The Critical Infrastructure Communication Coalition

Proposed Amendments

(2) NON-FEDERAL SPECTRUM NONDISCLOSURE.—

(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required by subsections (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for non-disclosure **or** such public disclosure would be detrimental to national security, homeland security, or public safety, the licensee may petition the Commission for a partial or total exemption from inclusion on the website and in the report required by subsections (a), (c), and (d).

(B) BURDEN.—The licensee, seeking an exemption, either individually or through a joint petition, under this paragraph bears the burden of justifying the exemption **through the submission of substantial evidence. The Commission shall consult the Department of Homeland Security and other appropriate federal agencies, including the Department of Transportation, the Environmental Protection Agency, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and the Department of Energy, to determine whether public disclosure of the information would be detrimental to national security, homeland security, or public safety. A licensee seeking an exemption either individually or through a joint petition is presumed to have met its burden of justifying the exemption if another appropriate Federal agency has previously determined that public disclosure of the requested information would be detrimental to national security, homeland security, or public safety.**

(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

(i) the publicly releasable information required by subsection (a)(1) for the inventory;

(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for non-disclosure **or for which** public disclosure would be detrimental to national security, homeland security, or public safety;

(iii) an annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for non-disclosure **or** for which public disclosure would be detrimental to national security, homeland security, or public safety that the licensee has determined must be withheld from public disclosure.

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