

current proposal to remove the language from this regulation regarding test methods for gaseous fluorides would correct this inconsistency by removing this remaining language from South Carolina Regulation 61–62.5, Standard No. 2—*Ambient Air Quality Standards*.

### III. Analysis of the State's Submittal

The analysis previously provided by EPA in its June 29, 2017 action approving removal of gaseous fluorides (as hydrogen fluoride) from South Carolina Regulation 61–62.5, Standard No. 2—*Ambient Air Quality Standards*, remains applicable today. Gaseous fluorides (as hydrogen fluoride) are not criteria pollutants. They are hazardous air pollutants, which SC DHEC regulates under South Carolina Regulation 61–62.5, Standard No. 8—*Toxic Air Pollutants*, a regulation that is outside of South Carolina's SIP. Approving the removal of this language from the South Carolina SIP is appropriate because there are no primary or secondary national ambient air quality standards related to this pollutant and because the testing standards for gaseous fluorides do not function in the SIP because EPA previously removed the standards for these pollutants from the SIP. The remaining changes to South Carolina Regulation 61–62.5, Standard No. 2—*Ambient Air Quality Standards* are non-substantive formatting changes. For these reasons, this SIP revision would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other CAA requirement pursuant to CAA section 110(l).

### IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference South Carolina Regulation 61–62.5, Standard No. 2—*Ambient Air Quality Standards*, state effective on April 24, 2020. EPA has made and will continue to make these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### V. Proposed Action

EPA is proposing to approve SC DEHC's April 24, 2020 SIP submittal proposing revisions to South Carolina Regulation 61–62.5, Standard No. 2—*Ambient Air Quality Standards* and incorporate those revisions into the SIP. EPA has determined that these revisions

meet the applicable requirements of sections 110 of the CAA and applicable regulatory requirements at 40 CFR part 51.

### VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 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 CAA. This proposed action merely proposes to approve state law as meeting Federal requirements and does not propose to impose additional requirements beyond those imposed by state law. For that reason, this proposed 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);
- 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 CAA; 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).

Because this proposed rule merely approves state law as meeting Federal requirements and does not impose

additional requirements beyond those imposed by state law, this proposed rule for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), “all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.” The CIN also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 20, 2021.

**John Blevins,**

*Acting Regional Administrator, Region 4.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 15, 25, 27, and 101

[WT Docket No. 20–443; GN Docket No. 17–183; DA 21–519; FR ID 27322]

### Expanding Flexible Use of the 12.2–12.7 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; denial of further extension of deadlines for filing comments and reply comments.

**SUMMARY:** In this document, the Commission denies the request of WorldVu Satellites Limited (ONEWEB), Kepler Communications, SpaceX Holdings, LLC, Intelsat License LLC, and SES S.A., for a further extension of the comment and reply comment deadlines for the proposed rule published in the **Federal Register**.

**DATES:** A further extension of the NPRM comment and reply comment deadlines,

filed on April 26, 2021, was denied on May 4, 2021. The deadlines for filing comments and reply comments in this proceeding continue to be May 7, 2021, and June 7, 2021, respectively, as published at 86 FR 20111, April 16, 2021.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Madelaine Maior of the Wireless Telecommunications Bureau, Broadband Division, at 202-418-1466 or *Madelaine.Maior@fcc.gov*; or Simon Banyai of the Wireless Telecommunications Bureau, Broadband Division, at 202-418-1443 or *Simon.Banyai@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, WT Docket No. 20-443; GN Docket No. 17-183; DA 21-519, adopted and released on May 4, 2021. The full text of this document is available at <https://docs.fcc.gov/public/attachments/DA-21-519A1.pdf>. For a full text of the *NPRM* document,<sup>1</sup> visit the FCC's Electronic Comment Filing System (ECFS) website at <http://www.fcc.gov/ecfs>. (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

## I. Background

1. On January 15, 2021, the Commission released a *NPRM* seeking input on the feasibility of allowing flexible-use services in the 12.2–12.7 GHz band (12 GHz band) while protecting incumbents from harmful interference.<sup>2</sup> In response to an unopposed motion filed by CCIA, et al. for an extension of time to file comments and replies to the *NPRM*,<sup>3</sup> the

Wireless Telecommunication Bureau (Bureau) released an Order on March 29, 2021, allowing an additional 30 days to file comments and replies (*Extension Order*).<sup>4</sup> The Bureau agreed with the parties that a 30-day extension was “warranted to provide commenters with additional time to prepare comments and reply comments that fully respond to the complex economic, engineering, and policy issues raised in the *NPRM*.”<sup>5</sup> The Bureau, however, declined the 12 GHz Alliance's request to suspend the deadlines until RS Access, LLC (RS Access) provided certain technical analyses, noting that such action might be rendered moot by the grant of the Extension Request.<sup>6</sup>

2. On April 26, 2021, the 12 GHz Alliance filed a request for a further extension of the comment and reply comment deadlines (Further Extension Request)<sup>7</sup> stating that, as previously explained, “the submission of the RS Sharing Studies is a gating criteria with respect to the ability of satellite stakeholders to prepare meaningful comments and that absent [that submission] a further extension of the comment cycle may be required.”<sup>8</sup> The 12 GHz Alliance notes that in the *Extension Order*, the Bureau “hoped that this issue would ‘be rendered moot’ by the extension of the comment cycle.”<sup>9</sup> The Further Extension Request

has received both opposition<sup>10</sup> and support.<sup>11</sup>

3. RS Access opposes the Further Extension Request, which it views as claiming that RS Access is somehow obliged to file comments before the deadline for initial comments. RS Access states that it “is preparing comments in anticipation of the May 7, 2021 deadline for initial comments, which will include a coexistence study demonstrating the feasibility of sharing between co-primary systems in the 12.2–12.7 GHz band.”<sup>12</sup> The 5G for 12GHz Coalition also opposes the Further Extension Request, arguing that it is inappropriate because the Bureau dismissed this same request in the *Extension Order*.<sup>13</sup>

4. The Commission denies the Further Extension Request. As set forth in § 1.46 of the Commission's rules,<sup>14</sup> the Commission does not routinely grant extensions of time for filing comments

<sup>10</sup> Letter from Trey Hanbury, Counsel to RS Access LLC (RS Access), to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, et al., at 2 (filed Apr. 28, 2021) (RS Access Opposition); Letter from Chip Pickering, CEO, INCOMPAS, et al., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, et al., at 2 (filed Apr. 28, 2021) (5G for 12GHz Coalition Opposition) (calling themselves the “5G for 12GHz Coalition”), the Opposition filers include INCOMPAS, Public Knowledge, DISH, Computer & Communications Industry Association (CCIA), RS Access, Open Technology Institute at New America, Federated Wireless, AtLink, Cambridge Broadband Networks Group Ltd. (CBNG), Center for Education Innovations (CEI), Center for Rural Strategies, Etheric Networks, GeoLinks, Go Long Wireless, Granite Telecommunications, mmWave Tech, Resound Networks, Rural Wireless Association (RWA), Tel Net Worldwide, Tilson, White Cloud Technologies, Xiber and X-Lab).

<sup>11</sup> See Letter from David Goldman, Director of Satellite Policy, Space Exploration Technologies Corp. (SpaceX), to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, et al., at 2 (filed Apr. 28, 2021) (“SpaceX and the 12 GHz Alliance have previously explained that RS Access's failure to submit the Secret Studies into the record deprives other 12 GHz Band stakeholders the opportunity to review, analyze, and meaningfully respond to the Secret Studies in the comment cycle established by the Commission.”). See also Letter from David Goldman, Director of Satellite Policy, SpaceX, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, et al., at 1 (the 12 GHz Alliance “reasonably requested an opportunity to review these studies as part of the normal comment cycle,” at 2 (“to promote fairness and a fully considered record, RS Access should at least provide a schedule for the submission of the Secret Studies into the record.”) (filed Apr. 30, 2021).

<sup>12</sup> RS Access Opposition at 1. “The satellite licensees, of course, remain free to prepare their own technical analyses purporting to show that their systems are incapable of sharing with mobile licensees in the band. The satellite licensees can submit their comments and studies either in the initial round of filings due May 7, 2021, or as a response to the submission of RS Access and other interested parties during the reply round that will follow 30 days later, or both.” *Id.* at 1–2 (footnote omitted).

<sup>13</sup> 5G for 12GHz Coalition Opposition at 2.

<sup>14</sup> 47 CFR 1.46.

<sup>4</sup> See *Expanding Flexible Use of the 12.2–12.7 GHz Band*, et al., WT Docket No. 20-443, et al., Order, DA 21-370 (WTB Mar. 29, 2021), 86 FR 20111, April 16, 2021 (*Extension Order*) (extended deadlines for comments and reply comments to May 7, 2021, and June 7, 2021, respectively).

<sup>5</sup> *Extension Order* at para. 3.

<sup>6</sup> *Extension Order* at n.6 citing Letter from Ruth Pritchard-Kelly, Senior Advisor, ONEWEB, et al. (“12 GHz Alliance”) to Marlene H. Dortch, Secretary, FCC, at 1 (Mar. 23, 2021). The 12 GHz Alliance is WorldVu Satellites Limited (“OneWeb”), Kepler Communications, SpaceX Holdings, LLC (“SpaceX”), Intelsat License LLC, and SES S.A. See, e.g., March 23, 2021, letter at 1.

<sup>7</sup> See Letter from Ruth Pritchard-Kelly, Senior Advisor, ONEWEB, et al. (“12 GHz Alliance”) to Marlene H. Dortch, Secretary, FCC, at 1 (Apr. 26, 2021) (Further Extension Request).

<sup>8</sup> Further Extension Request at 1–2 (citing Letter from Ruth Pritchard-Kelly, Senior Advisor, ONEWEB, et al., (“12 GHz Alliance”) to Marlene H. Dortch, Secretary, FCC, at 1 (Mar. 23, 2021)).

<sup>9</sup> Further Extension Request at 1–2 quoting *Extension Order* at n.6.

<sup>1</sup> *Expanding Flexible Use of the 12.2–12.7 GHz Band*, Notice of Proposed Rulemaking, FCC 21-13.

<sup>2</sup> See *Expanding Flexible Use of the 12.2–12.7 GHz Band*, et al., WT Docket No. 20-443, Notice of Proposed Rulemaking, 36 FCC Rcd 606 (2021) (*NPRM*). The comment and reply comment deadlines were set at 30 and 60 days after publication in the *Federal Register*. Publication occurred on March 8, 2021, which made the original deadlines April 7, 2021, and May 7, 2021, respectively. See Federal Communications Commission, *Expanding Flexible Use of the 12.2–12.7 GHz Band*, 86 FR 13266, Mar. 8, 2021.

<sup>3</sup> See Motion of Computer & Communications Industry Association (CCIA), INCOMPAS, Open Technology Institute at New America, and Public Knowledge for Extension of Time, WT Docket No. 20-443, et al., at 1 (filed Mar. 19, 2021) (Extension Motion).

in rulemaking proceedings. In this proceeding, the Bureau has already granted a 30-day extension of comment and reply deadlines to allow parties additional time to develop submissions that address complex issues raised in the *Notice*.<sup>15</sup> Because a further extension of time would only delay receipt of these comments and parties will have time to reply to these submissions, the Commission is not persuaded that such an extension is warranted. To the extent that members of the 12 GHz Alliance have input on whether filings in the comment stage demonstrate the feasibility of sharing in this band, they may submit such input at the reply stage and in subsequent *ex parte* presentations. The Commission therefore denies the Further Extension Request. The deadlines for filing comments and reply comments in this proceeding continue to be May 7, 2021, and June 7, 2021, respectively.

## II. Ordering Clause

5. Accordingly, *it is ordered* that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 0.131, 0.331, and § 1.46 of the Commission's rules, 47 CFR 0.131, 0.331, and § 1.46, the Further Extension Request filed by WorldVu Satellites Limited (ONEWEB), Kepler Communications, SpaceX Holdings, LLC, Intelsat License LLC, and SES S.A., on April 26, 2021, *is denied*.

Federal Communications Commission.

**Amy Brett,**

*Acting Chief of Staff, Wireless Telecommunications Bureau.*

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**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2 and 30

[ET Docket No. 21-186; GN Docket No. 14-177; DA 21-482; FRS 27278]

### Emission Limits for the 24.25–27.5 GHz Band

**AGENCY:** Federal Communications Commission (FCC).

**ACTION:** Requests for comments.

**SUMMARY:** In this document, The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) seek comment on implementing certain of the decisions of the World Radiocommunication Conference held by the International

Telecommunication Union (ITU) in 2019 (WRC-19) regarding the 24.25–27.5 GHz band. Specifically, OET and WTB seek comment on aligning the FCC's rules with the unwanted emissions limits into the passive 23.6–24.0 GHz band that were adopted at WRC-19.

**DATES:** Comments are due on or before June 28, 2021, and reply comments are due on or before July 26, 2021.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Oros, Office of Engineering and Technology, 202-418-0636, [Nicholas.Oros@fcc.gov](mailto:Nicholas.Oros@fcc.gov) or John Schauble of the Wireless Telecommunications Bureau, at (202) 418-0797, or [John.Schauble@fcc.gov](mailto:John.Schauble@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, *Public Notice*, DA 21-482, ET Docket No. 21-186, GN Docket No. 14-177, released April 26, 2021. The full text of this document is available for public inspection and can be downloaded at: <https://www.fcc.gov/document/oet-wtb-seek-comment-emission-limits-2425-275-ghz-band> or by using the search function for ET Docket No. 21-186 on the Commission's ECFS web page at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs).

### Synopsis

1. In 2017, the Commission established service rules for fixed and mobile operation in the 24.25–24.45 GHz and 24.75–25.25 GHz bands (collectively, 24 GHz band) under the Upper Microwave Flexible Use Service (UMFUS). The Commission applied the UMFUS rules, including the technical rules, to the 24 GHz band. The UMFUS rules specify that emissions outside of a licensee's assigned frequency block must be limited to –13 dBm/MHz. With respect to the passive systems operating in the 23.6–24 GHz band, the Commission noted that ongoing international studies include analyses to determine International Mobile Telecommunications (IMT) out-of-band emission limits necessary to protect passive sensors onboard weather satellites in that band, and it acknowledged that the Commission's UMFUS rules might be revisited once these international studies have been completed.

2. WRC-19 allocated 24.25–25.25 GHz to mobile (except aeronautical) on a primary basis in Regions 1 and 2, globally identified the 24.25–27.5 GHz band for IMT, and established limits of unwanted emissions that apply to IMT in the 24.25–27.5 GHz band to protect

Earth Exploration-Satellite Service (EESS) passive systems in the 23.6–24.0 GHz band from harmful interference. To protect EESS passive systems, WRC-19 modified a footnote to the International Table of Allocations to specify that Resolution 750 (Rev. WRC-19) applies to the 24.25–27.5 GHz band. Resolution 750 specifies unwanted emission limits as the amount of power that may be radiated into any 200 megahertz of the 23.6–24.0 GHz passive band by IMT base stations and IMT mobile stations operating in the 24.25–27.5 GHz band. Resolution 750 specifies unwanted emission limits in terms of Total Radiated Power (TRP) that currently apply to IMT stations and stricter emission limits that are effective for IMT stations brought into use after September 1, 2027. These unwanted emission limits are shown in Table 1.

TABLE 1—WRC-19 RESOLUTION 750 UNWANTED EMISSIONS PERMITTED WITHIN ANY 200 MEGAHERTZ IN THE 23.6–24 GHz PASSIVE BAND

Type of station	Current TRP limits	TRP limits after Sept. 1, 2027
IMT Base Stations	–33 dBW	–39 dBW
IMT Mobile Stations	–29 dBW	–35 dBW

3. The WRC-19 Final Acts updated the ITU Radio Regulations, including Resolution 750. The National Telecommunications and Information Administration (NTIA), FCC, and the Department of State share responsibility for implementing the WRC Final Acts in the United States. The Commission has authority to implement the changes to the Radio Regulations through its rulemaking proceedings. Given the importance of limiting unwanted emissions into the passive 23.6–24.0 GHz band, OET and WTB seek to develop a record on implementing the changes to the emission limit in Resolution 750 applicable to active services in the 24 GHz band.

4. OET and WTB seek comment broadly on implementing certain of the WRC-19 outcomes with respect to the 24.25–27.5 GHz band. Noting that the United States is a signatory to the treaty text of the Radio Regulations, OET and WTB seek comment on modifying the Commission's rules in response to the unwanted emission limits and international allocation table footnotes adopted for the 24.25–27.5 GHz band at the WRC-19. These rule changes could include, for example, adding footnotes to the United States Table of Frequency

<sup>15</sup> *Extension Order* at para. 3.