

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(2) Update the onetime written notification, if it ships the delisted waste to a different disposal facility.
		(3) Failure to provide this notification will result in a violation of the delisting variance and a possible revocation of the decision.
*	*	*

[FR Doc. 2012–17905 Filed 7–20–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64**

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–8239]

Suspension of Community Eligibility**AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from

private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and

public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*;
Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Pennsylvania:				
Braintown, Township of, Wyoming County ..	421008	November 14, 1973, Emerg; May 15, 1980, Reg; August 2, 2012, Susp.	Aug. 2, 2012	Aug. 2, 2012.
Clinton, Township of, Wyoming County	422197	April 13, 1978, Emerg; July 3, 1990, Reg; August 2, 2012, Susp.	do*	Do.
Conewago, Township of, Dauphin County	422406	February 10, 1981, Emerg; April 30, 1986, Reg; August 2, 2012, Susp.	do	Do.
Dauphin, Borough of, Dauphin County	420375	March 16, 1973, Emerg; April 15, 1977, Reg; August 2, 2012, Susp.	do	Do.
Derry, Township of, Dauphin County	420376	January 12, 1973, Emerg; September 30, 1977, Reg; August 2, 2012, Susp.	do	Do.
East Hanover, Township of, Dauphin County.	420377	May 7, 1973, Emerg; January 16, 1980, Reg; August 2, 2012, Susp.	do	Do.
Eaton, Township of, Wyoming County	420909	July 27, 1973, Emerg; May 1, 1980, Reg; August 2, 2012, Susp.	do	Do.
Elizabethville, Borough of, Dauphin County	420378	October 17, 1974, Emerg; June 25, 1976, Reg; August 2, 2012, Susp.	do	Do.
Exeter, Township of, Wyoming County	420911	January 19, 1973, Emerg; February 1, 1980, Reg; August 2, 2012, Susp.	do	Do.
Factoryville, Borough of, Wyoming County	420912	August 14, 1975, Emerg; January 17, 1990, Reg; August 2, 2012, Susp.	do	Do.
Falls, Township of, Wyoming County	422198	December 27, 1974, Emerg; July 3, 1990, Reg; August 2, 2012, Susp.	do	Do.
Forkston, Township of, Wyoming County ...	422199	October 15, 1975, Emerg; August 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Halifax, Borough of, Dauphin County	420379	January 17, 1974, Emerg; September 5, 1979, Reg; August 2, 2012, Susp.	do	Do.
Halifax, Township of, Dauphin County	421592	June 17, 1975, Emerg; November 3, 1982, Reg; August 2, 2012, Susp.	do	Do.
Harrisburg, City of, Dauphin County	420380	April 21, 1972, Emerg; May 2, 1977, Reg; August 2, 2012, Susp.	do	Do.
Highspire, Borough of, Dauphin County	420381	November 10, 1972, Emerg; April 15, 1977, Reg; August 2, 2012, Susp.	do	Do.
Hummelstown, Borough of, Dauphin County.	420382	March 30, 1973, Emerg; March 15, 1977, Reg; August 2, 2012, Susp.	do	Do.
Jackson, Township of, Dauphin County	421593	February 5, 1981, Emerg; October 15, 1985, Reg; August 2, 2012, Susp.	do	Do.
Jefferson, Township of, Dauphin County ...	421594	February 11, 1976, Emerg; October 15, 1982, Reg; August 2, 2012, Susp.	do	Do.
Laceyville, Borough of, Wyoming County ...	420913	April 2, 1974, Emerg; May 15, 1980, Reg; August 2, 2012, Susp.	do	Do.
Lemon, Township of, Wyoming County	422200	July 2, 1979, Emerg; July 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Londonderry, Township of, Dauphin County.	420383	March 30, 1973, Emerg; March 18, 1980, Reg; August 2, 2012, Susp.	do	Do.
Lower Swatara, Township of, Dauphin County.	420385	November 3, 1972, Emerg; April 15, 1977, Reg; August 2, 2012, Susp.	do	Do.
Lykens, Borough of, Dauphin County	420386	March 9, 1973, Emerg; September 3, 1980, Reg; August 2, 2012, Susp.	do	Do.
Lykens, Township of, Dauphin County	421595	January 20, 1976, Emerg; October 15, 1985, Reg; August 2, 2012, Susp.	do	Do.
Mehoopany, Township of, Wyoming County.	422201	August 21, 1975, Emerg; July 3, 1990, Reg; August 2, 2012, Susp.	do	Do.
Meshoppen, Borough of, Wyoming County	420914	July 25, 1973, Emerg; September 16, 1981, Reg; August 2, 2012, Susp.	do	Do.
Meshoppen, Township of, Wyoming County.	421009	January 16, 1974, Emerg; February 15, 1980, Reg; August 2, 2012, Susp.	do	Do.
Middle Paxton, Township of, Dauphin County.	420387	March 2, 1973, Emerg; August 15, 1979, Reg; August 2, 2012, Susp.	do	Do.
Middletown, Borough of, Dauphin County ..	420388	October 13, 1972, Emerg; December 28, 1976, Reg; August 2, 2012, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Mifflin, Township of, Dauphin County	421596	May 9, 1975, Emerg; June 25, 1976, Reg; August 2, 2012, Susp.	do	Do.
Millersburg, Borough of, Dauphin County ..	420389	May 9, 1973, Emerg; August 15, 1980, Reg; August 2, 2012, Susp.	do	Do.
Monroe, Township of, Wyoming County	421186	November 5, 1975, Emerg; July 3, 1990, Reg; August 2, 2012, Susp.	do	Do.
Nicholson, Borough of, Wyoming County ...	420915	March 6, 1975, Emerg; March 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Nicholson, Township of, Wyoming County	422202	December 31, 1975, Emerg; July 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
North Branch, Township of, Wyoming County.	422203	September 7, 1979, Emerg; August 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Northmoreland, Township of, Wyoming County.	422204	August 27, 1979, Emerg; July 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Noxen, Township of, Wyoming County	422205	September 17, 1975, Emerg; April 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Overfield, Township of, Wyoming County ..	422568	February 13, 1980, Emerg; June 1, 1987, Reg; August 2, 2012, Susp.	do	Do.
Paxtang, Borough of, Dauphin County	420390	February 2, 1973, Emerg; March 18, 1980, Reg; August 2, 2012, Susp.	do	Do.
Reed, Township of, Dauphin County	420393	April 4, 1973, Emerg; November 1, 1979, Reg; August 2, 2012, Susp.	do	Do.
Royalton, Borough of, Dauphin County	420394	March 16, 1973, Emerg; April 15, 1977, Reg; August 2, 2012, Susp.	do	Do.
Rush, Township of, Dauphin County	421597	March 9, 1976, Emerg; August 19, 1985, Reg; August 2, 2012, Susp.	do	Do.
South Hanover, Township of, Dauphin County.	420395	March 30, 1973, Emerg; May 2, 1977, Reg; August 2, 2012, Susp.	do	Do.
Susquehanna, Township of, Dauphin County.	420397	October 29, 1971, Emerg; April 15, 1977, Reg; August 2, 2012, Susp.	do	Do.
Swatara, Township of, Dauphin County	420398	April 16, 1973, Emerg; February 3, 1982, Reg; August 2, 2012, Susp.	do	Do.
Tunkhannock, Borough of, Wyoming County.	420917	April 18, 1973, Emerg; December 18, 1979, Reg; August 2, 2012, Susp.	do	Do.
Tunkhannock, Township of, Wyoming County.	422206	June 9, 1975, Emerg; July 15, 1988, Reg; August 2, 2012, Susp.	do	Do.
Upper Paxton, Township of, Dauphin County.	420399	April 5, 1973, Emerg; September 5, 1979, Reg; August 2, 2012, Susp.	do	Do.
Washington, Township of, Dauphin County	421598	January 20, 1976, Emerg; December 17, 1987, Reg; August 2, 2012, Susp.	do	Do.
Washington, Township of, Wyoming County.	422207	August 27, 1979, Emerg; July 3, 1990, Reg; August 2, 2012, Susp.	do	Do.
West Hanover, Township of, Dauphin County.	421600	September 20, 1974, Emerg; March 18, 1980, Reg; August 2, 2012, Susp.	do	Do.
Wiconisco, Township of, Dauphin County ..	421030	September 26, 1973, Emerg; April 15, 1981, Reg; August 2, 2012, Susp.	do	Do.
Williams, Township of, Dauphin County	421601	September 27, 1976, Emerg; October 15, 1985, Reg; August 2, 2012, Susp.	do	Do.
Windham, Township of, Wyoming County	422208	December 30, 1975, Emerg; September 4, 1987, Reg; August 2, 2012, Susp.	do	Do.
Virginia:				
Chilhowie, Town of, Smyth County	510185	January 15, 1974, Emerg; June 15, 1978, Reg; August 2, 2012, Susp.	do	Do.
Colonial Heights, City of, Independent City	510039	June 18, 1975, Emerg; September 2, 1981, Reg; August 2, 2012, Susp.	do	Do.
Marion, Town of, Smyth County	510223	October 24, 1974, Emerg; November 1, 1979, Reg; August 2, 2012, Susp.	do	Do.
Saltville, Town of, Smyth County	510191	January 15, 1974, Emerg; March 1, 1978, Reg; August 2, 2012, Susp.	do	Do.
Smyth County, Unincorporated Areas	510184	December 26, 1973, Emerg; May 15, 1980, Reg; August 2, 2012, Susp.	do	Do.
West Virginia:				
Elizabeth, Town of, Wirt County	540212	June 9, 1975, Emerg; January 17, 1991, Reg; August 2, 2012, Susp.	do	Do.
Wirt County, Unincorporated Areas	540211	January 19, 1976, Emerg; April 1, 1988, Reg; August 2, 2012, Susp.	do	Do.
Region V				
Illinois:				
Carbon Hill, Village of, Grundy County	170257	August 21, 1975, Emerg; September 4, 1985, Reg; August 2, 2012, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Channahon, Village of, Grundy County	170698	September 12, 1975, Emerg; February 15, 1983, Reg; August 2, 2012, Susp.	do	Do.
Coal City, Village of, Grundy County	170258	April 23, 1975, Emerg; May 25, 1978, Reg; August 2, 2012, Susp.	do	Do.
Diamond, Village of, Grundy County	170259	March 7, 1975, Emerg; May 25, 1978, Reg; August 2, 2012, Susp.	do	Do.
Dwight, Village of, Grundy County	170423	August 9, 1974, Emerg; November 1, 1990, Reg; August 2, 2012, Susp.	do	Do.
East Brooklyn, Village of, Grundy County ..	170873	June 24, 1981, Emerg; July 9, 1982, Reg; August 2, 2012, Susp.	do	Do.
Gardner, Village of, Grundy County	170261	April 8, 1985, Emerg; April 8, 1985, Reg; August 2, 2012, Susp.	do	Do.
Grundy County, Unincorporated Areas	170256	June 11, 1974, Emerg; July 18, 1985, Reg; August 2, 2012, Susp.	do	Do.
Mazon, Village of, Grundy County	170262	August 12, 1975, Emerg; September 27, 1985, Reg; August 2, 2012, Susp.	do	Do.
Minooka, Village of, Grundy County	171019	N/A, Emerg; March 12, 1992, Reg; August 2, 2012, Susp.	do	Do.
Morris, City of, Grundy County	170263	July 25, 1974, Emerg; December 18, 1984, Reg; August 2, 2012, Susp.	do	Do.
Seneca, Village of, Grundy County	170407	May 9, 1975, Emerg; February 1, 1985, Reg; August 2, 2012, Susp.	do	Do.
South Wilmington, Village of, Grundy County.	171013	March 4, 1988, Emerg; March 4, 1988, Reg; August 2, 2012, Susp.	do	Do.
Indiana:				
Boonville, City of, Warrick County	180273	June 25, 1982, Emerg; June 25, 1982, Reg; August 2, 2012, Susp.	do	Do.
Chandler, Town of, Warrick County	180274	April 2, 1976, Emerg; September 28, 1979, Reg; August 2, 2012, Susp.	do	Do.
Newburgh, Town of, Warrick County	180276	January 12, 1973, Emerg; May 17, 1982, Reg; August 2, 2012, Susp.	do	Do.
Tennyson, Town of, Warrick County	180350	N/A, Emerg; November 13, 2008, Reg; August 2, 2012, Susp.	do	Do.
Warrick County, Unincorporated Areas	180418	April 11, 1975, Emerg; May 17, 1982, Reg; August 2, 2012, Susp.	do	Do.
Region VI				
Texas:				
Mineral Wells, City of, Palo Pinto and Parker Counties.	480517	March 3, 1972, Emerg; December 1, 1977, Reg; August 2, 2012, Susp.	do	Do.
Mingus, City of, Palo Pinto County	480518	January 28, 1998, Emerg; September 1, 2004, Reg; August 2, 2012, Susp.	do	Do.
Palo Pinto County, Unincorporated Areas ..	480516	November 6, 1981, Emerg; December 19, 1984, Reg; August 2, 2012, Susp.	do	Do.
Strawn, City of, Palo Pinto County	480965	May 20, 1987, Emerg; November 1, 1989, Reg; August 2, 2012, Susp.	do	Do.
Region VII				
Iowa:				
Fertile, City of, Worth County	190301	March 19, 1976, Emerg; August 4, 1987, Reg; August 2, 2012, Susp.	do	Do.
Hanlontown, City of, Worth County	190833	August 3, 2011, Emerg; N/A, Reg; August 2, 2012, Susp.	do	Do.
Manly, City of, Worth County	190834	June 15, 2001, Emerg; May 1, 2011, Reg; August 2, 2012, Susp.	do	Do.
Worth County, Unincorporated Areas	190916	August 4, 2011, Emerg; N/A, Reg; August 2, 2012, Susp.	do	Do.
Missouri:				
Aurora, City of, Lawrence County	290199	December 3, 1974, Emerg; September 15, 1978, Reg; August 2, 2012, Susp.	do	Do.
Cobalt Village, Village of, Madison County	290601	February 12, 1985, Emerg; July 2, 1987, Reg; August 2, 2012, Susp.	do	Do.
Mount Vernon, City of, Lawrence County ..	290202	April 14, 1975, Emerg; February 4, 1981, Reg; August 2, 2012, Susp.	do	Do.
Pierce City, City of, Lawrence County	290203	May 6, 1975, Emerg; December 28, 1993, Reg; August 2, 2012, Susp.	do	Do.
Region VIII				
Utah:				
Salt Lake City, City of, Salt Lake County ...	490105	May 28, 1974, Emerg; August 1, 1983, Reg; August 2, 2012, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
South Salt Lake, City of, Salt Lake County	490219	May 23, 1975, Emerg; December 18, 1985, Reg; August 2, 2012, Susp.	do	Do.

*do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: July 11, 2012.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 10-97; FCC 12-33]

Unlicensed Personal Communications Service Devices in the 1920-1930 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document modifies the rules governing the operation of Unlicensed Personal Communications Service (UPCS) devices in the 1920-1930 MHz band (UPCS band) to promote more efficient use of the UPCS band and to facilitate the introduction of a new generation of unlicensed devices capable of supporting broadband connectivity using Digital Enhanced Cordless Telecommunications (DECT) technology.

DATES: Effective August 22, 2012. The incorporation by reference listed in the rule is approved by the Director of the Federal Register as of August 22, 2012.

FOR FURTHER INFORMATION CONTACT: Patrick Forster, (202) 418-7061, Policy and Rules Division, Office of Engineering and Technology, (202) 418-2290, Patrick.Forster@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, ET Docket No. 10-97, adopted March 22, 2012, and released March 23, 2012, FCC 12-33. The full text of this document is available on the Commission's Internet site at www.fcc.gov. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street SW., Washington, DC 20554. The

full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St. SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; email FCC@BCPIWEB.COM.

Summary of the Report and Order

1. The *Report and Order* modifies part 15 of the rules governing the operation of Unlicensed Personal Communications Service (UPCS) devices in the 1920-1930 MHz band (UPCS band) to promote more efficient use of the UPCS band and to facilitate the introduction of a new generation of unlicensed devices capable of supporting broadband connectivity using Digital Enhanced Cordless Telecommunications (DECT) technology. Specifically, the Commission eliminated the least-interfered channel monitoring threshold for UPCS devices and reduced the number of duplex system access channels that a UPCS device must define and monitor from 40 to 20 channels in order to use the least-interfered channel access method. These changes will provide UPCS devices, particularly those designed to transmit with wider bandwidths but that define fewer than 40 channels, access to more usable channels (*i.e.*, combined time and spectrum windows) than are permitted under the existing rules, and unleash innovative cordless broadband technologies in the UPCS band, while limiting the potential for causing interference to other devices. The Commission also modified the rules to remove outdated provisions and to make other minor updates.

Background

2. The 1920-1930 MHz band is allocated to Fixed and Mobile services on a primary basis and is designated for use by UPCS devices on an unlicensed basis. Currently, the primary use of the 1920-1930 MHz band is for unlicensed cordless telephones that operate under part 15 of the Commission's rules. The part 15 rules provide that the 1920-1930 MHz band may be used for both asynchronous (generally data) and

isochronous (generally voice) UPCS devices, with maximum and minimum emission bandwidths of 2.5 megahertz and 50 kilohertz, respectively. UPCS devices operating in the 1920-1930 MHz band may not cause harmful interference to authorized radio services and must accept any interference received.

3. To facilitate the sharing of spectrum in the UPCS band, the current rules require use of a "spectrum etiquette" that specifies a process for monitoring the time and spectrum windows that a transmission is intended to occupy for signals above a defined threshold (a "listen-before-transmit" protocol). To protect UPCS devices already using particular time and spectrum windows from transmissions from another device, each UPCS device must monitor the combined time and spectrum windows that it intends to use before beginning transmissions and to defer use or find other spectrum windows if the monitored signal level is above the threshold. Transmissions may commence with the same emission bandwidth in the monitored time and spectrum windows without further monitoring if no signal greater than 30 decibels (dB) above thermal noise is detected. Alternatively, if the UPCS system defines at least 40 duplex system access channels, a UPCS device may access, if available, time and spectrum windows with the lowest signal level below a threshold of 50 dB above thermal noise (henceforth referred to as the "least-interfered channel access method"). If the initially selected combined time and spectrum windows are unavailable, the UPCS device may either monitor and select different windows or seek to use the same windows after waiting a randomly chosen amount of time between 10 and 150 milliseconds.

4. On May 6, 2010, the Commission adopted a *Notice of Proposed Rulemaking (UPCS Band NPRM)* in this proceeding that proposed changes designed to allow UPCS devices to access additional usable channels. The Commission took this action in response to a petition for rulemaking filed by the DECT Forum, an industry association