

Settlements meeting these criteria “will probably pass muster and receive approval.” *Id.* at 1093; see also *World Chance Logistics (Hong Kong), Ltd.-Possible Violations*, 31 S.R.R. 1346, 1350 (FMC 2010).

The clarifying language reflects the Commission’s intent as expressed when it promulgated section 502.72 that it was not changing its long standing policy with respect to review of settlement agreements, and articulates the requisite procedure for voluntary and involuntary dismissal of complaints.

This final rule is not a “major rule” under 5 U.S.C. 804(2). No notice of proposed rulemaking is required; therefore, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

#### List of Subjects in 46 CFR Part 502

Administrative practices and procedures, Claims, Equal Access to Justice, Investigations, Practice and procedure, Procedural rules, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Federal Maritime Commission amends 46 CFR part 502 as follows:

#### PART 502—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 502 continues to read as follows:

**Authority:** 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596, 5 U.S.C. 571–584; 18 U.S.C. 207; 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. 305, 40103–40104, 40304, 40306, 40501–40503, 40701–40706, 41101–41109, 41301–41309, 44101–44106; E.O. 11222 of May 8, 1965.

#### Subpart E—Proceedings; Pleadings; Motions; Replies

■ 2. Revise § 502.72 to read as follows:

##### § 502.72 Dismissals.

(a) *Voluntary dismissal.* (1) *By the complainant.* When no settlement agreement is involved, the complainant may dismiss an action without an order from the presiding officer by filing a notice of dismissal before the opposing party serves either an answer, a motion to dismiss, or a motion for summary decision. Unless the notice or stipulation states otherwise, the dismissal is without prejudice.

(2) *By stipulation of the parties.* The parties may dismiss an action at any point without an order from the presiding officer by filing a stipulation of dismissal signed by all parties who have appeared. In the stipulation the parties must certify that no settlement

on the merits was reached. Unless the stipulation states otherwise, the dismissal is without prejudice.

(3) *By order of the presiding officer.* Except as provided in paragraphs (a)(1) and (a)(2) of this section, an action may be dismissed at the complainant’s request only by order of the presiding officer, on terms the presiding officer considers proper. If the motion is based on a settlement by the parties, the settlement agreement must be submitted with the motion for determination as to whether the settlement appears to violate any law or policy and to ensure the settlement is free of fraud, duress, undue influence, mistake, or other defects which might make it unapprovable. Unless the order states otherwise, a dismissal under this paragraph is without prejudice.

(b) *Involuntary dismissal; effect.* If the complainant fails to prosecute or to comply with these rules or an order in the proceeding, a respondent may move to dismiss the action or any claim against it, or the presiding officer, after notice to the parties, may dismiss the proceeding on its own motion. Unless the dismissal order states otherwise, a dismissal under this subpart, except one for lack of jurisdiction or failure to join a party, operates as an adjudication on the merits.

(c) *Dismissing a counterclaim, crossclaim, or third-party claim.* This rule applies to dismissals of any counterclaim, crossclaim, or third-party claim.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2014–29946 Filed 12–22–14; 8:45 am]

**BILLING CODE 6730–01–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Parts 0, 1, 2, 15, 27, 73, and 74

[GN Docket No. 12–268; FCC 14–143]

#### Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations to the Commission’s rules which were published in the **Federal Register** on Thursday, November 6, 2014 (79 FR 65906). The Commission published a clarification in the Declaratory Ruling, which clarifies how the Commission intends to preserve the “coverage area”

of eligible broadcasters in the repacking process associated with the broadcast television spectrum incentive auctions. This document contains corrections to the adopted date.

**DATES:** Effective November 6, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Aspasia Paroutsas, Office of Engineering and Technology, 202–418–7285, [Aspasia.Paroutsas@fcc.gov](mailto:Aspasia.Paroutsas@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The regulations that are the subject of this correction relates to “Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions” adopted date.

#### Need for Correction

As published, in the final regulations appearing on page 65906 in the **Federal Register** of November 6, 2014, the first sentence of the **SUPPLEMENTARY INFORMATION** is corrected to read as follows:

This is a summary of the Commission’s Declaratory Ruling, GN Docket No. 12–268, FCC 14–143, adopted September 30, 2014 and released September 30, 2014.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2014–30079 Filed 12–22–14; 8:45 am]

**BILLING CODE 6712–01–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 15

[ET Docket No. 13–49; FCC 14–30]

#### Unlicensed National Information Infrastructure (U–NII) Devices in the 5 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** On April 1, 2014, the Commission released a Report and Order, “Unlicensed National Information Infrastructure (U–NII) Devices in the 5 GHz Band.” This document contains corrections to the final regulations for “Unlicensed National Information Infrastructure (U–NII) Devices in the 5 GHz Band” that appeared in the **Federal Register** on May 1, 2014 (79 FR 24569).

**DATES:** Effective December 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** Aole Wilkins, Office of Engineering and Technology, (202) 418–2406 or email [Aole.Wilkins@fcc.gov](mailto:Aole.Wilkins@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

## Background

The final regulations that are the subject of this correction relates to “Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band” under § 15.407(a)(1).

## Need for Correction

As published, the revised text in the final regulations contains errors that are misleading and need immediate correction.

## List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Accordingly, 47 CFR part 15 is corrected by making the following correcting amendment:

### PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 2. Section 15.407 is amended by revising paragraph (a)(1)(iii) to read as follows:

#### § 15.407 General technical requirements.

(a) \* \* \*

(1) \* \* \*

(iii) For fixed point-to-point access points operating in the band 5.15–5.25 GHz, the maximum conducted output power over the frequency band of operation shall not exceed 1 W. In addition, the maximum power spectral density shall not exceed 17 dBm in any 1 megahertz band. Fixed point-to-point U-NII devices may employ antennas with directional gain up to 23 dBi without any corresponding reduction in the maximum conducted output power or maximum power spectral density. For fixed point-to-point transmitters that employ a directional antenna gain greater than 23 dBi, a 1 dB reduction in maximum conducted output power and maximum power spectral density is required for each 1 dB of antenna gain in excess of 23 dBi. Fixed, point-to-point operations exclude the use of point-to-multipoint systems, omnidirectional applications, and multiple collocated transmitters transmitting the same information. The operator of the U-NII device, or if the equipment is professionally installed, the installer, is responsible for ensuring that systems employing high gain directional antennas are used exclusively for fixed, point-to-point operations.

\* \* \* \* \*

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2014–29858 Filed 12–22–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[GN Docket No. 12–268; ET Docket Nos. 13–26 and 14–14; FCC 14–157]

### Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document addresses several outstanding issues related to the Incentive Auction. The Commission addresses and rejects proposals for additional limits on any new interference between television stations as a result of the repacking process. The Commission establishes a methodology and the associated input values to predict inter-service interference between television and wireless services in certain areas for use during the incentive auction (ISIX Methodology).

**DATES:** Effective January 22, 2015, except for §§ 73.3700(b)(1)(iv)(B), 73.3700(b)(2)(i) introductory text, and 73.3700(b)(2)(ii) of the rules which contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13, that are not effective until approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing OMB approval and the effective date of this rule.

**FOR FURTHER INFORMATION CONTACT:** Aspasia Paroutsas, (202) 418–7285, *Aspasia.Paroutsas@fcc.gov*, Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Second Report and Order and Further Notice of Proposed Rulemaking*, GN Docket No. 12–268; ET Docket Nos. 13–26 and 14–14, FCC 14–157, adopted October 16, 2014 and released October 17, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission’s copy contractor, Best Copy and Printing,

Inc., 445 12th Street SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov*. 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).

### Summary of Second Report and Order Requested Additional Limits on New Interference in the Repacking Process

1. The Commission declined to establish a one-percent cap on the amount of total or aggregate new interference that a broadcast station will be allowed to receive from other stations, as requested by the National Association of Broadcasters (NAB) and others. In the *Incentive Auction R&O*, 79 FR 48442, August 15, 2014, the Commission adopted a 0.5 percent limit on new interference that will be applied on a pairwise or station-to-station basis. The Commission concludes that broadcasters’ concerns regarding the potential for new interference in the absence of a separate one-percent cap on aggregate interference are exaggerated: the vast majority of stations are unlikely to experience aggregate new interference of more than one percent. The Commission also adopted measures that will effectively address broadcasters’ concerns about such interference in exceptional cases where there may be aggregate new interference of more than one percent. In addition to being unnecessary, the proposed cap is not practical or realistic, because even if the broadcasters had identified a means of implementing it (they have not), an aggregate interference cap would deprive the reverse auction bidding process of its speed and, therefore, compromise the success of the incentive auction. The Commission concludes that it can fulfill Congress’s mandate to make “all reasonable efforts” to preserve the population served of stations that will remain on the air after the incentive auction without imposing an aggregate interference cap. Crucially, the Commission can do so in a manner that ensures an efficient channel assignment scheme, minimizes repacking costs and disruption to broadcasters and viewers, and furthers the goal of a successful auction. The Commission also declined to adopt an additional limit on new interference to stations that are currently experiencing ten percent or more interference within their service areas.