

competitive constraints with regard to the joint offering. Such regulation is unnecessary because an “excessive” price for one of the joint products will ultimately have to be reflected in lower prices for other products sold by the firm, or otherwise the firm will experience a loss in the volume of its sales that will be adverse to its overall profitability. In other words, an increase in the price of data will ultimately have to be accompanied by a decrease in the cost of executions, or the volume of both data and executions will fall.<sup>27</sup>

The proposed fee structure is designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs and ease administrative burden while continuing to offer its data products at competitive rates to firms.

### C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>28</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

<sup>27</sup> Moreover, the level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including eleven SRO markets, as well as internalizing BDs and various forms of alternative trading systems (“ATs”), including dark pools and electronic communication networks (“ECNs”). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, BDs, and ATs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATs, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, NYSE MKT, NYSE Arca, and BATS/Direct Edge.

<sup>28</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR–NASDAQ–2016–109 on the subject line.

#### Paper comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2016–109. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission’s Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2016–109, and should be submitted on or before September 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2016–19799 Filed 8–18–16; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. 2016–92]

### Petition for Exemption; Summary of Petition Received; Delta Engineering

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public’s awareness of, and participation in, the FAA’s exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before September 8, 2016.

**ADDRESSES:** Send comments identified by docket number FAA–2016–8687 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as

<sup>29</sup> 17 CFR 200.30–3(a)(12).

described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Deana Stedman, ANM-113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email [deana.stedman@faa.gov](mailto:deana.stedman@faa.gov), phone (425) 227-2148.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 2, 2016.

**Dale Bouffiou,**

*Acting Director, Office of Rulemaking.*

#### **Petition for Exemption**

*Docket No.:* FAA-2016-8687.

*Petitioner:* Delta Engineering.

*Section(s) of 14 CFR Affected:*

§ 25.571(e)(1).

*Description of Relief Sought:* Delta Engineering has requested relief from certain discrete source damage-tolerance requirements for the installation of two cameras on an Aerospatiale ATR42-500 airplane.

[FR Doc. 2016-19780 Filed 8-18-16; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Proposed Airfield Safety Enhancement Project at Tucson International Airport, Tucson, Pima County, Arizona**

**AGENCY:** Federal Aviation Administration, (FAA), DOT.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement and request for scoping comments.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice under the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended to advise the public that an Environmental Impact Statement (EIS) will be prepared to assess the potential impacts of the proposed Airfield Safety Enhancement Project (ASEP) including real property

transactions between the United States Air Force (USAF) and the Tucson Airport Authority (TAA); demolition of 12 Earth Covered Magazines (ECM); replacement of the ECMs elsewhere on USAF Plant 44; construction of a new parallel taxiway; relocation of Runway 11R-29L and other associated development at Tucson International Airport. The proposed project also includes transfer of land ultimately to the USAF, on behalf of the National Guard Bureau (NGB), for construction of a Munitions Storage Area and access road to support the 162nd Fighter Wing at Tucson Air National Guard Base. To ensure that all significant issues related to the proposed action are identified, one (1) public scoping meeting and one (1) governmental agency scoping meeting will be held.

FAA is the lead agency on the preparation of the EIS and has invited the Department of the Air Force (USAF) and the National Guard Bureau (NGB) to participate as cooperating agencies because the Tucson Airport Authority's proposed action requires federal actions by both U.S. Department of Defense agencies.

**FOR FURTHER INFORMATION CONTACT:** Mr. David B. Kessler, M.A., AICP, Federal Aviation Administration, Western-Pacific Region—Airports Division, AWP-610.1., P.O. Box 92007, Los Angeles, California 90009-2007. Telephone: 310-725-3615.

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to inform federal, state, and local government agencies, and the public of the intent to prepare an EIS and to conduct a public and agency scoping process. Information, data, opinions, and comments obtained throughout the scoping process will be considered in preparing the draft EIS.

The scoping process for this EIS will include a comment period for interested agencies and interested persons to submit oral and/or written comments representing the concerns and issues they believe should be addressed. Please submit any written comments to the FAA not later than 5:00 p.m. Pacific Daylight Time, Monday, October 3, 2016.

The EIS will be prepared in accordance with the procedures described in FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*. The Tucson Airport Authority, the owner of Tucson International Airport, proposes the following development as identified in

the Airfield Safety Enhancement Plan: Construction of a new center parallel and connecting taxiway system; a replacement Runway 11R-29L (proposed to be 11,000 feet long by 150 feet wide); acquisition of land for the runway object free area, taxiway object free area, runway safety area, and runway protection zone; from USAF Plant 44. The proposed ASEP also includes relocation of navigational aids and development and/or modification of associated arrival and departure procedures for the relocated runway. The proposed ASEP also includes demolition of 12 ECMs and replacement of the ECMs elsewhere on USAF Plant 44. The EIS will also evaluate the proposed release of airport land from federal obligations between the former East Hughes Access Road and the new Aerospace Parkway, south of USAF Plant 44. A portion of this land has been proposed for construction of a Munitions Storage Area, to include ECMs, and access road, for the 162nd Fighter Wing at the Tucson Air National Guard Base located adjacent to Tucson International Airport. The FAA is the lead Federal Agency for preparation of the EIS. The FAA has invited the U.S. Department of the Air Force and the U.S. National Guard Bureau to participate as cooperating agencies under Title 40, Code of Federal Regulations (CFR) § 1508.5.

Within the EIS, FAA proposes to consider a range of alternatives that could potentially meet the purpose and need to enhance airfield safety at Tucson International Airport including, but not limited to, the following:

*Alternative One—Sponsor's Proposed Action:* Acquire 58 acres of land along the shared property boundary between the Tucson International Airport and USAF Plant 44, construction of a new centerline parallel and connecting taxiway between Runway 11L-29R and Runway 11R-29L; construction of a relocated Runway 11R-29L about 100 feet to the southwest, creating a centerline separation of 800 feet between the existing Runway 11L/29R and the relocated Runway 11R/29L. The relocated Runway 11R/29L will be 11,000 feet long by 150 feet wide. The relocation of Runway 11R/29L will include removal and reinstallation of associated navigational aids. This alternative includes demolition of 12 ECMs and construction of replacement ECMs, elsewhere on USAF Plant 44; release of airport land from federal obligations between the former East Hughes Access Road and Aerospace Parkway. A portion of this land would be ultimately transferred to the USAF, on behalf of the NGB, for construction