

accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov*, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

- 2. Section 52.2570 is amended by adding paragraph (c)(141) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(141) On December 13, 2019, the Wisconsin Department of Natural Resources submitted a State Implementation Plan revision request regarding the state's volatile organic compound (VOC) reasonably available control technology (RACT) rules for offset lithographic printing operations. These revisions include amendments to Wisconsin Administrative Code Chapter NR 422 that are consistent with the latest CTG issued by EPA in 2006 and clarify and streamline the VOC RACT requirements for lithographic printing facilities located in nine counties in Wisconsin (Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha).

(i) *Incorporation by reference.*

Wisconsin Administrative Code NR 422.02 "Definitions.", NR 422.142 "Lithographic Printing—Part 1.", and NR 422.143 "Lithographic Printing—Part 2.", as published in the Wisconsin Administrative Register June 2019, No. 762, effective July 1, 2019.

(ii) [Reserved]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Dkt. No. 17-310; DA 20-1420; FRS 17373]

Promoting Telehealth in Rural America

AGENCY: Federal Communications Commission.

ACTION: Final rule and order; notification of operational date.

SUMMARY: In this document, the Federal Communications Commission

(Commission) announces the operational date of certain rules for funding year 2020.

DATES: This Order is effective March 15, 2021.

FOR FURTHER INFORMATION CONTACT:

Bryan Boyle, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY: (202) 418-0484 or via email: Bryan.Boyle@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Order in WC Docket No. 17-310; DA 20-1420, adopted and released November 30, 2020. Due to the COVID-19 pandemic, the Commission's headquarters will be closed to the general public until further notice. The full text of this document is available at the following internet address: <https://docs.fcc.gov/public/attachments/DA-20-1420A1.pdf>.

I. Introduction

1. The Wireline Competition Bureau (Bureau) amends the prior decision, adopted in the *December 2019 Public Notice (DA 19-1253)*, to delay the implementation date of certain rule changes introduced in the *Promoting Telehealth Report and Order (FCC 19-78)*. Specifically, in light of changed circumstances, the Bureau finds that the rules should be implemented as soon as possible, and hence the Order accelerates the operational date of those rules, thereby ensuring that the updated site and service substitution rules, corrective and operational Service Provider Identification Number (SPIN) change rules, service delivery deadline extension rules, and invoicing deadline extension rules adopted in the *Promoting Telehealth Report and Order* will be fully effective for the remainder of funding year 2020. The Bureau anticipates that this action will help Rural Health Care (RHC) Program participants, now faced with the challenges of the COVID-19 pandemic, address changing circumstances in the current funding year and beyond.

II. Discussion

2. Through the Order the Bureau ensures that the rule changes in the *Promoting Telehealth Report and Order* adopting site and service substitutions for the Telecom Program, amending the SPIN change process to allow for corrective and operational changes across both the Healthcare Connect Fund and Telecom Programs, establishing a service delivery deadline of June 30 while permitting a one-year extension of the service delivery deadline, and permitting a one-time 120-day invoice filing extension will be

effective for the remainder of funding year 2020. The *December 2019 Public Notice* pushed back the operational dates to funding year 2021 for all rule changes requiring approval pursuant to the Paperwork Reduction Act (PRA). Now that such PRA approval (*eff.* June 19, 2020 (85 FR 37022)) has been obtained and in light of changed circumstances arising from the COVID-19 emergency, the Bureau recognizes that making these aforementioned rules operational for funding year 2020 could provide helpful flexibility to health care providers during the current funding year. Accordingly, the Bureau amends the earlier action in the *December 2019 Public Notice* so that the updated site and service substitution rules, corrective and operational SPIN change rules, and service delivery deadline and invoicing deadline extension rules will become operational for the remainder of funding year 2020, on March 15, 2021.

3. The COVID-19 pandemic has caused an unprecedented medical emergency, highlighting the need for remote telehealth options to treat and save the lives of Americans. The Bureau anticipates that the rule changes that are made operational for the remainder of funding year 2020 will help health care providers with changing circumstances as they serve patients in rural areas during this COVID-19 pandemic. The Bureau takes this action to amend the operational date of the rules to provide health care providers with increased flexibility to make changes to funding requests and seek extensions of RHC Program deadlines. The rules that are the subject of the Order were intended to harmonize requirements between the Telecom and Healthcare Connect Fund Programs and reduce administrative burdens on health care providers. Amending the operational date of the rules will, among other things, allow health care providers to seek extensions of the service delivery deadlines and invoice deadlines, make site and service substitution requests, and make SPIN changes. The COVID-19 pandemic is a heavy burden on health care providers, and the amendment of the operational date of the rules will assist program participants as they work to treat patients during the health emergency. Accordingly, the Bureau finds good cause exists given the urgent health care crisis to dispense with additional notice and comment, to the extent such notice and comment would normally be appropriate, before taking this action. The Bureau notes that the Order is consistent with the its prior actions in response to the COVID-19 pandemic, waiving filing deadlines and other

administrative requirements to increase broadband connectivity and administrative flexibility for health care providers.

4. The Order will become effective March 15, 2021. Any program participants seeking site and service substitutions or SPIN changes for the portion of funding year 2020 prior to the effective date of the Order may seek a waiver of the Commission's rules. Additionally, in the event that a program participant is negatively impacted by any of the actions taken in the Order, it may file a petition for waiver seeking relief from the updated effective date and request to use the rules predating the *Promoting Telehealth Report and Order* through funding year 2020.

5. The Universal Service Administrative Company (USAC), the Universal Service Administrator, is currently working to implement technology changes that will allow program participants to make filings requesting changes consistent with the *Promoting Telehealth Report and Order*. In conjunction with the implementation of the new rules, USAC is updating its information technology systems to allow program participants to file the appropriate forms; however, those changes have not been implemented. Currently, USAC is working under a schedule stemming from the *December 2019 Public Notice*, in which the changes were to be implemented prior to the start of funding year 2021. The Commission expects that USAC will have implemented all technology deployments related to these rule changes before the end of funding year 2020. Because invoice extension requests and service delivery deadline requests occur at the end of the funding year, there should be no need for health care providers to make these requests before USAC is in position to accept such requests. Some health care providers, however, will likely wish to make SPIN change and site and service substitution requests mid-year. To ensure that the changes can be requested throughout the year, the Commission directs USAC to develop and publicize within 30 days of the **Federal Register** publication, an interim system for processing site and service substitutions and SPIN changes that will be available until USAC launches its permanent technological solution.

III. Ordering Clauses

6. *Accordingly, it is ordered* that pursuant to the authority in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151-154 and 254, and pursuant to §§ 0.91 and

0.291 of the Commission's rules, 47 CFR 0.91 and 0.291, amending the operational date of §§ 54.624, 54.625, 54.626, and 54.627 of the Commission's rules, 47 CFR 54.624, 54.625, 54.626, and 54.627, as indicated herein.

7. *It is further ordered* that, pursuant to § 1.102(b)(1) of the Commission's rules, 47 CFR 1.102(b)(1), the order *shall be effective* March 15, 2021.

Federal Communications Commission.

Cheryl L. Callahan,

Assistant Chief, Telecommunications Access Policy Division Wireline Competition Bureau.

Editorial note: This document was received for publication at the Office of the Federal Register on January 8, 2021.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket Nos. 15-146; GN Docket No. 12-268; FCC 20-175; FRS 17303]

Amendment of the Commission's Rules To Provide for the Preservation of One Vacant Channel in the UHF Television Band for Use by White Space Devices and Wireless Microphones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Report and Order (Order), the Federal Communications Commission declines to adopt rules proposed in the Commission's 2015 Notice of Proposed Rulemaking, 30 FCC Rcd 6711 (2015) (2015 NPRM) in this proceeding and, therefore, terminates the proceeding. While the Commission continues to support unlicensed white space devices and wireless microphone user operations and continues to believe they serve important interests, based on the record of this proceeding and in light of other actions it has taken during the years since the rules were proposed, coupled with the increased burden that its 2015 proposal would place on the use by broadcasters of spectrum in the more consolidated TV band that now exists following the Incentive Auction, the Commission finds that the rules proposed in the 2015 NPRM would not serve the public interest. In reaching this conclusion, the Commission finds other actions it has taken since the 2015 NPRM to support white space devices and wireless microphones are the preferred avenues for the continued

support of these services. Accordingly, the Commission terminates this docket.

DATES: The decision is effective February 12, 2021.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Shaun.Maher@fcc.gov of the Media Bureau, (202) 418-2324.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*R&O*), MB Docket Nos. 15-146; GN Docket No. 12-268; FCC 20-175, adopted on December 8, 2020 and released December 9, 2020. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Synopsis

1. In this Order, the Commission declines to adopt the proposals in the 2015 NPRM finding that support of white space device and wireless microphone users is now more effectively being achieved through other Commission proceedings, and, as a result, the proposals to preserve a vacant channel for shared use by white space devices and wireless microphone operations do not serve the public interest.

2. The Commission finds that the spectrum landscape has changed significantly since 2015. Without question, today's TV band is smaller and more densely packed than it was at the time the Commission adopted the 2015 NPRM. To illustrate, at the time the 2015 NPRM was adopted, there were 1,384 full power and Class A television stations operating on UHF channels 21 through 51 for an average of 46 stations per channel. Today, there are 1,088 such stations operating on channels 21 through 36, an average of 68 stations per channel, many with expanded facilities. In addition, the TV band is more densely packed as a result of changes made by stations after the Incentive Auction and because reverse auction winners continue to operate in the new TV band. Analyses using the Commission's TVStudy software reveal that there are numerous major metropolitan areas in the United States that have no vacant, 6 MHz channels. This reality undermines the Commission's goal of creating a nationwide solution as proponents of the 2015 NPRM proposal argued on behalf of the proposal on the grounds that such a nationwide vacant channel was essential.

3. Subsequent to adoption of the 2015 NPRM, the Commission took a number of significant steps to ensure that white space device and wireless microphone operations can flourish. In responding to the 2015 NPRM, white space device proponents cited the need to create certainty that vacant channels would be available for their use in order to promote greater innovation in new devices and services, including increased access to broadband services across the country. The Commission believes that its more recent actions in other proceedings have helped to create such certainty by allowing for more robust service and efficient spectral use in the post-Incentive Auction television band as well as in the 600 MHz guard bands and 600 MHz wireless services and by revising the rules to allow for enhanced fixed white space device operations in rural areas. The Commission finds that these actions have achieved the benefits sought by white space device proponents and obviate the need to impose the burdensome vacant channel preservation requirement on television broadcasters. Similarly, when responding to the 2015 NPRM, wireless microphone users expressed concerns about the reduced amount of spectrum that would be available for use by wireless microphones in the repacked TV bands, and they cited to such concerns to support their call to preserve a vacant channel for shared use with white space devices. Once again, the Commission believes that the steps it has taken in other proceedings since the 2015 NPRM will ensure that wireless microphone operators have access to sufficient spectrum, including spectrum outside of the broadcast television band, to meet their needs. These actions underscore the conclusion that the regulatory approach proposed in the 2015 NPRM is no longer needed and is outweighed by the burden that such an action would place on the broadcast users of the TV band.

4. *White Space Devices.* In August 2015, recognizing the significantly altered regulatory landscape for unlicensed white space devices in the broadcast television bands, the Commission adopted its White Spaces R&O, 30 FCC Rcd 9551. In that proceeding, the Commission modified several rules to allow for more robust service and efficient spectral use in the post-Incentive Auction television band as well as in the 600 MHz guard bands and 600 MHz wireless services band that would be created as a result of repurposing the television bands following the Incentive Auction.