Action League v. *Bell,* C.A. No. 74–1720 (D.D.C., Order of December 29, 1977, as modified by D.D.C., Order of March 11, 1983) (hereinafter referred to as ''*Adams*''), ED was obliged to process complaints of discrimination within time limits specified by the court. Those time limits did not apply to the EEOC or to other agencies that grant financial assistance, nor were they required by the procedures of the joint rule. As a result, DOJ and the EEOC published a rule-related notice stating that ED was precluded by court order from referring employment discrimination complaints to the EEOC under the procedures of the joint rule. 48 FR 29686, June 28, 1983.

On January 17, 1985, the district court in *Adams* issued a modified order permitting ED ''to refer individual, as opposed to systemic, complaints of employment discrimination under Title VI and Title IX'' to the EEOC. As a result, DOJ and the EEOC published a rule-related notice stating that ED was now permitted to refer joint complaints alleging discrimination against an individual to the EEOC. However, the notice indicated that ED would continue to be precluded from referring to the EEOC joint complaints alleging a pattern or practice of employment discrimination or alleging discrimination in both employment and non-employment practices. The procedures of the joint rule permit agencies to refer these complaints to the EEOC when warranted by special circumstances. *See* 50 FR 8608, Mar. 4, 1985.

On June 26, 1990, the Court of Appeals for the District of Columbia Circuit affirmed the district court's dismissal of the entire *Adams* litigation and released ED from the prior limitations of the 1983 *Adams* order referenced above. *Women's Equity Action League* v. *Cavazos,* 906 F.2d 742 (D.C. Cir. 1990). Accordingly, ED is now allowed to follow the coordination procedures set forth in the joint rule in their entirety, including those procedures governing the processing and referral of joint complaints alleging a pattern or practice of employment discrimination or discrimination in employment and non-employment practices.

For the Department of Justice.

Dated: August 12, 1996.

Deval L. Patrick,

Assistant Attorney General, Civil Rights Division.

For the Equal Employment Opportunity Commission.

Dated: August 9, 1996.

Gilbert F. Casellas,

Chairman.

[FR Doc. 96–20958 Filed 8–15–96; 8:45 am]

BILLING CODE 4410–01–M

POSTAL SERVICE

39 CFR Part 233

Addition of Commercial Espionage to Mail Cover Regulations

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends the United States Postal Service's national security mail cover regulations to add commercial espionage by foreign sources as an activity for which national security mail covers may be authorized. This change is effected by expanding the definition of ''protection of the national security'' found at 39 CFR 233.3(c)(9) to include commercial espionage.

EFFECTIVE DATE: August 16, 1996.

FOR FURTHER INFORMATION CONTACT: Henry J. Bauman, Counsel, Postal Inspection Service, (202) 268–4415.

SUPPLEMENTARY INFORMATION: On May 10, 1996, the Postal Service published in the Federal Register (61 FR 21404) a proposed rule to amend its national security mail cover regulations to add commercial espionage and a request for comments on the proposed rule. No comments were received by the closing date of June 10, 1996. The Postal Service therefore adopts the rule below as originally published.

Postal Service regulations on mail covers are published in Title 39 of the Code of Federal Regulations (CFR) at section 233. Paragraph (c)(9) of § 233.3 currently defines ''protection of the national security'' as ''actual or potential threats to the security of the United States of America by a foreign power or its agents.'' This definition is expanded to include commercial espionage.

Commercial espionage by foreign sources has become an increasing threat to the economic well-being and ability of the United States to compete in the international market. For the purposes of this revision, ''commercial espionage'' is defined as either ''economic espionage'' or ''industrial espionage.'' According to the Federal Bureau of Investigation (FBI) white paper, FBI Strategy to Address the Problem of Economic Espionage and Industrial Espionage (Washington, DC: FBI Headquarters, undated), ''economic espionage'' is ''government-directed, sponsored, or coordinated intelligence activity, which may or may not constitute violation of the law, conducted for the purpose of enhancing that country's or another country's economic competitiveness by the use of the information by the foreign government or by providing it to a foreign business entity thereby giving that entity a competitive advantage in the marketplace.'' ''Industrial espionage'' is defined by the FBI as ''individual or private business entity sponsorship or coordination of intelligence activity conducted for the purpose of enhancing a private business and its competitive advantage in the marketplace, which is a violation of law.''

Revising the Postal Service's national security mail cover regulations to include commercial espionage will enhance the ability of law enforcement to protect national security. The Postal Service has determined that this change in its regulations is a matter of internal practice and procedure that will not substantially affect the rights or obligations of private parties.

List of Subjects in 39 CFR Part 233

Administrative practice and procedures, Banks and banking, Credit, Crime, Law enforcement, Postal Service, Privacy, Seizure and forfeiture.

Accordingly, 39 CFR 233 is amended as set forth below.

PART 233—INSPECTION SERVICE/ INSPECTOR GENERAL AUTHORITY

1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95–452, as amended), 5 U.S.C. App.3.

2. Paragraph (c)(9) of § 233.3 is revised to read as follows:

§ 233.3 Mail covers.

* * * * *

(c) * * *

(9) *Protection of the national security* means to protect the United States from any of the following actual or potential threats to its security by a foreign power or its agents:

(i) An attack or other grave, hostile act;

(ii) Sabotage, or international terrorism; or

(iii) Clandestine intelligence activities, including commercial espionage.

* * * * *

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