

U.S.C. 9622(i), notice is hereby given of a proposed covenant not to sue under section 122(h) of CERCLA, 42 U.S.C. 9622(h), contained in Administrative Order on Consent, Index No. CERCLA-02-2002-2025 ("Order"), that has been issued in connection with the Shenandoah Road Groundwater Contamination Superfund Site, East Fishkill, Dutchess County, New York ("Site"). The Order was issued on September 27, 2002, by the U.S. Environmental Protection Agency ("EPA" or the "Agency"). Under the Order, International Business Machines Corporation ("IBM") will conduct a remedial investigation and feasibility study ("RI/FS") for the Site and reimburse EPA for the costs of overseeing the work. Pursuant to Paragraph 75 of the Order, EPA is granting IBM a covenant not to sue for \$150,000 of EPA's past response costs. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the covenant not to sue. The Agency will consider all comments received and may modify or withdraw its consent to the covenant not to sue if comments received disclose facts or considerations that indicate that the proposed covenant not to sue is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at EPA, Region II, 290 Broadway, New York, New York 10007-1866.

DATES: Comments must be submitted on or before April 28, 2003.

ADDRESSES: The Order containing the proposed covenant not to sue is available for public inspection at the United States Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866. A copy of the Order containing the proposed covenant not to sue may also be obtained from Laura Y. McDavid, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, 17th Floor, 290 Broadway, New York, New York 10007-1866. Requests for a copy of the Order should reference Index No. CERCLA-02-2002-2025. Any comments or requests should be addressed to Ms. McDavid and should reference the Shenandoah Road Groundwater Contamination Superfund Site, East Fishkill, Dutchess County, New York.

FOR FURTHER INFORMATION CONTACT: Laura Y. McDavid, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New

York, New York 10007-1866.
Telephone: 212-637-3179.

Dated: March 19, 2003.

William J. Muszynski, P.E.,
Deputy Regional Administrator, U.S.
Environmental Protection Agency, Region II.
[FR Doc. 03-7507 Filed 3-27-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-03-50-B (Auction No. 50);
DA 03-372]

Narrowband PCS Spectrum Auction Revised Inventory and Start Date for Auction No. 50; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures, minimum opening bids, and revised inventory and start date for the upcoming auction of narrowband PCS licenses. This document is intended to familiarize prospective bidders with the procedures and minimum opening bids for this auction.

DATES: Auction No. 50 is scheduled to begin on September 24, 2003.

FOR FURTHER INFORMATION CONTACT: Auctions and Industry Analysis Division: Christopher M. Shields, Legal Branch, or Jeff Crooks, Auctions Operations Branch, at (202) 418-0660; Lisa Stover, Auctions Operations Branch, at (717) 338-2888, Media Contact: Lauren Kravetz at (202) 418-7944, Commercial Wireless Division: Policy and Rules Branch, Amal Abdallah at (202) 418-7307 or Evan Baranoff at (202) 418-7142; Licensing and Technical Analysis Branch, JoAnn Epps or Dwain Livingston, at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 50 Procedures Public Notice* released on February 7, 2003. The complete text of the *Auction No. 50 Procedures Public Notice*, including attachments, is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The *Auction No. 50 Procedures Public Notice* may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402,

Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. This document is also available on the Internet at the Commission's Web site: <http://wireless.fcc.gov/auctions/50/>.

I. General Information

A. Introduction

1. By the *Auction No. 50 Procedures Public Notice*, the Wireless Telecommunications Bureau ("Bureau") announces the procedures and minimum opening bids for the upcoming Narrowband PCS Spectrum Auction (Auction No. 50). The Bureau also announces a new date for the start of Auction 50 and a revised license inventory.

2. On November 26, 2002, in accordance with the Balanced Budget Act of 1997, the Bureau released a public notice seeking comment on reserve prices or minimum opening bids and auction procedures to be used in the Narrowband PCS Spectrum Auction (Auction No. 50). The *Auction No. 50 Comment Public Notice*, 67 FR 72417 (December 5, 2002), announced that Auction No. 50 would include regional and MTA licenses. The Bureau received one comment in response to the *Auction No. 50 Comment Public Notice*. No reply comments were submitted.

3. Space Data proposed that the Commission adopt a combinatorial bidding scheme for Auction No. 50. Space Data contends that the regional licenses are uniquely complementary, because in combination, they effectively constitute a nationwide license and will be more highly valued as a combined package by prospective auction participants intending to deploy nationwide service.

4. After consideration of Space Data's comments, the Bureau has concluded that it may be appropriate to use package bidding for the auction of the regional licenses. Accordingly, by this public notice the Commission:

i. Revises the license inventory for Auction No. 50 by removing the regional narrowband PCS licenses from Auction No. 50. Auction No. 50 will include only the MTA licenses.

ii. Revises the starting date for Auction No. 50, which will commence on September 24, 2003.

5. The Bureau notes that the regional narrowband PCS licenses will be included in Auction No. 51. It will announce the dates for Auction No. 51 and seek comment on a package bidding auction design and other auction procedures in a public notice.