

(iii) Clandestine intelligence activities, including commercial espionage.

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Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96-20865 Filed 8-15-96; 8:45 am]

BILLING CODE 7710-12-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket No. 94-124; DA 96-1157]

#### Unlicensed Operation Above 40 GHz; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Correction to final rule.

**SUMMARY:** This Erratum contains a correction to the final rule adopted in the *First Report and Order*, which was published Tuesday, April 2, 1996, 61 FR 14500. The rule deals with unlicensed operation above 40 GHz. This correction adds an amendment to Part 15 of Title 47 of the Code of Federal Regulations that was inadvertently omitted from the Report and Order.

**EFFECTIVE DATE:** May 2, 1996.

**FOR FURTHER INFORMATION CONTACT:** John A. Reed, Office of Engineering and Technology, (202) 418-2455.

#### SUPPLEMENTARY INFORMATION:

##### Background

This erratum adds an amendment to Section 15.245 of the Commission's rules, 47 CFR Section 15.245, as modified in Unlicensed Operation Above 40 GHz, First Report and Order, ET Docket No. 94-124, FCC 95-499 (released December 15, 1996) 61 FR 14500, April 2, 1996. This rule which deals with unlicensed operation above 40 GHz, was published with an omission. After release of this item, the Commission noted that it had omitted the amendment to the regulations concerning the level of spurious emissions appearing above 40 GHz from unlicensed field disturbance sensors.

##### Need for Correction

As published, this final rule contains an error that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the publication on April 2, 1996, of final rules in ET Docket No. 94-124, which were the subject of FR Doc. 96-7689, is corrected as follows.

## PART 15—[CORRECTED]

On page 14503, in the first column, a new amendatory instruction 5a. is added immediately preceding amendatory instruction 6. to read as follows:

5a. Section 15.245 is amended by revising paragraph (b)(1) introductory text to read as follows: § 15.245 *Operation within the bands 902-928 MHz, 2435-2465 MHz, 5785-5815 MHz, 10500-10550 MHz, and 24075-24175 MHz.*

\* \* \* \* \*

(b)(1) Regardless of the limits shown in the above table, harmonic emissions in the restricted bands below 17.7 GHz, as specified in § 15.205, shall not exceed the field strength limits shown in § 15.209. Harmonic emissions in the restricted bands at and above 17.7 GHz shall not exceed the following field strength limits:

\* \* \* \* \*

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-20906 Filed 8-15-96; 8:45 am]

BILLING CODE 6712-01-U

### 47 CFR Part 64

[CC Docket No. 96-61; FCC 96-331]

#### Implementation of Section 254(g) of the Communications Act of 1934, as Amended

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to Section 254(g) of the Communications Act of 1934, which was added by Section 101(a) of the 1996 Telecommunications Act, the Commission adopts a geographic rate averaging rule "to require that the rates charged by providers of interexchange telecommunications services to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas" and a rate integration rule to require "that a provider of interstate interexchange services shall provide such services to its subscribers in each State at rates no higher than the rates charged to its subscribers in any other State." These rules will ensure that subscribers in rural and high-cost areas will not be charged higher rates for interexchange services than subscribers in urban areas, and that interexchange carriers will offer services to all their service areas—whether rural, high-cost or urban—on the same terms.

**EFFECTIVE DATE:** September 16, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Sherille Ismail or Neil Fried, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order adopted and released August 7, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 239), 1919 M St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Suite 140, 2100 M Street, N.W., Washington, D.C. 20037.

#### Regulatory Flexibility Analysis

The Commission promulgates the rules in the Report and Order to implement Section 254(g) of the Communication Act of 1934, as amended by the Telecommunications Act of 1996. The objective of these rules is "to incorporate the policies of geographic rate averaging and rate integration of interexchange services in order to ensure that subscribers in rural and high cost areas throughout the Nation are able to continue to receive both intrastate and interstate interexchange services at rates no higher than those paid by urban subscribers."

The Regulatory Flexibility Act defines "small entity" to include the definition of "small business concern" under the Small Business Act, 15 U.S.C. 632. Under the Small Business Act, a "small business concern" is one that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) meets any additional criteria established by the Small Business Administration (SBA). Our geographic averaging and rate integration rules will apply to all providers of interexchange service. The SBA has not developed a definition of small entities specifically applicable to providers of interexchange service. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to SBA regulations, a telephone communications company other than a radiotelephone company is a small business concern if it has fewer than 1,500 employees.

The most relevant employee data available from the SBA does not enable us to make a meaningful estimate of the number of providers of interexchange service that are small entities because it is based upon a 1992 Census of Transportation, Communications, and Utilities survey from which we can only