

parties otherwise stipulate and the Settlement Judge approves.

(2) The Settlement Judge shall file or cause to be filed in the official case record any decision approving full settlement of the case. Where a full settlement is not achieved, the Settlement Judge shall notify the Chief Judge in writing of the termination of proceedings under this section, have the notification filed in the official case record, and include with the notification, for filing in the official case record, any decision approving partial settlement or stipulation of law or fact resulting from settlement negotiations.

(3) With the exception of a decision approving the terms of any full or partial settlement agreed to between the parties as set forth in paragraph (j) of this section, notification of the termination of settlement proceedings, or stipulations of law or fact agreed to by the parties, the Settlement Judge shall not file or cause to be filed in the official case record any material in his possession relating to these proceedings, including but not limited to communications with the Chief Judge, unless the parties otherwise stipulate and the Settlement Judge approves.

(j) *Settlement.* Pursuant to the Mine Act, any full or partial settlement of a case that is the subject of a settlement proceeding shall be submitted to the Settlement Judge for written approval.

(k) *Termination of settlement proceeding.* (1) The settlement proceedings shall terminate upon the issuance of a decision approving a full settlement or written notification to the Chief Judge by the Settlement Judge that no full settlement has been reached.

(2) Upon notification to the Chief Judge by the Settlement Judge that negotiations have concluded without a full settlement, the Chief Judge shall promptly assign the case to a Judge other than the Settlement Judge for appropriate proceedings under the Commission's procedural rules.

(l) *Non-reviewability.* Notwithstanding the provisions of § 2700.76 governing interlocutory review, any decision concerning the submission of a case to settlement procedures, any decision concerning the assignment of a Settlement Judge or a particular Judge, any decision to request or grant an enlargement of time under paragraph (e) of this section, and any decision by the Settlement Judge to terminate proceedings under this section is not subject to review by, appeal to, or rehearing by any Judge, the Chief Judge, or the Commission.

(m) *Ex-parte communications.* The provisions of § 2700.82 shall not apply

to settlement proceedings under this section.

Dated: November 2, 1999.

Mary Lu Jordan,
Chairman.

[FR Doc. 99-29322 Filed 11-9-99; 8:45 am]

BILLING CODE 6735-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-087-1-9939b; FRL-6463-5]

Approval and Promulgation of Implementation Plans: Approval of Revisions to the North Carolina State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of North Carolina on July 29, 1998. These revisions clarify rules for the control of particulate emissions, change the Division's name and address, revise exclusionary levels, add requirements for expedited permit processing, make clarifications, and correct deficiencies identified by EPA. In the Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before December 10, 1999.

ADDRESSES: All comments should be addressed to: Gregory Crawford at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available at the following addresses for inspection during normal business hours:

Air and Radiation Docket and Information Center (Air Docket 6102),

U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960.

North Carolina Department of Environment and Natural Resources, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699.

FOR FURTHER INFORMATION CONTACT: Gregory Crawford at 404/562-9046.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: October 5, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99-27932 Filed 11-9-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-2272; MM Docket No. 99-313; RM-9753]

Radio Broadcasting Services; Greenwood and Mauldin, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Sutton Radiocasting Corporation proposing the reallocation of Channel 244A from Greenwood to Mauldin, South Carolina, and the modification of Station WCRS-FM's license accordingly. Channel 244A can be reallocated to Mauldin in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.7 kilometers (6.7 miles) south at petitioner's requested site. The coordinates for Channel 244A at Mauldin are 34-41-30 North Latitude and 82-17-02 West Longitude. In accordance with provisions of Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 244A at Mauldin, South Carolina.

DATES: Comments must be filed on or before December 13, 1999, reply comments on or before December 28, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the

FCC, interested parties should serve the petitioners, or their counsel or consultants, as follows: Robert Lewis Thompson, Esq., Taylor, Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, Virginia 22314 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-313, adopted October 13, 1999, and released October 22, 1999. The full text of this Commission decision is available for inspection and copying during

normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex*

parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99-29434 Filed 11-9-99; 8:45 am]

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