

II. Background

Pursuant to TSCA section 5(a)(1), any person manufacturing (including importing) a new chemical substance must file with EPA a PMN (or applicable exemption) at least 90 days prior to manufacture, unless the substance is excluded from PMN reporting. See 40 CFR part 720 regarding when reporting is required.

CNTs are considered chemical substances subject to the jurisdiction of TSCA unless and to the extent they are within the classes of materials specified in TSCA section 3(2)(B) as outside the jurisdiction of TSCA, such as pesticides, foods, drugs, and cosmetics. For example, nanoscale materials used in drugs are subject to the jurisdiction of the U.S. Food and Drug Administration.

EPA has taken steps to inform manufacturers that CNTs may require notification under TSCA section 5. EPA has made numerous public statements and responses to written inquiries indicating that CNTs are not necessarily identical to graphite or other allotropes of carbon. Manufacturers have been encouraged to submit a *bona fide* intent to manufacture or import, to submit a notice under TSCA section 5 (where required), or contact the Agency with additional questions. On July 12, 2007 (72 FR 38081) (FRL-8139-9) and January 28, 2008 (73 FR 4861) (FRL-8344-5), EPA issued **Federal Register** notices which reference a paper, TSCA Inventory Status of Nanoscale Substances—General Approach. EPA stated in that document that CNTs might not have the same molecular identity as non-nanoscale allotropes of carbon. EPA has received and is reviewing several PMNs for CNTs as new chemical substances.

Despite these efforts, current pre-notice inquiries to the Agency and questions in public forums still indicate a lack of clarity on this issue. Some of the misunderstanding may be the result of an EPA communication to a chemical manufacturer a number of years ago pertaining to a substance the Agency now considers to be a carbon nanotube material. EPA's initial response, which was specific to that inquiry and based upon the information presented at the time, was that the material was already on the TSCA Inventory. EPA has since notified that manufacturer that a PMN is required for that carbon nanotube material. Nonetheless, the Agency understands that the earlier communication may have been misunderstood by some companies as a possible indication that all CNTs may be equivalent to other allotropes of carbon for purposes of the TSCA Inventory.

This document is intended to give notice of the potential TSCA requirements applicable to CNTs. If a particular CNT is not on the TSCA Inventory, anyone who intends to manufacture or import that CNT is required to submit a PMN (or applicable exemption) under TSCA section 5 at least 90 days before commencing manufacture. Manufacturers may submit a *bona fide* intent to manufacture or import under 40 CFR 720.25 to determine whether a specific CNT is on the TSCA Inventory. Companies may also contact the Agency with specific questions. EPA strongly recommends that persons who currently manufacture CNTs for commercial purposes determine whether their CNTs are on the TSCA Inventory and in compliance with the TSCA section 5 requirements.

EPA continues to enforce TSCA consistent with its other priorities. Some time after March 1, 2009, EPA

anticipates focusing its compliance monitoring efforts to determine if companies are complying with TSCA section 5 requirements for carbon nanotubes.

If you have further questions regarding notification requirements for CNTs, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Carbon nanotubes, Chemicals, hazardous substances, Nanoscale materials.

Dated: October 27, 2008.

James B. Gulliford,

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

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Tuesday, November 4, 2008

October 28, 2008.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, November 4, 2008, which is scheduled to commence at 11 a.m. in Room TW-C305, at 445 12th Street, SW., Washington, DC. With respect only to item #5 listed below, the Commission is waiving the sunshine period prohibition contained in section 1.1203 of the Commission's rules, 47 CFR 1.1203, until 5:30 pm, Friday, October 31, 2008. Thus, presentations with respect to item #5 will be permitted until that time.

| Item No. | Bureau | Subject |
|----------|-----------------------------------|--|
| 1 | Wireline Competition | <p>Title: High-cost Universal Service Support (WC Docket No. 05-337); Federal-State Joint Board on Universal Service (CC Docket No. 96-45); Lifeline and Link Up (WC Docket No. 03-109); Universal Service Contribution Methodology (WC Docket No. 06-122); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CG Docket No. 03-123); Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (CC Docket No. 96-98); Developing a Unified Inter-carrier Compensation Regime (CC Docket No. 01-92); Inter-carrier Compensation for ISP-Bound Traffic (CC Docket No. 99-68); and IP-Enabled Services (WC Docket No. 04-36).</p> <p>Summary: The Commission will consider a Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking addressing the comprehensive reform of inter-carrier compensation and universal service.</p> |
| 2 | Wireless Telecommunications | <p>Title: Applications of Union Telephone Company; Cellco Partnership d/b/a Verizon Wireless For 700 MHz Band Licenses, Auction No. 73.</p> <p>Summary: The Commission will consider a Memorandum Opinion and Order addressing the Auction 73 applications of Cellco Partnership d/b/a Verizon Wireless and Union Telephone Company, and a Petition to Condition Grant filed by Google Inc. and Google Airwaves Inc.</p> |

| Item No. | Bureau | Subject |
|----------|--|--|
| 3 | Wireless Telecommunications | <i>Title:</i> Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC (WT Docket No. 08–95); For Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and DeFacto Transfer Leasing Arrangements; and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act <i>Summary:</i> The Commission will consider a Memorandum Opinion and Order and Declaratory Ruling addressing applications for transfer of licenses, authorizations, and spectrum leasing arrangements filed by Verizon Wireless and Atlantis Holdings. |
| 4 | Wireless Telecommunications | <i>Title:</i> Sprint Nextel Corporation and Clearwire Corporation; Applications For Consent to Transfer Control of Licenses and Authorizations (WT Docket No. 08–94) <i>Summary:</i> The Commission will consider a Memorandum Opinion and Order addressing applications for transfer of control of licenses, authorizations, and spectrum leases filed by Sprint Nextel Corporation and Clearwire Corporation and their subsidiaries. |
| 5 | Office of Engineering and Technology | <i>Title:</i> Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186); and Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band (ET Docket No. 02–380) <i>Summary:</i> The Commission will consider a Second Report and Order and Memorandum Opinion and Order to consider rules for operation of low power devices in the broadcast television spectrum. |
| 6 | Media | <i>Title:</i> Digital Television Distributed Transmission System Technologies (MB Docket No. 05–312) <i>Summary:</i> The Commission will consider a Report and Order to adopt rules for the use of distributed transmission system (“DTS”) technologies in the digital television (“DTV”) service. |
| 7 | Consumer & Governmental Affairs | <i>Title:</i> Closed Captioning of Video Programming (CG Docket 05–231); and Closed Captioning Requirements for Digital Television Receivers (ET Docket No. 99–254) <i>Summary:</i> The Commission will consider a Declaratory Ruling and Order concerning the application of the Commission’s closed captioning requirements to digital programming, as well as measures regarding the handling and addressing of consumer concerns and complaints regarding closed captioning. |

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request.

Include a description of the accommodation you will need. Also include a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC’s Audio/Video Events Web page at <http://www.fcc.gov/realaudio>.

For a fee this meeting can be viewed live over George Mason University’s Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to <http://www.capitolconnection.gmu.edu>.

Copies of materials adopted at this meeting can be purchased from the

FCC’s duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at FCC@BCPIWEB.com.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

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FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (“FTC” or “Commission”).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (“OMB”) for review, as required by the Paperwork Reduction Act. The FTC is seeking public comments on its proposal to extend through February 28, 2012, the current PRA clearances for information collection requirements contained in

four product labeling rules enforced by the Commission. Those clearances expire on February 28, 2009.

DATES: Comments must be received by December 30, 2008.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to “Apparel Rules: FTC File No. P074201” to facilitate the organization of comments. Please note that comments will be placed on the public record of this proceeding—including on the publicly accessible FTC website, at <http://www.ftc.gov/os/publiccomments.shtm>—and therefore should not include any sensitive or confidential information. In particular, comments should not include any sensitive personal information, such as an individual’s Social Security Number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any “[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential. . .,” as provided in Section 6(f) of the FTC Act, 15 U.S.C.