

List of Subjects in 40 CFR Part 268

Environmental Protection, Hazardous Waste, and Variances.

Dated: August 10, 2012.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 268—LAND DISPOSAL RESTRICTIONS

■ 1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

■ 2. In § 268.44, the table in paragraph (o) is amended as follows:

■ a. By revising the existing entry for “Owens Brockway Glass Container Company, Vernon, CA.”

■ b. By adding in alphabetical order an additional entry for “Owens Brockway Glass Container Company, Vernon, CA.”

■ c. Republishing the entry for “St. Gobain Containers, El Monte, CA.”

■ d. By revising footnote 7.

■ e. By adding a new footnote 15.

■ f. By adding a new footnote 16.

The revisions and additions read as follows:

§ 268.44 Variance from a treatment standard.

* * * * *
(o) * * *

TABLE—WASTES EXCLUDED FROM THE TREATMENT STANDARDS UNDER § 268.40

Facility name ¹ and address	Waste code	See also	Regulated hazardous constituent	Wastewaters		Nonwastewaters	
				Concentration (mg/L)	Notes	Concentration (mg/kg)	Notes
* * * Owens Brockway Glass Container Company, Vernon, CA ⁶ .	D010	Standards under § 268.40.	Selenium	NA	NA	51 mg/L TCLP ..	(¹⁵)
* * * Owens Brockway Glass Container Company, Vernon, CA ⁶ .	D010	Standards under § 268.40.	Selenium	NA	NA	59 mg/L TCLP ..	(¹⁶)
* * * St. Gobain Containers, El Monte, CA ^{5 7} .	D010	Standards under § 268.40.	Selenium	NA	NA	25 mg/L TCLP ..	NA
* * *							

¹ A facility may certify compliance with these treatment standards according to provisions in 40 CFR 268.7.

⁵ Alternative D010 selenium standard only applies to dry scrubber solid from glass manufacturing wastes.

⁶ Alternative D010 selenium standard only applies to electrostatic precipitator dust generated during glass manufacturing operations.

⁷ D010 wastes generated by this facility must be treated by Chemical Waste Management, Inc. at its Kettleman Hills facility in Kettleman City, California.

¹⁵ This alternative standard applies only to D010 wastes generated by this facility and treated by Chemical Waste Management, Inc. at its Kettleman Hills facility in Kettleman City, California.

¹⁶ This alternative standard applies only to D010 wastes generated by this facility and treated by U.S. Ecology Nevada at its facility in Beatty, Nevada. This alternative treatment standard is conditioned on the waste-to-reagent ratio not exceeding 1 to 0.45.

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[FR Doc. 2012–20504 Filed 8–21–12; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
44 CFR Part 65

[Docket ID FEMA–2012–0003]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering

Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the

address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The

community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 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.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Jefferson (FEMA Docket No.: B-1244).	City of Birmingham (11-04-6751P).	December 2, 2011; December 9, 2011; <i>The Birmingham News</i> .	The Honorable William Bell, Mayor, City of Birmingham, 710 North 20th Street, Birmingham, AL 35203.	April 9, 2012	010116
Jefferson (FEMA Docket No.: B-1244).	City of Mountain Brook (11-04-6751P).	December 2, 2011; December 9, 2011; <i>The Birmingham News</i> .	The Honorable Lawrence Terry Oden, Mayor, City of Mountain Brook, 928 Montclair Road, Mountain Brook, AL 35213.	April 9, 2012	010128
Jefferson (FEMA Docket No.: B-1244).	Unincorporated areas of Jefferson County (11-04-6751P).	December 2, 2011; December 9, 2011; <i>The Birmingham News</i> .	The Honorable David Carrington, President, Jefferson County Commission, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	April 9, 2012	010217
Mobile (FEMA Docket No.: B-1248).	Unincorporated areas of Mobile County (11-04-1740P).	November 24, 2011; December 1, 2011; <i>The Press-Register</i> .	The Honorable Connie Hudson, President, Mobile County Commission, 205 Government Street, Mobile, AL 36644.	March 30, 2012	015008
Mobile (FEMA Docket No.: B-1240).	Unincorporated areas of Mobile County (11-04-5528P).	December 1, 2011; December 8, 2011; <i>The Press-Register</i> .	The Honorable Connie Hudson, President, Mobile County Commission, 205 Government Street, Mobile, AL 36644.	April 6, 2012	015008
Arizona:					
Maricopa (FEMA Docket No.: B-1240).	City of Glendale (11-09-3464P).	November 24, 2011; December 1, 2011; <i>The Arizona Business Gazette</i> .	The Honorable Elaine M. Scruggs, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	March 30, 2012	040045
Maricopa (FEMA Docket No.: B-1240).	City of Peoria (11-09-3464P).	November 24, 2011; December 1, 2011; <i>The Arizona Business Gazette</i> .	The Honorable Bob Barrett, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	March 30, 2012	040050
Colorado:					
Arapahoe (FEMA Docket No.: B-1244).	City of Centennial (11-08-0818P).	December 8, 2011; December 15, 2011; <i>The Littleton Independent</i> .	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	April 13, 2012	080315
Arapahoe (FEMA Docket No.: B-1244).	City of Centennial (11-08-1095P).	December 8, 2011; December 15, 2011; <i>The Littleton Independent</i> .	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	April 13, 2012	080315
Florida:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Broward (FEMA Docket No.: B-1248).	City of Deerfield Beach (12-04-0283P).	December 2, 2011; December 9, 2011; <i>The Sun-Sentinel</i> .	The Honorable Peggy Noland, Mayor, City of Deerfield Beach, 150 Northeast 2nd Avenue, Deerfield Beach, FL 33441.	November 22, 2011	125101
Broward (FEMA Docket No.: B-1248).	Town of Lauderdale-By-The-Sea (11-04-7642P).	November 3, 2011; November 10, 2011; <i>The Sun-Sentinel</i> .	The Honorable Roseann Minnet, Mayor, Town of Lauderdale-By-The-Sea, 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308.	October 26, 2011	125123
Georgia: Bryan (FEMA Docket No.: B-1253).	City of Richmond Hill (11-04-4401P).	December 7, 2011; December 14, 2011; <i>The Bryan County News</i> .	The Honorable E. Harold Fowler, Mayor, City of Richmond Hill, 40 Richard Davis Drive, Richmond Hill, GA 31324.	November 29, 2011	130018
North Carolina: Dare (FEMA Docket No.: B-1244).	Unincorporated areas of Dare County (11-04-5020P).	September 8, 2011; September 15, 2011; <i>The Coastland Times</i> .	The Honorable Warren Judge, Chairman, Dare County Board of Supervisors, 954 Marshall C. Collins Drive, Manteo, NC 27954.	August 30, 2011	375348

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 8, 2012.

Sandra K. Knight,
Deputy Associate Administrator for
Mitigation, Department of Homeland
Security, Federal Emergency Management
Agency.

[FR Doc. 2012-20632 Filed 8-21-12; 8:45 am]

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Parts 1 and 25

[IB Docket No. 11-133; FCC 12-93]

**Review of Foreign Ownership Policies
for Common Carrier and Aeronautical
Radio Licensees**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts a new approach to its review of foreign ownership in common carrier radio station licensees, where the foreign ownership is held in the licensee through U.S.-organized entities that do not control the licensee. This action responds to pleadings filed in response to the Notice of Proposed Rulemaking initiating this docket and to the Public Notice in this docket seeking further comment on the new approach.

DATES: Effective August 22, 2012.

FOR FURTHER INFORMATION CONTACT:
Kathleen Collins or Susan O'Connell,
Policy Division, International Bureau,
FCC, (202) 418-1460 or via the Internet
at Kathleen.Collins@fcc.gov and
Susan.O'Connell@fcc.gov

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order in IB Docket No. 11-133, FCC 12-93, adopted August 17, 2012, and released August 17, 2012. The full text of this document is available for

inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone: (800) 378-3160, fax: (202) 488-5563, or via its web site, <http://www.bcpweb.com>. The complete text also is available on the Commission's Web site at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-93A1.pdf. To request the document 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).

Summary of First Report and Order

1. On April 11, 2012, the International Bureau, on behalf of the Commission, issued a Public Notice in this docket (77 FR 24452, April 24, 2012) inviting comment on the legal and policy implications of forbearing under section 10 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 160, from applying section 310(b)(3) of the Act to certain foreign ownership interests in common carrier licensees, where those interests are held through U.S.-organized entities that do not control the licensee. The First Report and Order forbears, pursuant to section 10(a) of the Act, from applying the 20 percent foreign ownership limit set forth in section 310(b)(3) of the Act to the class of common carrier licensees in which foreign ownership in the licensee is held through U.S.-organized entities that do not control the licensee, to the extent the Commission determines such foreign ownership is consistent with the public interest under the policies and procedures the Commission has adopted

for the public interest review of foreign ownership subject to section 310(b)(4) of the Act. The First Report and Order refers to this class of licensees as "licensees subject to section 310(b)(3) forbearance." The forbearance approach applies only to such foreign ownership in common carrier licensees and not to broadcast or other licensees covered by section 310(b)(3). Nor does the approach apply to foreign ownership held in a licensee other than indirectly through an intervening U.S.-organized entity that does not control the licensee.

2. Section 10(a) of the Act enables the Commission to forbear from applying any regulation or any provision of the Act to a telecommunications carrier or service, or a class of telecommunications carriers or services, if the Commission determines that forbearances satisfies the following three-pronged test: (1) Enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory; (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provision or regulation is consistent with the public interest. 47 U.S.C. 160(a).

3. The First Report and Order finds that forbearing from applying section 310(b)(3)'s 20 percent foreign equity and voting limits to the class of common carrier licensees in which foreign interests in the licensee are held through U.S.-organized entities that do not control the licensee, to the extent such foreign ownership serves the public interest as determined under the