

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:**