

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

- 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.

- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

- Describe any assumptions and provide any technical information and/or data that you used.

- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

**SUPPLEMENTARY INFORMATION:** Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which “cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.” The EPA then issues air quality criteria for listed pollutants, which are commonly referred to as “criteria pollutants.” The air quality criteria are to “accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying quantities.” Under section 109 of the CAA, EPA establishes NAAQS for each listed pollutant, with the NAAQS based on the air quality criteria. Section 109(d) of the CAA requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.

Air quality criteria have been established for particulate matter (PM) and NAAQS have been established for PM<sub>2.5</sub> and PM<sub>10</sub>, to provide protection for fine and coarse particles, respectively. Presently, EPA is reviewing the air quality criteria and NAAQS for PM. The EPA’s overall plan

and schedule for this review is presented in the *Integrated Review Plan for the National Ambient Air Quality Standards for Particulate Matter*.<sup>1</sup> A draft of the integrated review plan was released for public review and comment in October 2007 and was the subject of a consultation with the Clean Air Scientific Advisory Committee (CASAC) on November 30, 2007 (72 FR 63177; November 8, 2007). Comments received from that consultation and from the public were considered in finalizing the plan and in beginning the review of the air quality criteria.

As part of the review of the air quality criteria for PM, EPA’s Office of Research and Development (ORD) has completed a draft document, *Integrated Science Assessment (ISA) for Particulate Matter* (First External Review Draft, December 2008) and requested review by the CASAC and the public (73 FR 77686; December 19, 2008). In the future, EPA’s OAQPS will prepare a Risk and Exposure Assessment (REA) focusing on: (1) Human health risk and exposure assessment, and (2) assessment of urban visibility impairment. The two planning documents announced today describe the planned approaches for conducting the quantitative assessments that will be presented in the REA as part of the review of the primary (health-based) and secondary (welfare-based) PM NAAQS. These documents are available on the Agency’s Technology Transfer Network (TTN) Web site at [http://www.epa.gov/ttn/naaqs/standards/pm/s\\_pm\\_index.html](http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_index.html). These documents may be accessed in the “Documents from Current Review” section under “Planning Documents.” These planning documents are intended to provide enough specificity to facilitate consultation with CASAC, as well as for public review, in order to obtain advice on the overall scope, approaches and key issues in advance of the conduct of the quantitative analyses and presentation of results in the first draft REA. The CASAC consultation on these two planning documents coincides with its review of the first draft ISA. This CASAC meeting is scheduled for April 1 and 2, 2009. A separate **Federal Register** notice provides additional details about this meeting and the process for participation (74 FR 7688; February 19, 2009).

<sup>1</sup> EPA 452R-08-004; March 2008; Available: [http://www.epa.gov/ttn/naaqs/standards/pm/s\\_pm\\_2007\\_pd.html](http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_2007_pd.html).

Dated: February 27, 2009.

**Jeffrey S. Clark,**

*Acting Director, Office of Air Quality Planning and Standards.*

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## FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 02-278; DA 09-542]

### Consumer and Governmental Affairs Bureau Seeks Comment on Paul D.S. Edwards Petition for Expedited Clarification and Declaratory Ruling Concerning the Telephone Consumer Protection Act (TCPA) Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission seeks comment on a petition for an expedited clarification and declaratory ruling, filed by Paul D.S. Edwards (Edwards), asking whether a creditor may place autodialed or prerecorded message calls to a telephone number associated with wireless service that was provided to the creditor initially as a telephone number associated with landline service.

**DATES:** Comments are due on or before April 2, 2009. Reply comments are due on or before April 13, 2009.

**ADDRESSES:** Interested parties may submit comments and reply comments identified by [CG Docket No. 02-278], by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission’s Electronic comment Filing System (ECFS), through the Commission’s Web site: <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, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number, which in this instance is [CG Docket No. 02-278]. 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](mailto:ecfs@fcc.gov), and include the following words in the body of the message, “get form <your e-mail address>.” 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. 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 the Commission continues 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 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 should be addressed to 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Karen Johnson, Consumer and Governmental Affairs Bureau, Policy Division, at (202) 418-7706 (voice), or e-mail [Karen.Johnson@fcc.gov](mailto:Karen.Johnson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On January 12, 2009, Edwards filed a petition for expedited clarification and declaratory ruling concerning the Telephone Consumer Protection Act. See *Petition for Expedited Clarification*, filed by Paul D. S. Edwards, January 12, 2009 (*Petition*). This is a summary of the Commission's Public Notice DA 09-542. Pursuant to 47 CFR 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on Edwards's *Petition* on or before the dates indicated above. This proceeding shall be treated as a permit-but-disclose proceeding under the *ex parte* rules, which are codified at 47 CFR 1.1200(a) and 1.1206. Therefore, *ex parte* presentations will be allowed but must be disclosed in accordance with the requirements of 1.1206(b) of the Commission's Rules, 47 CFR 1.1206(b). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex*

*parte* presentations in permit-but-disclose proceedings are set forth in 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

The full text of document DA 09-542 and any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554, (202) 418-0270. Document DA 09-542 and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at the contractor's Web site, [www.bcpweb.com](http://www.bcpweb.com), or by calling (800) 378-3160. Furthermore, document DA 09-542 and any subsequently filed documents in this matter, and a copy of the underlying *Petition* may be found by searching ECFS at <http://www.fcc.gov/cgb/ecfs> (insert [CG Docket No. 02-278] into the Proceeding block).

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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Document DA 09-542 can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/policy/headlines.html>.

**Synopsis**

On January 12, 2009, Edwards filed a petition for an expedited clarification and declaratory ruling regarding the Commission's rules under the TCPA. Specifically, Edwards asks the Commission to clarify whether a creditor may place autodialed or prerecorded message calls to a telephone number associated with wireless service that was provided to the creditor initially as a telephone number associated with landline service. Section 64.1200(a)(1)(iii) of the Commission's rules prohibits the initiation of "any telephone call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice, to any telephone number assigned to \* \* \* cellular telephone service. \* \* \*". The Commission concluded that such calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the "prior express consent" of the called party.

Edwards asserts that the Commission's ruling permits debt

collection calls to a wireless telephone number only when the consumer, in that instance, provides the wireless telephone number to the creditor. Edwards contends that when the creditor is initially provided a "landline" telephone number, and subsequently that "landline" number is ported to a cellular telephone, an established business relationship, "prior express consent," or other exemption from section 227(b)(1)(A)(iii) of the TCPA is not created. Edwards concludes that compliance with the TCPA requires that the consumer must have provided the creditor a telephone number assigned to a wireless service in order for calls to the wireless telephone number to be permissible. Accordingly, the Commission seeks comment on Edwards's petition.

Federal Communications Commission.

**Erica McMahon,**

*Division Chief, Consumer and Governmental Affairs Bureau.*

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

**Agency Information Collection Activities: Proposed Collection Renewals (0028; 0121); Comment Request**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning the following continuing collections of information titled: (1) Recordkeeping and Confirmation Requirements for Securities Transactions (3064-0028); and (2) Certification of Compliance with Mandatory Bars to Employment (3064-0121).

**DATES:** Comments must be submitted on or before May 18, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments on the collections of information entitled: (1) Recordkeeping and Confirmation Requirements for Securities Transactions (3064-0028); and (2) Certification of Compliance with