scan the mail may destroy the disk or CD–ROM.

III. Paperwork Reduction Act Notice

The Office of Management and Budget (OMB) has approved the information collection activities associated with the Nanoscale Materials Stewardship Program (NMSP) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*. and has assigned OMB control number 2070–0170. EPA has prepared an Information Collection Request (ICR) that describes the information collection activities and EPA's estimated burden, which is summarized in this unit. The ICR is identified by EPA ICR No. 2250.01. A copy of the ICR and public comments (described in Unit II.A. of this document) are available under Docket ID No. EPA–HQ–OPPT–2007–0572.

As described in more detail in the ICR, the annual burden for this collection of information is estimated to average 154.3 hours per response for the basic NMSP, and 2,500 hours for the in-depth NMSP, based on 240 responses for the basic NMSP and 15 responses for the in-depth NMSP. According to the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection activity appears in this document, in the **Federal Register** document announcing the approval of the ICR, and on the optional collection instrument or form.

IV. Statutory and Executive Order Reviews

This document describes the design and format of EPA's Nanoscale Materials Stewardship Program, which is a voluntary program to collect data for nanoscale materials under TSCA. This action is not a regulatory action or a significant guidance document under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), as amended by Executive Order 13422 on January 18, 2007 (72 FR 2763). As such, this action does not require review by OMB under Executive Order 12866.

In addition, Executive Orders 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997) and 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), do not apply to this action because it is not ''economically significant'' as defined by section 3(f) of Executive Order 12866. Nor does this action establish an environmental standard that may have a negatively disproportionate effect on children, or otherwise have any significant adverse effect on the supply, distribution, or use of energy.

This action is not subject to the notice-and-comment requirements under the Administrative Procedure Act or any other statute. As such, it is not subject to the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.). Further, today's action is expected to only have a limited impact because only entities that volunteer to participate in the NMSP will be impacted.

Based on EPA's experience with review of PMNs; State, local, and Tribal governments have not been impacted by these activities, and EPA does not have any reason to believe that any State, local, or Tribal government would be impacted by this action. As such, the Agency concludes that this action will not have substantial direct effects on the States or on the relationship between the national government and the States or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Nor does this action significantly or uniquely affect the communities of tribal governments as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 10, 1998). In addition, EPA has determined that this action would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

This action will not have an adverse impact on the environmental and health conditions in low-income and minority communities. Therefore, under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), the Agency is not required to and has not considered environmental justice-related issues.

V. References

1. A Matter of Size: Triennial Review of the National Nanotechnology Initiative, The National Academies Press. p. 73 (2006).

2. NPPTAC 2005. Overview of Issues for Consideration by NPPTAC. Document ID EPA–HQ–OPPT–2002–0001–0068. *http://www.regulations.gov/fdmspublic/component/main*.

3. Material Characterization of Nanoscale Materials; Notice of Public Meeting, August 13, 2007 (72 FR 45244) (FRL–8144–1).

4. NIOSH 2007. National Institute for Occupational Safety and Health, December 2007, Approaches to Safe Nanotechnology—An Information Exchange with NIOSH. *http://www.cdc.gov/niosh/topics/nanotech/safenano/summary.html*.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Nanoscale materials.

Dated: January 22, 2008.

James B. Gulliford,

Assistant Administrator, for Prevention, Pesticides and Toxic Substances.

[FR Doc. E8–1411 Filed 1–25–08; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 08–7; DA 08–78]

Comment Sought on Petition for Declaratory Ruling That Text Messages and Short Codes Are Title II Services or Are Title I Services Subject to Section 202 Non-Discrimination Rules

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, comment is sought on a December 11, 2007 petition for declaratory ruling (Petition) filed by Public Knowledge, Free Press, Consumer Federation of America, Consumers Union, EDUCAUSE, Media Access Project, New America Foundation, and U.S. PIRG (Petitioners). The Petitioners ask the Federal Communications Commission (Commission) to clarify the regulatory status of text messaging services, including short-code based services sent from and received by mobile phones, and declare that these services are governed by the anti-discrimination

provisions of Title II of the Communications Act.

DATES: Interested parties may file comments on or before February 13, 2008, and reply comments on or before March 14, 2008.

ADDRESSES: You may submit comments, identified by WT Docket No. 08–7, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice released on January 14, 2008. The full text of the Public Notice is available for public inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th St., SW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th St., SW., Room CY–B402, Washington, DC, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.* Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov.*

The Petitioners assert that text messaging is ''rapidly becoming a major mode of speech, as a replacement for and a complement to traditional voice communications,'' and that ''short codes are developing into an important tool for political and social outreach.'' The Petitioners allege that mobile carriers ''arbitrarily decide what customers to serve and which speech to allow in text messages, refusing to serve those that they find controversial or that compete with the mobile carriers' services.'' In their Petition, the Petitioners request that the Commission declare that text messaging services are ''commercial mobile services'' governed by Title II, and thus are subject to the non-discrimination provisions of section 202. Alternatively, the Petitioners request that, if the Commission declares that these services are ''information services'' subject to its Title I authority, the Commission should exercise ancillary jurisdiction to apply the non-discrimination provisions of Title II to text messaging services. Petitioners also request that, in either case, the Commission should declare that refusing to provision a short code or otherwise blocking text messages because of the type of speech, or because the party seeking such service is a competitor, is ''unjust and unreasonable discrimination'' in violation of law.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.
- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Federal Communications Commission.

Fred B. Campbell, Jr.,

Chief, Wireless Telecommunications Bureau.

[FR Doc. E8–1452 Filed 1–25–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).