

§0.458

the extent that production of such records:

- (1) Could reasonably be expected to interfere with enforcement proceedings;
- (2) Would deprive a person of a right to fair trial or an impartial adjudication;
- (3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;
- (4) Could reasonably be expected to disclose the identity of a confidential source;
- (5) Would disclose investigative techniques or procedures or would disclose investigative guidelines if such disclosure could reasonably be expected to risk circumvention of the law; or
- (6) Could reasonably be expected to endanger the life or physical safety of any individual.

[74 FR 14078, Mar. 30, 2009, as amended at 78 FR 11111, Feb. 15, 2013; 78 FR 49148, Aug. 13, 2013; 79 FR 3130, Jan. 17, 2014]

EFFECTIVE DATE NOTE: At 79 FR 48528, Aug. 15, 2014, §0.457 was amended by adding paragraph (d)(1)(ix), effective Oct. 14, 2014. For the convenience of the user, the added text is set forth as follows:

§0.457 Records not routinely available for public inspection.

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(d) * * *

(1) * * *

(ix) Confidential Broadcaster Information, as defined in §1.2206(d) of this chapter, submitted by a broadcast television licensee in a broadcast television spectrum reverse auction conducted under section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) (the "Spectrum Act"), or in the application to participate in such a reverse auction, is not routinely available for public inspection until the reassignments and reallocations under section 6403(b)(1)(B) of the Spectrum Act become effective or until two years after public notice that the reverse auction is complete and that no such reassignments and reallocations shall become effective. In the event that reassignments and reallocations under section 6403(b)(1)(B) of the Spectrum Act become effective, Confidential Broadcaster Information pertaining to any unsuccessful reverse auction bid or pertaining to any unsuccessful application to participate in such a reverse auction will not be routinely available for

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public inspection until two years after the effective date.

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§ 0.458 Nonpublic information.

Any person regulated by or practicing before the Commission coming into possession of written nonpublic information (including written material transmitted in electronic form) as described in §19.735-203(a) of this chapter under circumstances where it appears that its release was inadvertent or otherwise unauthorized shall be obligated to and shall promptly return the information to the Commission's Office of Inspector General without further distribution or use. See 47 CFR 19.735-203.

§0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a)(1) *Procedures applicable to filings in non-electronic proceedings.* Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in §0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified. In the latter circumstance, where confidential treatment is sought only for a portion of a document, the person submitting the document shall submit a redacted version for the public file.

(2) *Procedures applicable to filings in electronic proceedings.* In proceedings to which the electronic filing requirements set forth in §1.49(f) of this chapter apply, a party seeking confidential treatment of a portion of a filing must submit in electronic format either a redacted version of the document or an affidavit that it is impossible to submit a redacted document consistent with the filing requirements of this section.