

CARB has repeatedly demonstrated the existence of compelling and extraordinary conditions in California. EPA has not received any adverse comments to suggest that California no longer suffers from compelling and extraordinary conditions. Because EPA has not received adverse public comment, or any other relevant information, challenging the need for CARB's own motor vehicle pollution control program based on lack of compelling and extraordinary conditions for the purposes of this waiver request, I cannot deny the waiver based on a lack of compelling and extraordinary conditions.

CARB stated in its request letter that the amendments and accompanying enforcement procedures do not raise any concerns of technological infeasibility, inadequate lead time or impose any inconsistent certification requirements. Because EPA has not received adverse public comment, or any other relevant information regarding the consistency of California's HD OBD amendments with section 202(a) of the Clean Air Act, I cannot find that CARB's HD OBD regulations, as noted, would cause the California motor vehicle emissions standards to be inconsistent with section 202(a).

Therefore, as to the amendments that create new, more stringent requirements for the 2013 and later MYs, and the new enforcement procedures, there is insufficient basis to deny a full waiver of preemption under the criteria set forth in section 209(b) of the Act.

A full explanation of EPA's decision is contained in a Decision Document which may be obtained as explained above.

The Administrator has delegated the authority to grant California section 209(b) waivers of preemption to the Assistant Administrator for Air and Radiation. After evaluating California's HD OBD amendments and CARB's submissions, EPA is taking the following actions. First, EPA is confirming that the amendments that relax the HD OBD requirements for 2010–2012 MYs are within the scope of the previous waiver of preemption. Second, EPA is granting a new waiver of preemption for the amendments to the HD OBD regulations that create new, more stringent requirements for MY 2013 and later, along with the accompanying enforcement procedures.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce heavy-duty vehicles and engines for sale in California. For this reason, I hereby

determine and find that this is a final action of national applicability for the purposes of section 307(b)(1) of the Act. Pursuant to section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by February 8, 2013. Judicial review of this action may not be obtained in subsequent enforcement proceedings, pursuant to section 307(b)(2) of the Act.

As with past waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Further, the Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for the purposes of 5 U.S.C. 804(3).

Dated: November 29, 2012.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

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FEDERAL COMMUNICATIONS COMMISSION

[MB Docket Nos. 09–182 and 07–294; DA 12–1946]

Commission Seeks Comment on Broadcast Ownership Report

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: This document solicits comment on data contained in the Media Bureau's recently released report on the ownership of commercial broadcast stations, which provides detailed information by race, ethnicity, and gender concerning ownership of commercial television, radio, Class A television, and low-power television stations.

DATES: Comments may be filed on or before December 26, 2012, and reply comments may be filed on or before January 4, 2013.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hillary DeNigro, Industry Analysis Division, Media Bureau, FCC, (202) 418–2330.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice in MB Docket Nos. 09–182, 07–294, DA 12–1946, released December 3, 2012. The complete text of the document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554, and may also be purchased from the Commission's copy contractor, BCPI, Inc., Portals II, 445 12th Street SW., Washington, DC 20054. Customers may contact BCPI, Inc. at their Web site <http://www.bcpi.com> or call 1–800–378–3160.

Synopsis of the Public Notice

1. The Public Notice offers an opportunity for additional comment on data contained in the Media Bureau's recently released report on the ownership of commercial broadcast stations ("Ownership Report"). The Ownership Report provides detailed information by race, ethnicity, and gender concerning ownership of commercial television, radio, Class A television, and low-power television stations.

2. As the Commission has long recognized, minorities and women own broadcast stations in disproportionately small numbers. This fact has been well established in our media ownership docket, including in the 2009 biennial ownership data detailed in the *NPRM* prior to the release of the final Ownership Report. The recently released Ownership Report confirms that minority and female ownership numbers remain low and provides more detailed ownership figures. These data are part of the record and have been considered in our current quadrennial review and, along with additional data gathered in subsequent biennial filings, will be considered in our succeeding quadrennial reviews.

3. The Ownership Report represents the latest step in the Commission's ongoing efforts to collect and publicly release minority and female ownership data. As explained in the *NPRM*, the Commission has sought actively in recent years to improve its collection and analysis of broadcast ownership information. These initiatives include improvements to the reliability and utility of the data reported in FCC Form 323. Although refinements to the

collection and assessment of these data are ongoing, the recently released Ownership Report signifies a substantial improvement in minority and female ownership data. We anticipate going forward that these and additional ownership reports will provide useful periodic “snapshots” of minority and female ownership in the broadcast industry. We expect that our continuing efforts to reform and refine our ownership data collection will yield more and better data to support trend analyses in the future.

4. The Ownership Report was released to the public on November 14, 2012 and parties have submitted material in the record concerning the data. Several parties have requested an additional, formal opportunity to comment on the Ownership Report. Thus, while this proceeding has provided numerous opportunities for public input and participation, we will establish a further comment cycle for this limited purpose. Comments are due December 26, 2012; reply comments are due January 4, 2013.

Procedural Matters

5. *Ex Parte Rules.* This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules.¹ As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).

6. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments

already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). Written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

7. *Comment Information.* Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Federal Communications Commission.

Robert Ratcliffe,

Deputy Bureau Chief, Media Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting FCC To Hold Open Commission Meeting Wednesday, December 12, 2012

December 5, 2012.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, December 12, 2012. The meeting is scheduled to commence at 1:00 p.m. in Room TW–C305, at 445 12th Street SW., Washington, DC. The Commission is waiving the sunshine period prohibition contained in Section 1.1203 of the Commission’s rules, 47 CFR 1.1203, until 5:00 p.m. on Thursday, December 6, 2012. Thus, presentations with respect to the items listed below will be permitted until that time.

Item No.	Bureau	Subject
1	Wireless Telecommunications, International and Office of Engineering & Technology.	<i>Title:</i> Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550–3650 MHz Band.

¹ 47 CFR 1.1200, 1.1206.

² 47 CFR 1.1206.