-6]

### Registration Review; Pesticide Dockets Opened for Review and Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has established registration review dockets for the pesticides listed in the table in Unit III.A. With this document, EPA is opening the public comment period for these registration review cases. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without

unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration review. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**DATES:** Comments must be received on or November 23, 2009.

**ADDRESSES:** Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

*Instructions:* Direct your comments to the docket ID numbers listed in the table in Unit III.A., for the pesticides you are commenting on. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available

on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** For pesticide specific information contact: The Chemical Review Manager identified in the table in Unit III.A., for the pesticide of interest.

**For general information contact:** Kevin Costello, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5026; fax number: (703) 308-8090; e-mail address: [costello.kevin@epa.gov](mailto:costello.kevin@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this Action Apply to Me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be

interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### *B. What Should I Consider as I Prepare My Comments for EPA?*

1. **Submitting CBI.** Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

3. **Environmental justice.** EPA seeks to achieve environmental justice, the fair

treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help 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 pesticides discussed in this document, compared to the general population.

##### **II. Authority**

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA section 3(a), a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

##### **III. Registration Reviews**

###### *A. What Action is the Agency Taking?*

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

| Registration Review Case Name and Number | Docket ID Number     | Chemical Review Manager, Telephone Number, E-mail Address                                                                     |
|------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Fluazinam (7013)                         | EPA-HQ-OPP-2009-0039 | Molly Clayton,<br>(703) 603-0522,<br><a href="mailto:clayton.molly@epa.gov">clayton.molly@epa.gov</a>                         |
| Flumiclorac-pentyl (7232)                | EPA-HQ-OPP-2009-0084 | Monica Wait,<br>(703) 347-8019,<br><a href="mailto:wait.monica@epa.gov">wait.monica@epa.gov</a>                               |
| Fluridone (7200)                         | EPA-HQ-OPP-2009-0160 | Joy Schnackenberg,<br>(703) 308-8072,<br><a href="mailto:schnackenberg.joy@epa.gov">schnackenberg.joy@epa.gov</a>             |
| Flurprimidol (7000)                      | EPA-HQ-OPP-2009-0630 | Kelly Ballard,<br>(703) 305-8126,<br><a href="mailto:ballard.kelly@epa.gov">ballard.kelly@epa.gov</a>                         |
| Hexaflumuron (7413)                      | EPA-HQ-OPP-2009-0568 | Rusty Wasem,<br>(703) 305-6979,<br><a href="mailto:wasem.russell@epa.gov">wasem.russell@epa.gov</a>                           |
| Maleic Hydrazide (0381)                  | EPA-HQ-OPP-2009-0387 | James Parker,<br>(703) 306-0469,<br><a href="mailto:parker.james@epa.gov">parker.james@epa.gov</a>                            |
| Piperalin (3114)                         | EPA-HQ-OPP-2009-0483 | Jose Gayoso,<br>(703) 347-8652,<br><a href="mailto:gayoso.jose@epa.gov">gayoso.jose@epa.gov</a>                               |
| Pronamide (0082)                         | EPA-HQ-OPP-2009-0326 | Wilhelmena Livingston,<br>(703) 308-8025,<br><a href="mailto:livingston.wilhelmena@epa.gov">livingston.wilhelmena@epa.gov</a> |
| Sulfentrazone (7231)                     | EPA-HQ-OPP-2009-0624 | Jacqueline Guerry,<br>(215) 814-2184,<br><a href="mailto:guerry.jacqueline@epa.gov">guerry.jacqueline@epa.gov</a>             |
| Tebuthiuron (0054)                       | EPA-HQ-OPP-2009-0327 | Wilhelmena Livingston,<br>(703) 308-8025,<br><a href="mailto:livingston.wilhelmena@epa.gov">livingston.wilhelmena@epa.gov</a> |

### B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.
- **Federal Register** notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies concerning current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional

documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's website at [http://www.epa.gov/oppsrrd1/registration\\_review/schedule.htm](http://www.epa.gov/oppsrrd1/registration_review/schedule.htm). Information on the Agency's registration review program and its implementing regulation may be seen at [http://www.epa.gov/oppsrrd1/registration\\_review](http://www.epa.gov/oppsrrd1/registration_review).

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a

pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters

must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

- As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 14, 2009.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.*

[FR Doc. E9-22622 Filed 9-22-09; 8:45 a.m.]

BILLING CODE 6560-50-S

## FEDERAL COMMUNICATIONS COMMISSION

[DA 09-2029]

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

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debars Andre J. Hornsby from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years based on his conviction of wire fraud, witness and evidence tampering, and obstruction of justice in connection with his participation in the program. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

**DATES:** Debarment commences on the date Andre J. Hornsby receives the debarment letter or September 23, 2009, whichever date comes 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 Michele Berlove, Acting Assistant Division Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [michele.berlove@fcc.gov](mailto:michele.berlove@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau debarred Andre J. Hornsby 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 09-2029, which was mailed to Andre J. Hornsby and released on September 11, 2009. 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>.

**Hillary S. DeNigro,**

*Chief, Investigations and Hearings Division,  
Enforcement Bureau, Federal  
Communications Commission.*

September 11, 2009

DA 09-2029

VIA CERTIFIED MAIL RETURN RECEIPT  
REQUESTED

Andre J. Hornsby, Inmate No. 39456-037,  
FTC Oklahoma, Federal Transfer Center,  
Oklahoma City, Oklahoma 73189.

Re: Notice of Debarment File No. EB-09-IH-0408

Dear Mr. Hornsby: 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 July 14, 2009, 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 the Federal Register on July 22, 2009.<sup>3</sup> The Notice of Suspension suspended you from participating in activities associated with or relating to the schools and libraries universal service support mechanism and described the basis for initiation of debarment proceedings against you, the applicable

<sup>1</sup> 47 C.F.R. § 54.8(g) (2008). See also 47 C.F.R. § 0.111(a)(14).

<sup>2</sup> Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Mr. Andre J. Hornsby, Notice of Suspension and Initiation of Debarment Proceedings, 24 FCC Rcd 9093 (Inv. & Hearings Div., Enf. Bur. 2009) (Attachment 1) ("Notice of Suspension").

<sup>3</sup> 74 Fed. Reg. 36223 (July 22, 2009).

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, the United States District Court for the District of Maryland sentenced you to six years in prison following your conviction for federal crimes, including honest services wire fraud, witness and evidence tampering, and obstruction of justice, in connection with your activities related to the E-Rate program for Prince George's County Public School System ("PGCPS").<sup>6</sup> While employed as Chief Executive Officer, Secretary and Treasurer for the Board of Education for Prince George's County, you devised and participated in schemes to defraud PGCPS for your personal financial gain by steering contracts, making materially false representations, destroying records, and otherwise hiding your associations to conceal your role in the fraudulent conduct.<sup>7</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>8</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>9</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>10</sup>

Sincerely,

Hillary S. DeNigro,

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

cc: Michael R. Pauzé, Assistant United States Attorney, Department of Justice (via e-mail) Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

<sup>4</sup> See Notice of Suspension, 24 FCC Rcd at 9094-96.

<sup>5</sup> See 47 C.F.R. § 54.8 (e)(3),(4). That date occurred no later than Aug. 21, 2009. See supra note 3.

<sup>6</sup> See Notice of Suspension, 24 FCC Rcd at 9094-95. See also United States v. Andre Jose Hornsby, Criminal Docket No. 8:06CR00376-PJM-1, Judgment (D. Md. filed and entered Dec. 5, 2008).

<sup>7</sup> See Notice of Suspension, 24 FCC Rcd at 9094-95. See also United States v. Andre Jose Hornsby, Criminal Docket No. 8:06CR00376-PJM-1, Superseding Indictment (D. Md. filed and entered Apr. 23, 2008).

<sup>8</sup> 47 C.F.R. § 54.8(c). See also § 54.8(a)(4),(b)-(e).

<sup>9</sup> See 47 C.F.R. § 54.8(e)(5),(g). See also Notice of Suspension, 24 FCC Rcd at 9096.

<sup>10</sup> See 47 C.F.R. § 54.8(a)(1),(a)(5),(d),(g); Notice of Suspension, 24 FCC Rcd at 9096.