

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of Amendment of )  
 ) WT Docket 19-212  
Section 1.1307(b) of the Commission's Rules )

**ORDER**

**Adopted: April 2, 2021**

**Released: April 2, 2021**

By the Managing Director:

1. By this Order, we update the language of 47 C.F.R. § 1.1307(b) of the Commission's rules to insert the word "electronically." This step is necessary because of two separate actions the Commission took to amend Section 1.1307 of the rules.<sup>1</sup> On December 4, 2019, the Commission adopted a Second Report and Order in ET Docket No. 19-226.<sup>2</sup> The Second Report and Order made amendments to Section 1.1307(b) that did not take effect immediately, pending concurrence by the Office of Management and Budget under the Paperwork Reduction Act.<sup>3</sup> Subsequently, on September 16, 2020, the Commission adopted a Report and Order in WT Docket No. 19-212 that modified the text of Section 1.1307(b) that was then in effect.<sup>4</sup> That decision, which added references to electronic filing in multiple rule parts, was published in the Federal Register on December 29, 2020.<sup>5</sup> These later modifications to Section 1.1307 are not scheduled to take effect until June 29, 2021.<sup>6</sup>

2. Today, it was announced that the earlier changes to Section 1.1307(b) adopted in ET Docket No. 19-226 will become effective on May 3, 2021.<sup>7</sup> To conform the rule changes made in the two decisions, we amend Section 1.1307(b) to make nonsubstantive, editorial revisions by adding language

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<sup>1</sup> 47 CFR § 1.1307.

<sup>2</sup> *Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, Resolution of Notice of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order, ET Docket No. 19-226, 34 FCC Rcd 11687 (2019).

<sup>3</sup> *Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, Second Erratum, ET Docket No. 19-226 (OET 2020).

<sup>4</sup> *Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Service*, Report and Order, WT Docket No. 19-212, 35 FCC Rcd 10781 (2020) (*Electronic Filing Order*).

<sup>5</sup> Federal Communications Commission, *Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Service*, 85 FR 85530 (Dec. 29, 2020).

<sup>6</sup> See *Electronic Filing Order*, 35 FCC Rcd at 10799, para. 64 (making rule changes effective six months after the date of publication in the Federal Register).

<sup>7</sup> *Office of Engineering and Technology Announces May 3, 2021 as the Effective Date for RF Exposure Rule Changes and Beginning of the Two-Year Review Period for Existing Parties*, ET Docket 19-226, Public Notice, DA 21-363 (OET, Apr. 2, 2021).

pertaining to electronic filing. The revised rule text, which will become effective June 29, 2021, is set forth in the appendix below.

3. This rule change is not subject to the notice and comment requirements for rulemaking in the Administrative Procedure Act (APA).<sup>8</sup> Section 553(b)(B) of the APA provides exceptions to those requirements for rulemakings when, among other things, the agency finds for good cause that the notice and comment requirements are “impracticable, unnecessary, or contrary to the public interest” with respect to the rules at issue. Because the edits to Section 1.1307(b) made here are solely for the purposes of conformity we find that it is “unnecessary,” within the meaning of section 553(b)(B), to provide notice and an opportunity for public comment before adopting these rule revisions. We adopt this order under the delegated authority set forth in Section 0.231(b) of the Commission’s rules.<sup>9</sup>

4. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under 47 C.F.R. 0.231(b), 47 C.F.R. Section 1.1307(b) IS AMENDED as set forth below effective June 29, 2021 and substituting for and superseding the corresponding amendment to Section 1.1307(b) contained in 85 FR 33578 that would otherwise become effective on June 29, 2021.

FEDERAL COMMUNICATIONS COMMISSION

Mark Stephens  
Managing Director

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<sup>8</sup> See 5 U.S.C. § 553 and in particular, 5 U.S.C. § 553(b)(B) (allowing for implementation without notice and comment or publication in the Federal Register if good cause exists).

<sup>9</sup> 47 CFR § 0.231(b). The Managing Director is delegated authority to make non-substantive, editorial revisions to any of the Commission’s rules and regulations upon approval of the bureau or office primarily responsible for the particular part or section involved. *Id.* We have coordinated our decision with the Wireless Telecommunications Bureau and the Office of Engineering and Technology, who were the lead bureau and office for WT Docket No. 19-212 and ET Docket No. 19-226, respectively.

## APPENDIX

## PART 1 – PRACTICE AND PROCEDURE

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.1307(b) is amended to add the word “electronically” to read as follows:

**§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EA) must be prepared.**

\* \* \* \* \*

(b)(1)\* \* \*

(ii) Compliance with these limits for fixed RF source(s) may be accomplished by use of mitigation actions, as provided in §1.1307(b)(4). Upon request by the Commission, the party seeking or holding such authorization must electronically submit technical information showing the basis for such compliance, either by exemption or evaluation. Notwithstanding the preceding requirements, in the event that RF sources cause human exposure to levels of RF radiation in excess of the limits in §1.1310 of this chapter, such RF exposure exemptions and evaluations are not deemed sufficient to show that there is no significant effect on the quality of the human environment or that the RF sources are categorically excluded from environmental processing.

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