

the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

## X. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements, Cuprous oxide.

Dated: June 18, 2015.

**Jennifer L. McClain,**

*Acting Director, Antimicrobials Division,  
Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

## PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. Add paragraph (a)(5) to § 180.1021 to read as follows:

**§ 180.1021 Copper; exemption from the requirement of a tolerance.**

(a) \* \* \*

(5) Copper oxide embedded in polymer emitter heads used in irrigation systems for root incursion prevention.

\* \* \* \* \*

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**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket No. 13-49; FCC 15-61]

### Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; request for waiver.

**SUMMARY:** In this document, the Commission has waived requirements of certain rules that the National Information Infrastructure (U-NII) devices must comply with. This action is in response to a request by a group of interested parties to extend this compliance deadline as part of a larger review of the transition provision adopted for the U-NII-3 band. In order to facilitate the new technical requirements, without unduly impairing the availability or cost of U-NII devices or imposing undue burdens on manufacturers or the public the Commission adopted transition provisions which are outlined in the Commission's rules. Doing so will give the Commission adequate time to consider the entire record, including the Joint Petitioners, as part of the reconsideration proceeding.

**DATES:** *Effective date:* This rule is effective July 1, 2015. *Applicability date:* Applicable June 1, 2015, the requirements in § 15.37(h) are waived until December 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Aole Wilkins, Office of Engineering and Technology, (202) 418-2406, email: [Aole.Wilkins@fcc.gov](mailto:Aole.Wilkins@fcc.gov), TTY (202) 418-2989.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, ET

Docket No. 13-49; FCC 15-61, adopted June 1, 2015, and released June 1, 2015. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov).

## Summary of Order

1. By this Order, the Commission waives until December 2, 2015 the requirement in § 15.37(h) of the Commission's rules that certain National Information Infrastructure (U-NII) devices must comply with its § 15.407 rules to be certified on and after June 2, 2015. This action is taken in response to a request by a group of interested parties (Joint Petitioners) to extend this compliance deadline as part of a larger review of the transition provisions the Commission recently adopted for the U-NII-3 band. This action is being taken without prejudice relative to the merits of the Joint Petitioners' filings in the docket.

2. On April 1, 2014, the Commission released a *First Report and Order* in the above-captioned proceeding. This *First R&O* increased the utility of the 5 GHz band where U-NII devices operate, and modified certain U-NII rules and testing procedures to ensure that U-NII devices do not cause harmful interference to authorized users of the band. The *First R&O*, *inter alia*, extended the upper edge of the 5.725–5.825 GHz U-NII-3 band to 5.85 GHz and consolidated the provisions applicable to digitally modulated devices from § 15.247 of the rules with the U-NII-3 rules in § 15.407 so that all the digitally modulated devices operating in the U-NII-3 band will operate under the same set of rules and be subject to the new device security requirement. Notably, the consolidated rules adopted require the more stringent out-of-band emissions limit formerly applicable only to U-NII-3 devices in order to protect Terminal Doppler Weather Radar (TDWR) facilities from inference.

3. To facilitate the transition to the new technical requirements, without unduly impairing the availability or cost of U-NII devices or imposing undue burdens on manufacturers, or the public, the Commission adopted transition provisions which are outlined in § 15.37(h). These transition provisions require that the marketing, sale and importation into the United States of digitally modulated and hybrid devices designed to operate in the U-NII-3 band and certified under the old § 15.247 rules must cease by June 2, 2016. As an intermediate measure, they

provide that after June 2, 2015, digital modulation devices and the digital modulation portion of hybrid devices designed to operate in the U-NII-3 band must meet the new § 15.407 U-NII-3 rules to be FCC certified. This waiver order exclusively addresses the June 2, 2015 certification requirement.

4. Petitions for reconsideration of the *First R&O* are still pending. While the petitioners have generally alleged that the current state of the technology inhibits the design of affordable products that could comply with the more stringent out-of-band emission limits for the U-NII-3 band, the alternatives they suggested have been wide-ranging and many of the parties could not agree on a single solution that would meet the needs of the varying industry segments. Significant information was, and continues to be, submitted into the record. In particular, on March 23, 2015, the Joint Petitioners filed a self-styled "Consensus Proposal." This detailed filing included technical rules that would significantly modify the out-of-band emission limits adopted for the U-NII-3 Band in the *First R&O*. Shortly thereafter, the Joint Petitioners requested that the Commission waive § 15.37(h) of the rules.

5. In light of the recent activity in the docket, The Commission conclude that there is good cause to grant a waiver of the June 2, 2015 U-NII device certification date. Doing so will give the Commission adequate time to consider the entire record—including the Joint Petitioners' "Consensus Proposal"—as part of the reconsideration proceeding, and it will continue to certify U-NII-3 band devices meeting the requirements of the old § 15.427 until December 2, 2015. A brief extension of the intermediate transition deadline will not frustrate the ultimate U-NII-3 transition adopted in the *First R&O*, including the Commission's determinations regarding the marketing, importation, and sale of digitally modulated and hybrid devices. Grant of the waiver, however, will permit manufacturers to better plan their research and design activities to comply with the outcome of any further action we may take on reconsideration.

6. Pursuant to the authority in § 1.3 of the Commission's rules, 47 CFR 1.3, and sections 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 302, 303(e) and 303(r), IT is ordered that the § 15.37(h) of the Commission's rules, 47 CFR 15.37(h) is waived to the extent discussed above until December 2, 2015.

7. The effective date of the Order is June 1, 2015, the date upon which this Order was released by the Commission.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 2015-14806 Filed 6-30-15; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 17

[WT Docket No. 10-88; FCC 14-117]

#### Amendments To Modernize and Clarify the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, certain information collection requirements associated with the Commission's *Report and Order* regarding Amendments to Modernize and Clarify the Commission's rules concerning construction, marking and lighting of antenna structures. This document is being published pursuant to the *Report and Order*, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the revised information collection requirements.

**DATES:** Amendments to 47 CFR 17.4, 17.48 and 17.49, published at 79 FR 56968, September 24, 2014, are effective on July 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cathy Williams by email at [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov) and telephone at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** This document announces that, on May 13, 2015, OMB approved certain information collection requirements contained in the Commission's *Report and Order*, FCC 14-117, published in 79 FR 56968, September 24, 2014. The OMB Control Number is 3060-0645. The Commission publishes this notice as an announcement of the effective date of these information collection requirements.

## Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on May 13, 2015, for the revised information collection requirements contained in the Commission's rules at 47 CFR 17.4, 17.48 and 17.49. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-0645.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-0645.

*OMB Approval Date:* May 13, 2015.

*OMB Expiration Date:* May 31, 2018.

*Title:* Sections 17.4, 17.48 and 17.49, Antenna Structure Registration Requirements.

*Form Number:* N/A.

*Respondents:* Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

*Number of Respondents and Responses:* 20,000 respondents; 475,134 responses.

*Estimated Time per Response:* .1-25 hours.

*Frequency of Response:* On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303.

*Total Annual Burden:* 50,198 hours.

*Total Annual Cost:* \$64,380.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Act Impact Assessment:* This collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission requested OMB approval for a revision of this information collection in order to