

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.

Dated: October 30, 2014.  
**Susan Lewis,**  
*Director, Registration 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. In § 180.940, the table in paragraph (a) is amended by alphabetically adding an entry for “FD&C Red No. 40” before the entry for “FD&C Yellow No. 5” to read as follows:

**§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).**

\* \* \* \* \*  
 (a) \* \* \*

Pesticide chemical	CAS Reg. No.	Limits
FD&C Red No. 40	25956-17-6	When ready for use, the end-use concentration is not to exceed 20 ppm.

\* \* \* \* \*  
 [FR Doc. 2014-26526 Filed 11-6-14; 8:45 am]  
**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 15**

[DA 14-1507]

**Unlicensed Personal Communications Services Devices in the 1920-1930 MHz Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission revises its rules. The practical effect of this decision is that applicants for certification of Unlicensed Personal Communications Service (UPCS) devices will no longer be required to be members of UTAM, Inc. (UTAM).

**DATES:** Effective November 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** Patrick Forster, Senior Engineer, (202) 418-7061, Policy and Rules Division, Office of Engineering and Technology, (202) 418-2290, *Patrick.Forster@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Order* adopted October 20, 2014, and released October 20, 2014, DA 14-1507. The full text of this document is available on the Commission’s Internet site at *www.fcc.gov*. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission’s

duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St. SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; email *FCC@BCPIWEB.COM*.

**Summary of the Order**

1. The *Order* revises part 15 subpart D of the Commission’s rules to remove and reserve § 15.307. As a result of this decision, applicants for certification of Unlicensed Personal Communications Service (UPCS) devices will no longer be required to be members of UTAM, Inc. (UTAM). The Commission took the action to eliminate the rule without notice and comment procedures pursuant to section 553(b)(b) of the Administrative Procedures Act (5 U.S.C. 553(b)(B)).

2. Section 15.307 has served, along with other Commission actions, to ensure that UTAM is reimbursed for the costs it incurred in clearing the 1910-1930 MHz band of incumbent microwave licensees. In a letter submitted to the Commission, UTAM indicated that this objective had been met. The Commission agreed, and concluded that the rule no longer served its intended purpose. Moreover, because UTAM’s board of directors had proposed to its membership a plan of dissolution and cessation of all corporate activities, the Commission anticipated that it would soon become impossible for UPCS device manufacturers to satisfy § 15.307’s membership requirement.

3. In 1993, the Commission reallocated the 1910-1930 MHz band from the Private Operational Fixed Microwave Service (POFS) to UPCS use. As part of this reallocation, the Commission designated UTAM to

manage the transition of the 1910-1930 MHz band from POFS to UPCS use. Under the relocation funding plan approved by the Commission, UTAM would pay to relocate or agree to share the costs to relocate incumbent services in the band, and future UPCS device manufacturers would reimburse UTAM for their share of the incurred costs. The UPCS device manufacturers would reimburse UTAM via a fee for each device sold (which UTAM subsequently eliminated), as well as a membership fee set by UTAM. To ensure that UTAM received this reimbursement, the Commission required—via § 15.307—that each application for certification of UPCS equipment be accompanied by an affidavit from UTAM certifying that the applicant was a member of UTAM.

4. In 2004, the Commission re-designated the 1910-1915 MHz and 1915-1920 MHz bands from UPCS use to Broadband PCS and Advanced Wireless Service (AWS) operations, respectively. As part of the 1910-1915 MHz band re-designation, the Commission determined that UTAM was entitled to a reimbursement from Nextel Communications, Inc. (the 1910-1915 MHz band licensee) for 25 percent—on a *pro rata* basis—of the total relocation costs it had incurred in clearing the 1910-1930 MHz band of incumbent microwave stations. In 2007, Sprint Nextel Corp. (successor to Nextel), reimbursed UTAM for these costs.

5. Similarly, as part of the 1915-1920 MHz band re-designation, the Commission determined that UTAM was entitled to a reimbursement from the future AWS licensee(s) in the 1915-1920 MHz AWS-2 band for 25 percent—on a *pro rata* basis—of the total relocation costs it had incurred in

clearing the 1910–1930 MHz band of incumbent microwave stations. On May 29, 2014, DISH, the sole licensee in the 1915–1920 MHz band, reimbursed UTAM for these costs.

6. Based on the reimbursements paid by Sprint and DISH, as well as the membership and device fees that had been paid by UPCS device manufacturers, UTAM determined that it could satisfy all of its financial obligations associated with clearing the entire 1910–1930 MHz band. Accordingly, it prepared a plan of dissolution and cessation of all corporate activities. It also asked the Commission to suspend enforcement of § 15.307 pending administrative action to eliminate the rule in its entirety.

7. The Commission found that there was good cause to eliminate the rule in its entirety. UTAM no longer needed the reimbursement funds that § 15.307 was designed to provide, continued application of the rule would impose an unnecessary financial burden on UPCS device manufacturers who may seek to develop new and innovative products, and it would no longer be possible to comply with the rule once UTAM dissolved. The Commission further determined that it could take action to eliminate the rule without notice and comment rulemaking procedures, pursuant to section 553(b)(B) of the Administrative Procedure Act. Among other things, section 553(b)(B) establishes an exception to the notice-and-comment requirement for cases in which the Commission finds good cause for concluding that notice and comment are “unnecessary.” The Commission found that because § 15.307 no longer had any purpose now that the relocation reimbursement obligations have been satisfied and UTAM would be disbanding, the provisions of section 553(b)(B) were applicable to this situation.

8. The Commission removed and reserved § 15.307, effective upon publication of the *Order* in the **Federal Register**. Until that time, and effective immediately, the Commission stayed the effectiveness of the rule. The Commission took these actions under the delegated authority granted to the Office of Engineering and Technology. Thus, upon release of the *Order*, it was no longer necessary for applicants for equipment certification of UPCS devices to obtain and submit to the Commission certification of membership in UTAM pursuant to § 15.307 of our rules.

#### Congressional Review Act

9. Because the *Order* was adopted without notice and comment, the Regulatory Flexibility Act does not

apply, *see* 5 U.S.C. 601, *et seq.* The Commission will not send a copy of the *Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the rules are of a particular applicability.

#### Paperwork Reduction Analysis

10. This document does not contain any new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.

#### Ordering Clauses

11. Pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the *Order* is hereby *adopted* and part 15 of the Commission’s rules is *amended* as set forth in the Final Rules effective upon publication in the **Federal Register**.

#### List of Subjects in 47 CFR Part 15

Communications equipment, Radio, Reporting, and Recordkeeping.  
Federal Communications Commission.  
**Julius P. Knapp**,  
*Chief, Office of Engineering and Technology.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 15 as follows:

#### PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

#### § 15.307 [Removed and Reserved]

■ 2. Section 15.307 is removed and reserved.

[FR Doc. 2014–26429 Filed 11–6–14; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

**RIN 0648–XD548**

#### Fraser River Sockeye Salmon Fisheries; Inseason Orders

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary orders; inseason orders.

**SUMMARY:** NMFS publishes Fraser River salmon inseason orders to regulate treaty and non-treaty (all citizen) commercial salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during the 2014 salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen commercial fisheries during the period the Panel exercised jurisdiction over these fisheries.

**DATES:** The effective dates for the inseason orders are set out in this document under the heading Inseason Orders.

**FOR FURTHER INFORMATION CONTACT:** Peggy Mundy at 206–526–4323.

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631–3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F, provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission’s Fraser River Panel for U.S. sockeye salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Fraser River Panel Area to U.S. sockeye tribal and non-tribal commercial fishing unless opened by Panel orders that are given effect by inseason regulations published by NMFS. During the fishing season, NMFS may issue regulations that establish fishing times and areas consistent with the Commission agreements and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations and are issued by the Regional Administrator, West Coast Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1) and in 79 FR 24580 (May 1, 2014). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical.

#### Inseason Orders

The following inseason orders were adopted by the Panel and issued for U.S.