

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).

**XI. 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.

Dated: March 16, 2015.

**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 § 180.960, add alphabetically the following polymer to the table to read as follows:

**§ 180.960 Polymers; exemptions from the requirement of a tolerance.**

\* \* \* \* \*

Polymer	CAS No.
* * * * *	*
2-Propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer, minimum number average molecular weight (in amu), 55,000	9011-15-8
* * * * *	*

[FR Doc. 2015-06690 Filed 3-24-15; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 1 and 64**

[CG Docket No. 02-278; FCC 14-32]

**Cargo Airlines Association Petition for Expedited Declaratory Ruling**

**AGENCY:** Federal Communications Commission.

**ACTION:** Exemption.

**SUMMARY:** In this document, the Commission grants a request to exempt package delivery notifications from the Telephone Consumer Protection Act's (TCPA) restrictions on autodialed and prerecorded calls and messages to wireless telephone numbers, as long as consumers are not charged and may easily opt out of future messages if they wish, among other pro-consumer conditions. Congress gave the Commission the authority to exclude from this prohibition calls and texts that are not charged to the called party, subject to conditions necessary to protect the called party's privacy rights. This action is necessary to allow wireless consumers to receive package delivery notifications that will be

welcome both as a convenience and as a way to guard against package theft.

**DATES:** Effective March 25, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Kristi Lemoine, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418-2467 (voice), or email [kristi.lemoine@fcc.gov](mailto:kristi.lemoine@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, document FCC 14-32, adopted March 27, 2014 and released on March 27, 2014, in CG Docket No. 02-278. An Erratum to document FCC 14-32, was released on May 12, 2014. The full text of these documents and copies of any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. Document FCC 14-32 can also be downloaded in Word or Portable Document Format ("PDF") at <http://www.fcc.gov/document/cargo-airline-petition-declaratory-ruling>. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

**Final Paperwork Reduction Act of 1995 Analysis**

Document FCC 14-32 does not contain new or modified information collection requirements subject to the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

**Congressional Review Act**

The Commission will not send a copy of FCC 14-32 pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the Commission adopted no rules therein. Rather than adopting rules, the Commission exercised its statutory authority to grant an exemption by Order. *See* 47 U.S.C. 227(b)(2)(C).

**Synopsis**

The Commission grants the Cargo Airline Association's request to exempt, from the TCPA's restrictions, its proposed free-to-end-user package delivery notifications to consumers' wireless phones, subject to certain conditions. The TCPA prohibits making, without the prior express consent of the called party, any non-emergency call

using an automatic telephone dialing system or an artificial or prerecorded voice to, among other recipients, any wireless telephone number. Specifically, the Commission adopts the following conditions applicable to each delivery notification (voice call or text message) made utilizing the exemption the Commission grants:

(1) A notification must be sent, if at all, only to the telephone number for the package recipient;

(2) notifications must identify the name of the delivery company and include contact information for the delivery company;

(3) notifications must not include any telemarketing, solicitation, or advertising content;

(4) voice call and text message notifications must be concise, generally one minute or less in length for voice calls and one message of 160 characters or less in length for text messages;

(5) delivery companies shall send only one notification (whether by voice call or text message) per package, except that one additional notification may be sent to a consumer for each of the following two attempts to obtain the recipient's signature when the signatory was not available to sign for the package on the previous delivery attempt;

(6) delivery companies relying on this exemption must offer parties the ability to opt out of receiving future delivery notification calls and messages and must honor the opt-out requests within a reasonable time from the date such request is made, not to exceed thirty days; and,

(7) each notification must include information on how to opt out of future delivery notifications; voice call notifications that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the called person to make an opt-out request prior to terminating the call; voice call notifications that could be answered by an answering machine or voice mail service must include a toll-free number that the consumer can call to opt out of future package delivery notifications; text notifications must include the ability for the recipient to opt out by replying "STOP."

The Commission's grant of the requested exemption, to the extent indicated herein, is limited to package delivery notifications to consumers' wireless phones either by voice or text and only applies so long as those calls are not charged to the consumer recipient, including not being counted against the consumer's plan limits on minutes or texts, and must comply with the conditions the Commission adopts.

In addition to the limited context within which package delivery companies will be making autodialed or prerecorded package delivery notification calls to consumers' wireless numbers, the conditions adopted herein to protect consumers' privacy interests are critical to the Commission's exercise of the statutory authority to grant an exemption. Taken as a whole, the Commission finds that these conditions simultaneously fulfill the statutory obligation to protect consumers' privacy interest in avoiding unwanted calls while allowing package delivery companies a reasonable time in which to implement opt-out elections. The Commission clarifies that, as required by the statute, except in an emergency or with the prior express consent of the consumer, any party who sends an autodialed or prerecorded package delivery notification to a wireless number that is not in full conformance with the requirements the Commission adopts today may not take advantage of this exemption and risks violating the TCPA.

#### Ordering Clause

Pursuant to sections 4(i), 4(j), and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 227, and §§ 1.2 and 64.1200 of the Commission's rules, 47 CFR 1.2, 64.1200, that the Petition for Expedited Declaratory Ruling filed by Cargo Airline Association on August 17, 2012 is granted in part and is otherwise dismissed to the extent indicated herein.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 21

[Docket No. FWS-R9-MB-2011-0100;  
FF09M29000-145-FXMB12320900000]

RIN 1018-AX92

#### Migratory Bird Permits; Removal of Regulations Concerning Certain Depredation Orders

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We are removing two regulations that set forth certain depredation orders for migratory birds. There have been no requests for

authorization of a depredation order under one regulation we are removing, and no reports of activities undertaken under the other in the last 10 years. Control of depredating birds may be undertaken under depredation permits in accordance with the regulations already set forth.

**DATES:** This rule is effective April 24, 2015.

**FOR FURTHER INFORMATION CONTACT:** George Allen, at 703-358-1825.

**SUPPLEMENTARY INFORMATION:**

#### Background

On November 4, 2013, we published a proposed rule (78 FR 65953) to remove 50 CFR 21.42, 21.45, and 21.46. These regulations concern depredating migratory birds.

Specifically, 50 CFR 21.42 governs control of depredating migratory game birds in the United States; under this section of the regulations, the Director of the U.S. Fish and Wildlife Service is authorized to issue, by publication in the **Federal Register**, a depredation order to permit the taking of migratory game birds under certain conditions if the Director receives evidence clearly showing that the migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests.

Under 50 CFR 21.45, landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of rice in Louisiana, may, without a permit and in accordance with certain conditions, take purple gallinules (*Ionornis martinica*) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by those persons.

Under 50 CFR 21.46, landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of nut crops in Washington and Oregon may, without a permit and in accordance with certain conditions, take scrub jays (*Aphelocoma coerulescens*) and Steller's jays (*Cyanocitta stelleri*) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons.

#### This Rule

In response to our November 4, 2013, proposed rule (78 FR 65953), we received no comments on our proposal to remove 50 CFR 21.42 or 21.45, but we did receive comments about our proposal to remove 50 CFR 21.46. In this final rule, we are removing only 50