

publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Volatile organic compound, Reporting and recordkeeping requirements.

Dated: April 23, 1999.

**David A. Ullrich,**

*Acting Regional Administrator, Region 5.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

#### Subpart Y—Minnesota

2. Section 52.1220 is amended by adding paragraph (c)(48) to read as follows:

#### § 52.1220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(48) On January 12, 1995, Minnesota submitted revisions to its air permitting rules. The submitted revisions provide generally applicable limitations on potential to emit for certain categories of sources.

(i) *Incorporation by reference.* Submitted portions of Minnesota regulations in Chapter 7007, and 7011.0060 through 7011.0080 effective December 27, 1994.

[FR Doc. 99–12366 Filed 5–17–99; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL–6342–5]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Deletion of Yellow Water Road Dump Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Yellow Water Road Dump from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

**EFFECTIVE DATE:** May 18, 1999.

**ADDRESSES:** Comprehensive information on this Site is available through the EPA Region 4 public docket, which is available for viewing at the information repositories at the following two locations:

Record Center, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303, Telephone No.: (404) 562–9530; Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday—by appointment only.  
Baldwin Town Hall, 10 U.S. 90 West, Baldwin, Florida 32234, Telephone No: (904) 266–4221.

#### FOR FURTHER INFORMATION CONTACT:

David Lloyd, Remedial Project Manager, U.S. Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303, (404) 562–8917.

**SUPPLEMENTARY INFORMATION:** The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Yellow Water Road Dump Site, Duval County, Florida from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA identifies sites that appear to present a significant risk to

public health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the Site warrant such action. EPA published a Notice of Intent to Delete the Yellow Water Road Dump Site from the NPL on December 23, 1998 in the **Federal Register** (63 FR 71052–71054). EPA received no comments on the proposed deletion; therefore, no responsiveness summary is necessary for attachment to this Notice of Deletion. Deletion of a site from the NPL does not affect the responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: April 22, 1999.

**A. Stanley Meiburg,**

*Acting Regional Administrator, U.S. EPA, Region 4.*

40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site "Yellow Water Road Dump, Baldwin, FL".

[FR Doc. 99–12244 Filed 5–17–99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[DA 99–745]

#### Limitations Waived on Payments in Settlement Agreements Among Parties in Contested Licensing Cases

**AGENCY:** Federal Communications Commission.

**ACTION:** Partial waiver of rules.

**SUMMARY:** This document seeks to issue a limited waiver of the Commission's rules. The rules place limitations on settlements that are reached among parties in contested cases in order to prevent "greenmail." The Bureau waives these rules for a 90-day period, effective upon publication of this document in the **Federal Register**. The Bureau waives these rules to permit parties to resolve certain contested proceedings on file at the Commission as of April 16, 1999. Parties can seek dismissal or withdrawal of pending applications, petitions, other pleadings (including finder's preference requests), and informal objections filed with the Commission without limitation on the consideration promised, paid, or received for such dismissal or withdrawal.

**DATES:** The partial waiver of § 1.935 (a) and (b) is effective May 18, 1999 through August 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Donald E. Johnson, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240.

**SUPPLEMENTARY INFORMATION:** This document, Public Notice DA 99-745, released April 16, 1999 is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington DC 20036 (202) 857-3800. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/PublicNotices/1999/index.html>.

## Synopsis

### Introduction

In this document, the Wireless Telecommunications Bureau (Bureau) issues a limited waiver of §§ 1.935(a) and 1.935(b) of the Commission's rules. These rules place limitations on settlements that are reached among parties in contested cases in order to prevent "greenmail." The Bureau waives these rules for contested proceedings on file at the Commission as of April 16, 1999, the release date of this document, DA 99-745, to the extent specified herein, for a 90-day period, effective upon publication of this document in the **Federal Register**. The Bureau waives these rules to permit parties to resolve certain contested proceedings by seeking dismissal or withdrawal of pending applications,

petitions, other pleadings (including finder's preference requests), and informal objections filed with the Commission without limitation on the consideration promised, paid, or received for such dismissal or withdrawal.

This document also permits third parties to contribute to the settlement of certain contested proceedings without limitation on the consideration promised or paid. This document does not, however, waive the Commission's policy that prohibits settlements involving the award of licenses to persons who were not parties to the proceeding.

This 90-day waiver does not apply to any applications that are in hearing status. This document waives only the greenmail limitations on the settlement of pending matters; it does not waive any other Commission prohibitions or limitations on settlements. This document does not permit parties to "settle" mutually exclusive applications that were dismissed pursuant to the Paging Second Report and Order, *Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, Second Report and Order and Further Notice of Proposed Rule Making*, 62 FR 11616, released February 24, 1997. Pursuant to the *Second Report and Order*, the Commercial Wireless Division of the Wireless Telecommunications Bureau dismissed, without prejudice, all pending mutually exclusive paging applications and all pending paging applications (other than applications for nationwide and shared channels) filed after July 31, 1996. *Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, WT Docket No. 96-18, DA 98-2534, Order* (Wireless Telecomm. Bur. December 14, 1998). Unless the Commission modifies these decisions on reconsideration, parties may not "settle" these applications.

This document also does not permit parties to "settle" mutually exclusive applications that were dismissed pursuant to *Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183, Report and Order and Second Notice of Proposed Rule Making*, 63 FR 03075, released November 3, 1997. In this order, the Commission dismissed (1) all applications for which the 60-day filing window was not completed as of the date of the *Freeze Order*, DA 95-2341 (Chief, Wireless Telecom. Bureau, released November 13, 1995); (2) all major amendments filed on or after the release of the *Freeze Order*; and (3) all

mutually exclusive applications that were not cured by an amendment-of-right filed on or before the release of the *Report and Order and Notice of Proposed Rule Making*, 61 FR 02452 released December 15, 1995. Unless the Commission modifies these decisions on reconsideration, parties may not "settle" these applications.

Parties are still required to seek Commission approval of the withdrawal or dismissal of applications, petitions, other pleadings, or informal objections but, during this 90-day period, they will not be required to certify that they have not received or will not receive consideration in excess of legitimate and prudent expenses in exchange for seeking a withdrawal or dismissal. Parties are not required to provide an itemized accounting or disclose the amount of consideration received or promised as the result of any settlement agreement.

The Bureau underscores its continuing strong support, however, for the rule limiting payments in settlement cases. We are taking this action because of the many cases currently pending before the Bureau, some of which are more than five years old. Providing for a settlement period, and a limited waiver of the "greenmail" rules will facilitate the resolution of these cases and serve the public interest by removing uncertainty that surrounds unresolved, pending applications and licensing matters. In addition, a limited settlement window will allow parties to resolve disputes where the cost and delay of protracted litigation will further hamper the provision of wireless service to the public. It does not appear that a limited, one-time waiver of the rules imposed on settlement agreements would either reward improper speculation or encourage the filing of abusive pleadings in the future.

The parties to any settlement agreement must receive Commission approval of the settlement before the settlement can take effect. The parties must file a request for approval of the settlement agreement no later than 90 days after publication of this document in the **Federal Register**. Each request for approval of a settlement agreement must contain a copy of all written agreements related to the settlement. All such settlement agreements must be properly executed, contain all supporting documentation, and demonstrate that the settlement constitutes a complete resolution of the case. Parties can redact the amount of consideration promised, paid, or received.

In addition, the first page of each request for approval of a settlement agreement must contain the following

information: (1) a caption at the top of the page stating the following: "Settlement Request Pursuant to DA 99-745;" (2) a list of the parties to the contested proceeding for which settlement is being proposed; (3) a statement indicating the radio service(s) to which the settlement relates; (4) a list of all the FCC file numbers related to the settlement; and (5) a list of all the station call signs related to the settlement. Each request for approval of a settlement agreement also must include either a list of all applications and pleadings that were filed in the contested case or copies of the applications and pleadings. Further, all requests for approval of a settlement agreement must include a brief summary of the contested case that is being settled. Finally, if a settlement agreement concerns a contested case which requires a waiver, the parties must include a request for a waiver at the time of filing.

No settlement agreement will take effect until the Bureau releases a public notice approving the proposed settlement. The Bureau reserves the right to deny a request for approval of a settlement, if we find that a settlement in a particular case would not serve the public interest. Notwithstanding this 90-day waiver, the Commission will continue to take action on pending cases. Accordingly, parties are encouraged to reach settlements and file requests for approval of settlement agreements as expeditiously as possible.

No later than 90 days following publication of this document in the **Federal Register**, an original and four copies of all proposed settlement agreements must be filed with the Commission's Secretary, Magalie Roman Salas, 445 Twelfth Street, SW, TW-A325, Washington, DC 20554, in accordance with section 1.51(c) of the Commission's rules. In addition, one copy of each pleading should be delivered to (1) Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, SW 4-A207, Washington, DC 20554; and (2) Public Reference Room, Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554.

Federal Communications Commission.

**Dianne J. Cornell,**

*Associate Chief, Wireless Telecommunications Bureau.*

[FR Doc. 99-12451 Filed 5-17-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 20 and 80

[PR Docket No. 92-257; FCC 99-83]

#### Maritime Communications

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** The Commission has denied reconsideration of and corrected portions of the final rules adopted in the *Third Report and Order and Memorandum Opinion and Order* (Third Report and Order) in this proceeding. It clarifies the respective regulatory statuses of services that were and were not addressed in the *Third Report and Order*, deletes a cross-reference to a rule that was removed in the *Third Report and Order*, and clarifies the co-channel interference protection standards for VHF public coast geographic licensees established in the *Third Report and Order*.

**DATES:** Effective June 17, 1999.

**FOR FURTHER INFORMATION CONTACT:** Scot Stone of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, at (202) 418-0680 or via E-mail to "sstone@fcc.gov". TTY: (202) 418-7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, PR Docket No. 92-257, FCC 99-83, adopted April 26, 1999, and released May 3, 1999. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800, facsimile (202) 857-3805. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at mcontee@fcc.gov. The full text of the *Memorandum Opinion and Order* can also be downloaded at: <http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc9983.txt> or <http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc9983.wp>

#### Summary of the Memorandum Opinion and Order

1. The Commission initiated the instant proceeding to update the Maritime Service rules to promote the use of new, spectrally efficient radio communications techniques. In the *Third Report and Order* (63 FR 40059,

July 27, 1998), the Commission adopted rules to simplify the license process for VHF public coast stations. Fred Daniel d/b/a Orion Telecom petitioned for reconsideration of those rules, contending that the 12 dB co-channel interference protection standard was insufficient to protect automated coastal stations, the development of which will be facilitated by the rule changes adopted in the *Third Report and Order*. The Commission finds, however, that the standard is sufficient, and that there is no reason to adopt different standards for automated and manually-operated stations.

2. In addition, on its own motion, the Commission amends the rules to conform the final rules adopted in the *Third Report and Order* to the text of the *Third Report and Order*, and corrects the Final Regulatory Flexibility Analysis.

#### Revised Final Regulatory Flexibility Analysis

3. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Second Further Notice of Proposed Rule Making* (62 FR 37533, July 14, 1997) in this proceeding (*Second Further Notice*). The Commission sought written public comment on the proposals in the *Second Further Notice*, including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

4. *Need for, and Objectives of, the Third Report and Order.* Our objective is to simplify our licensing process for VHF public coast stations. Specifically, this action will: (1) convert licensing of VHF public coast station spectrum from site-by-site licensing to geographic area licensing, (2) simplify and streamline the VHF public coast spectrum licensing procedures and rules, (3) increase licensee flexibility to provide communication services that are responsive to dynamic market demands, and (4) introduce market-based forces into the Maritime Services by using competitive bidding procedures (auctions) to resolve mutually exclusive applications for public coast spectrum. We find that these actions will increase the number and types of communications services available to the maritime community and improve the safety of life and property at sea, and that the potential benefits to the maritime community exceed any negative effects that may result from the promulgation of rules for this purpose. Thus, we conclude that the public interest is served by amending our rules as described above.