

Postal Service Response to Commenter 4

The Postal Service would be willing to entertain requests for exceptions from medical equipment suppliers specific to the mailing of UN3480 batteries in Postal Service products transported through the air, when these batteries are needed for the emergency support of critical medical devices, fall within the established capacity limits for lithium-ion batteries in Postal Service networks, and no other reasonable alternative exists. In response to any such request, supported by adequate justification, the Postal Service would provide written authorization to the medical equipment supplier to mail UN3480 batteries via USPS air-eligible products. To minimize the risk of conflicting with DOT provisions, the Postal Service plans to consult with the DOT prior to the approval of specific authorizations relating to UN3480 batteries in USPS air transportation.

With regard to other lithium battery-powered devices, such as emergency beacons, the Postal Service will provide an option for the mailing of UN3480 in air transportation. This option will be restricted to UN3480 batteries meeting the current USPS capacity limitation of 20 Wh/cell and 100 Wh/battery, and the current quantity limitations of eight cells or two batteries. Batteries mailed under this option must meet the conditions described in 349.222 of Publication 52, and 49 CFR 173.185(c), and will be restricted to intra-Alaska shipments (both mailed from, and delivered in Alaska).

Revisions to Publication 52

Within the next several weeks, the Postal Service will revise Publication 52 to reflect the new mailing standards. With regard to lithium batteries, the Postal Service will:

- Generally prohibit UN3480 lithium-ion and lithium polymer batteries in USPS air-eligible products.
- Revise its quantity limitations for UN3480 lithium-ion and lithium polymer batteries in surface transportation to align with those for lithium metal batteries, changing from the previous eight cells or two batteries to an aggregate mailpiece limit of 5 pounds.
- Accept and evaluate requests for exceptions to mail UN3480 batteries, used to support critical medical devices, via domestic air-eligible products. The batteries must be within current Postal Service capacity and quantity limitations, needed for the emergency support of critical medical devices, and no other reasonable alternative exists to

affect their delivery within an acceptable time period. The Postal Service expects to defer revision to Publication 52 relating to these authorizations until it has determined the level of interest, and need for these exceptions. Prior to granting any authorizations, the Postal Service plans to consult with PHMSA to assure alignment with their approval processes for commercial carriers. Interested mailers may direct requests to the Manager, Product Classification (see Publication 52, section 214 for the complete address).

- Provide that UN3480 batteries, meeting the current Postal Service capacity limitations and quantity restrictions, may be mailed via air-eligible products, provided these mailings are both mailed and delivered within the state of Alaska.

- Eliminate the current text marking option for mailpieces required to bear, or optionally permitted to bear, lithium battery markings, and limit markings to DOT-approved lithium battery handling marks only.

- Require a separate text marking in addition to a DOT-approved lithium battery handling mark for mailpieces containing UN3480 and UN3090 batteries, restricted to surface transportation only.

- Permit the optional use of previously authorized lithium battery marks during PHMSA's transitional period for these marks.

- Eliminate the requirement for accompanying documentation with mailings of lithium batteries.

- Add the new DOT class 9 hazard warning label for lithium batteries to Publication 52, Exhibit 325.1, *DOT Hazardous Materials Warning Labels: PROHIBITED IN THE MAIL*.

- Require the outer packaging of mailpieces containing small lithium batteries to be rigid and of adequate size so the handling mark can be affixed to the address side without the mark being folded.

- Require lithium battery handling marks to be placed on the address side of all mailpieces bearing these marks.

- Permit the use of padded and poly bags as outer packaging for mailpieces containing button cell batteries properly installed in the equipment they are intended to operate, provided the batteries are afforded adequate protection by the equipment and the batteries meet the USPS definition of a button cell battery in 349.11d of Publication 52.

- Define a *lithium battery consignment* as one or more mailpieces containing lithium batteries, entered into USPS networks by one mailer or

mail service provider within a single mailing or retail transaction, or included in the same manifest or shipping services file, and intended for delivery to a single consignee at a single destination address.

- Require DOT-approved lithium battery markings on all mailpieces containing lithium cells or batteries contained in equipment when there are more than two mailpieces in a single consignment in domestic mail.

- Limit a single consignment to two mailpieces containing lithium batteries for international and APO/FPO/DPO mail.

These revisions will be published in the *Postal Bulletin* on August 17, 2017, but the Postal Service will provide for a transitional period until January 1, 2018. During the transitional period, mailers are urged to comply with the new mailing standards, but compliance will not be mandatory until January 1, 2018. Mailers and other interested parties can view details of these revisions in edition 22471 of the *Postal Bulletin*, to be published on August 17, 2017. The *Postal Bulletin* is available at <https://about.usps.com/postal-bulletin/pb2017.htm>.

The Postal Service will incorporate these revisions into the next online update of the Publication 52, which is available via Postal Explorer® at <http://pe.usps.com>.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81178; File No. SR-MRX-2017-08]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt Rule 912

July 20, 2017.

On June 9, 2017, Nasdaq MRX, Inc. ("MRX" or the "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt Rule 912 (Consolidated Audit Trail—Fee Dispute Resolution). The proposed rule change was published for

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

comment in the **Federal Register** on June 23, 2017.³ The Commission received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. The proposed rule change would establish the procedures for resolving potential disputes related to CAT Fees charged to Industry Members.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates September 21, 2017, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR-MRX-2017-08).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81179; File No. SR-BX-2017-029]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt Rule 6896 and Chapter IX, Section 9

July 20, 2017.

On June 9, 2017, NASDAQ BX, Inc. (“BX” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section

³ Securities Exchange Act Release No. 80966 (June 19, 2017), 82 FR 28702 (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt Rule 6896 and Chapter IX, Section 9 (Consolidated Audit Trail—Fee Dispute Resolution). The proposed rule change was published for comment in the **Federal Register** on June 23, 2017.³ The Commission received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. The proposed rule change would establish the procedures for resolving potential disputes related to CAT Fees charged to Industry Members.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates September 21, 2017, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR-BX-2017-029).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81177; File No. SR-NYSEArca-2016-177]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 3, Relating to the Listing and Trading of Shares of the USCF Canadian Crude Oil Index Fund Under NYSE Arca Equities Rule 8.200

July 20, 2017.

On December 30, 2016, NYSE Arca, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the USCF Canadian Crude Oil Index Fund under NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on January 23, 2017.³ On March 8, 2017, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On April 19, 2017, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁶ On May 8, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.⁷ On June 30, 2017, the Exchange filed Amendment No. 2 to the proposed rule change.⁸ On July 13, 2017, the Exchange filed Amendment No. 3 to the proposed rule change.⁹ The Commission has received

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 79793 (January 13, 2017), 82 FR 7885.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 80180, 82 FR 13702 (March 14, 2017).

⁶ See Securities Exchange Act Release No. 80486, 82 FR 19115 (April 25, 2017).

⁷ Amendment No. 1, which amended and replaced the proposed rule change in its entirety, is available at: <https://www.sec.gov/comments/sr-nysearca-2016-177/nysearca2016177/nysearca2016177-1742591-151260.pdf>.

⁸ Amendment No. 2, which amended and replaced the proposed rule change, as modified by Amendment No. 1, in its entirety, is available at: <https://www.sec.gov/comments/sr-nysearca-2016-177/nysearca2016177-1856704-156210.pdf>.

⁹ Amendment No. 3, which amended and replaced the proposed rule change, as modified by Amendment No. 2, in its entirety, is available at: <https://www.sec.gov/comments/sr-nysearca-2016-177/nysearca2016177-1852899-155351.pdf>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 80968 (June 19, 2017), 82 FR 28705 (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).