

a. The phrase "hospitals, mental hospitals, and SNFs." is revised to read "hospitals and mental hospitals."

b. The phrase "§ 456.232 of subpart D; and § 456.332 of subpart E." is revised to read "and § 456.232 of subpart D."

**§§ 456.250 through 456.348 (Subpart E)**  
**[Removed and reserved]**

4. In part 456, subpart E consisting of §§ 456.250 through 456.348 is removed and reserved.

**§ 456.480 [Amended]**

5. In § 456.480, the phrase "skilled nursing facilities," is removed.

**§§ 456.481, 456.482, and 456.652**  
**[Amended]**

6. In part 456, remove the references "456.260," "456.270," and "456.280," wherever they appear, in the following places:

- a. Sections 456.481 (a) and (b);
- b. Section 456.482; and
- c. Sections 456.652 (a)(1), (a)(2), and (a)(4).

**Subpart H—[Amended]**

7. In the heading of subpart H, the phrase "Hospitals, Mental Hospitals, and Skilled Nursing Facilities" is revised to read "Hospitals and Mental Hospitals."

**§ 456.500 [Amended]**

8. In § 456.500, in the introductory text, the phrase "hospitals, mental hospitals and SNFs," is revised to read "hospitals and mental hospitals,"

**§ 456.501 [Amended]**

9. Section 456.501 is amended as follows:

- a. In paragraph (a), the phrase "hospital, mental hospital, or SNF" is revised to read "hospital or mental hospital"
- b. In paragraph (c), the phrase "in subpart C, D, or E of this part," is revised to read "in subpart C or D of this part,"

**§ 456.505 [Amended]**

10. Section 456.505 is amended as follows:

- a. In the introductory text, the phrase "subpart C, D, or E of this part," is revised to read "subpart C or D of this part,"
- b. In the introductory text, the phrase, "§ 456.206 of subpart D, and § 456.306 of subpart E," is revised to read "and § 456.206 of subpart D,"
- c. In paragraph (b), the phrase "under subpart C, D, or E." is revised to read "under subpart C or D of this part."

**§ 456.506 [Amended]**

11. Section 456.506 is amended as follows:

a. In paragraph (b), the phrase "hospital, mental hospital, or SNF" is revised to read "hospital or mental hospital"

b. In paragraph (b), the phrase "under subpart C, D, or E of this part." is revised to read "under subpart C or D of this part."

**§ 456.508 [Amended]**

12. Section 456.508 is amended as follows:

a. In paragraph (a), the phrase "under subpart C, D, or E." and, in paragraph (b), the phrase "under subpart C, D, or E of this part." are revised to read "under subpart C or D of this part."

b. In paragraph (b), the phrase "hospital, mental hospital, or SNF" is revised to read "hospital or mental hospital."

**§ 456.520 [Amended]**

13. Section 456.520 is amended as follows:

a. In paragraph (b), the phrase "§ 456.207 of subpart D; or § 456.307 of subpart E;" is revised to read "or § 456.207 of subpart D;"

b. In paragraph (c), in the definition of *Remote facility*, the phrase "under subpart C, D, or E of this part," is revised to read "under subparts C or D of this part,"

c. In paragraph (c), in the definition of *Variance*, the phrase "§ 456.238 of subpart D; and §§ 456.333, 456.334, and 456.336 of subpart E." is revised to read "and § 456.238 of subpart D."

**§ 456.522 [Amended]**

14. Section 456.522 is amended as follows:

a. In paragraph (d), the word "SNF," is removed.

b. In paragraph (i), the phrase "subpart C, D, or E of this part;" and, in paragraph (j), the phrase "subpart C, D, or E of this part;" are revised to read "subpart C or D of this part;"

15. In the heading of subpart I, the phrase "Skilled Nursing and" is removed.

**§ 456.600 [Amended]**

16. In § 456.600, the phrase "in skilled nursing facilities (SNF's)," is removed.

**§ 456.601 [Amended]**

17. Section 456.601 is amended as follows:

a. In the definition of *Facility*, the phrase "a skilled nursing facility," is removed.

b. In the definition of *Institution for mental diseases*, the phrase "skilled nursing or" is removed.

**§ 456.603 [Amended]**

18. In § 456.603, paragraph (a)(1) is removed and reserved.

**§ 456.608 [Amended]**

19. In § 456.608(a) introductory text, remove the words "SNFs and."

**§ 456.610 [Amended]**

20. In § 456.610(b)(1), remove the word "SNFs,".

**§ 456.651 [Amended]**

21. In § 456.651, in the definition of *Level of care*, the phrase "skilled nursing facility," is removed.

**§ 456.654 [Amended]**

22. Section 456.654 is amended as follows:

- a. In paragraph (a)(2), the phrase "skilled nursing facilities," is removed.
- b. In paragraph (a)(7), the phrase "skilled nursing or" is removed.
- c. In paragraph (a)(8), the phrase "or skilled nursing facility" is removed.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: May 28, 1996.

Bruce C. Vladeck,  
*Administrator, Health Care Financing Administration.*

Dated: July 11, 1996.

Donna E. Shalala,  
*Secretary.*

[FR Doc. 96-18537 Filed 7-23-96; 8:45 am]

BILLING CODE 4120-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 20 and 22**

**[CC Docket No. 94-54; FCC 96-263]**

**Interconnection and Resale Obligations**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on an interim basis, extends to cellular, broadband personal communications services (PCS) and certain specialized mobile radio (SMR) providers its rule under which cellular licensees are currently prohibited from restricting resale of their service. The Commission also eliminates an exception to the current rule under which cellular licensees are permitted to restrict resale by competing fully operational cellular licensees in the same geographic market. The action is needed to promote the development of competition in these services.

**EFFECTIVE DATE:** September 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Steinberg, 202-418-1310.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *First Report and Order* in CC Docket No. 94-54, FCC 96-263, adopted June 12, 1996, and released July 12, 1996. The complete text of this *First Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

#### Synopsis of the First Report and Order

The Commission adopts a transitional rule concerning the obligations of certain commercial mobile radio services (CMRS) providers to permit the unrestricted resale of their services. The Commission initiated this proceeding in a *Notice of Proposed Rulemaking and Notice of Inquiry* (59 FR 35664, July 13, 1994) that addressed a broad array of CMRS regulatory issues, including resale. The Commission refined its proposal concerning resale in a *Second Notice of Proposed Rulemaking* in this proceeding (60 FR 20949, April 28, 1995).

2. Based on the record established in this proceeding, the Commission first concludes that, under current market conditions, restrictions on resale by cellular, broadband PCS, and certain specialized mobile radio (covered SMR) providers will inhibit the development of competition in these services. Covered SMR providers are 800 MHz and 900 MHz SMR licensees that either hold geographic area licenses or have obtained extended implementation authorizations, and that offer real-time, two-way switched voice service that is interconnected with the public switched network. Thus, the Commission prohibits such providers from forbidding or unreasonably restricting the resale of their services during a transitional period. The Commission is not persuaded, however, that the resale rule should be extended to include CMRS carriers other than cellular, broadband PCS and covered SMR providers, although the Commission will consider on a case-by-case basis complaints alleging that other CMRS carriers' practices concerning interstate resale are unreasonable.

3. Furthermore, the Commission concludes that once broadband PCS licensees have built out their networks and are competing with cellular carriers,

market forces will eliminate the need for explicit resale regulation. Therefore, the Commission will sunset the resale rule adopted in this decision, effective five years after the last group of initial licenses for currently allotted broadband PCS spectrum is awarded.

4. The Commission also eliminates an exception to its existing rule that permits a cellular licensee to restrict resale by the other cellular licensee in the same geographic area after expiration of the other licensee's five year build-out period. The Commission concludes that this exception is unnecessary to encourage build-out because most cellular build-out periods ended several years ago, and that its elimination will further promote the procompetitive goals of the *First Report and Order*.

#### Procedural Matters; Ordering Clauses

##### *Final Regulatory Flexibility Analysis*

As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Second Notice of Proposed Rulemaking in this proceeding (*Second NPRM*). The Commission sought written public comments on the proposals in the *Second NPRM*, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this Report and Order conforms to the RFA, as amended by the Contract With America Advancement Act of 1996, Public Law No. 104-21, 110 Stat. 847 (1996).

#### I. Need for and Purpose of this Action

In this decision, the Commission, on an interim basis, extends its rule under which cellular licensees are currently prohibited from restricting resale of their service to broadband personal communications services (PCS) and certain geographic area specialized mobile radio (SMR) providers. The Commission also eliminates an exception to the current rule under which cellular licensees are permitted to restrict resale by competing fully operational cellular licensees in the same geographic market. The purposes of this action are to help bring the benefits of competition to the market for these services while the market is in transition to a fully competitive state, as well as to help jump start competition by allowing new entrants to enter the marketplace quickly by reselling their competitors' services while they build out their facilities.

#### II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis

No comments were filed in direct response to the IRFA. In general comments on the *Second NPRM*, however, some commenters raised issues that might affect small entities. In particular, some commenters argued that the obligation to permit unrestricted resale would make it difficult for some providers, especially paging, narrowband PCS, public coast service, and other small providers, to manage their capacity and to earn a reasonable return on their investment. The Commission determined that these objections were not well founded because the resale rule does not prevent carriers from pricing their services so as to earn a return on their investment or from including provisions in their contracts to protect themselves against stranded capacity.

#### III. Changes Made to the Proposed Rules

In the *Second NPRM*, the Commission proposed to extend the resale rule to all commercial mobile radio services (CMRS) providers. However, the Commission here determines instead to apply the rule only to cellular, broadband PCS and certain SMR providers because it has concluded that application of the resale rule to other CMRS providers will not promote the public interest at this time. The Commission also determines to sunset application of the resale rule to affected cellular, broadband PCS and SMR providers in approximately five years because by that time the development of competition is expected to render the rule unnecessary. In light of this sunset decision, the Commission does not adopt its proposal to allow providers subject to the rule to restrict resale by their fully operational facilities-based competitors, and it further eliminates the existing exception between competing cellular licensees in order to maintain regulatory parity and because it has determined that the exception no longer serves a useful purpose.

#### IV. Description and Estimate of the Small Entities Subject to the Rules

The rule adopted in this Report and Order will apply to providers of cellular, broadband PCS, and geographic area 800 MHz and 900 MHz specialized mobile radio services, including licensees who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR services, either by waiver or under Section 90.629 of the Commission's Rules. However, the rule will apply to SMR

licensees only if they offer real-time, two-way voice service that is interconnected with the public switched network.

#### A. Estimates for Cellular Licensees

The Commission has not developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing fewer than 1,500 persons.<sup>1</sup> Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small cellular businesses and is unable at this time to determine the precise number of cellular firms which are small businesses.

The size data provided by the SBA does not enable us to make a meaningful estimate of the number of cellular providers which are small entities because it combines all radiotelephone companies with 500 or more employees.<sup>2</sup> We therefore used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.<sup>3</sup> Therefore, even if all 12 of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. We assume, for purposes of our evaluations and conclusions in this FRFA, that all of the current cellular licensees are small entities, as that term is defined by the SBA. Although there are 1,758 cellular licenses, we do not know the number of cellular licensees, since a cellular licensee may own several licenses.

#### B. Estimates for Broadband PCS Licensees

The broadband PCS spectrum is divided into six frequency blocks designated A through F. Pursuant to 47 CFR 24.720(b), the Commission has defined "small entity" in the auctions for Blocks C and F as a firm that had average gross revenues of less than \$40 million in the three previous calendar years. This regulation defining "small entity" in the context of broadband PCS auctions has been approved by the SBA.<sup>4</sup>

The Commission has auctioned broadband PCS licenses in Blocks A, B, and C. We do not have sufficient data to determine how many small businesses bid successfully for licenses in Blocks A and B. There were 89 winning bidders that qualified as small entities in the Block C auction. Based on this information, we conclude that the number of broadband PCS licensees affected by the rule adopted in this Report and Order includes the 89 winning bidders that qualified as small entities in the Block C broadband PCS auction.

At present, no licenses have been awarded for Blocks D, E, and F of broadband PCS spectrum. Therefore, there are no small businesses currently providing these services. However, a total of 1,479 licenses will be awarded in the D, E, and F Block broadband PCS auctions, which are scheduled to begin on August 26, 1996. Eligibility for the 493 F Block licenses is limited to entrepreneurs with average gross revenues of less than \$125 million. However, we cannot estimate how many of these licenses will be won by small entities, nor how many small entities will win D or E Block licenses. Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective D, E, and F Block licensees can be made, we assume, for purposes of our evaluations and conclusions in this FRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

#### C. Estimates for SMR Licensees

Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small entity" in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average gross revenues of less than \$15 million in the three previous calendar years. This regulation defining

"small entity" in the context of 800 MHz and 900 MHz SMR has been approved by the SBA.<sup>5</sup>

The rule adopted in this Report and Order applies to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than \$15 million. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small businesses in this category. We do know that one of these firms has over \$15 million in revenues. We assume, for purposes of our evaluations and conclusions in this FRFA, that all of the remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA.

The Commission recently held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. Based on this information, we conclude that the number of geographic area SMR licensees affected by the rule adopted in this Report and Order includes these 60 small entities.

No auctions have been held for 800 MHz geographic area SMR licenses. Therefore, no small entities currently hold these licenses. A total of 525 licenses will be awarded for the upper 200 channels in the 800 MHz geographic area SMR auction. However, the Commission has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. There is no basis to estimate, moreover, how many small entities within the SBA's definition will win these licenses. Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate

<sup>1</sup> 13 CFR § 121.201, Standard Industrial Classification (SIC) Code 4812.

<sup>2</sup> U.S. Small Business Administration 1992 Economic Census Employment Report, Bureau of the Census, U.S. Department of Commerce, SIC Code 4812 (radiotelephone communications industry data adopted by the SBA Office of Advocacy).

<sup>3</sup> U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms: 1992, SIC Code 4812 (issued May 1995).

<sup>4</sup> See Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93-253, Fifth Report and Order, 9 FCC Rcd 5532, 5581-84 (1994).

<sup>5</sup> See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and the 935-940 MHz Bands Allotted to the Specialized Mobile Radio Pool, PR Docket No. 89-583, Second Order on Reconsideration and Seventh Report and Order, 11 FCC Rcd 2639, 2693-702 (1995); Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking, 11 FCC Rcd 1463 (1995).

of the number of prospective 800 MHz licensees can be made, we assume, for purposes of our evaluations and conclusions in this FRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

#### *D. Estimates for Resellers*

We were unable to obtain reliable data regarding the number of entities that resell services covered by the rule adopted in this Report and Order, or how many of these are small entities. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small businesses in this category. We note, however, that resellers are included among the 1,178 radiotelephone firms described in the 1992 Census data discussed above, 12 of which had 1,000 or more employees. Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of resellers can be made, we assume, for purposes of our evaluations and conclusions in this FRFA, that all resellers are small entities, as that term is defined by the SBA.

#### *V. Summary of Projected Reporting, Recordkeeping and Other Compliance Requirements*

The rule adopted in this Report and Order imposes no reporting or recordkeeping requirements. The rule also requires no affirmative compliance action by any entity to which it applies. Rather, the rule operates as a negative prohibition forbidding restrictions on the resale of service. Therefore, the only compliance costs likely to be incurred are administrative costs to ensure that an entity's practices are in compliance with the rule.

#### *VI. Steps Taken to Minimize the Economic Impact on Small Entities*

The Commission determines not to apply its resale rule to CMRS providers other than those classified as cellular, broadband PCS and certain SMR. Many of the providers that are thereby excluded from the rule are small entities, including paging, narrowband PCS, air-ground, public coast service, and non-covered SMR providers. In addition, the Commission's decision to sunset the resale rule five years after it awards the last group of initial licenses for currently allotted broadband PCS spectrum will reduce the impact of the rule on small entities by limiting the period of time for which such entities

are subject to that rule. By prohibiting restrictions on resale during a transitional period, the Commission's decision benefits small entities that are resellers or that will use resale while they are building out their facilities.

#### *VII. Significant Alternatives Considered and Rejected*

The Commission considered and rejected several significant alternatives. The Commission rejected the alternative of extending the resale rule to all CMRS providers because it determined that such a rule is unnecessary at this time to promote competition or the availability of socially useful offerings in services other than cellular, broadband PCS, and geographic area SMR. At the same time, the Commission rejected the alternative of extending an interim resale rule to a universe less than all cellular, broadband PCS, and covered SMR providers because it concluded that a more limited rule would not adequately promote its competitive and social ends and would be inconsistent with the principle of regulatory parity. The Commission rejected the alternative of continuing the resale rule indefinitely because it determined that the rule would be unnecessary once broadband PCS licensees are fully operational as facilities-based competitors to cellular providers. Finally, the Commission rejected the alternative of allowing providers to restrict resale by their facilities-based competitors because in the short term such an exception would defeat the purpose of allowing new entrants to use resale to help them enter the market more quickly, and in the long term the sunset of the resale rule as a whole would render the exception irrelevant.

#### *VIII. Report to Congress*

The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A).

#### *List of Subjects*

##### *47 CFR Part 20*

Communications common carriers, Federal Communications Commission.

##### *47 CFR Part 22*

Communications common carriers, Federal Communications Commission.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

#### *Rule Changes*

Parts 20 and 22 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

### **PART 20—COMMERCIAL MOBILE RADIO SERVICES**

1. The authority citation for Part 20 continues to read as follows:

Authority: Sections 4, 303 and 332, 48 Stat. 1066, 1092, as amended; 47 USC 154, 303, and 332, unless otherwise noted.

2. Section 20.3 is amended by adding the following definition in alphabetical order to read as follows:

#### **§ 20.3 Definitions.**

\* \* \* \* \*

*Incumbent Wide Area SMR Licensees.* Licensees who have obtained extended implementation authorizations in the 800 MHz or 900 MHz service, either by waiver or under Section 90.629 of these rules, and who offer real-time, two-way voice service that is interconnected with the public switched network.

\* \* \* \* \*

3. New § 20.12 is added to read as follows:

#### **§ 20.12 Resale.**

(a) *Scope of section.* This section is applicable only to providers of Broadband Personal Communications Services (Part 24, Subpart E of this chapter), providers of Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), providers of Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands that hold geographic area licenses (included in Part 90, Subpart S of this chapter) and offer real-time, two-way voice service that is interconnected with the public switched network, and Incumbent Wide Area SMR Licensees.

(b) *Resale.* Each carrier subject to this section must permit unrestricted resale of its service. This paragraph shall cease to be effective five years after the last group of initial licenses for broadband PCS spectrum in the 1850–1910 and 1930–1990 MHz bands is awarded.

### **PART 22—PUBLIC MOBILE SERVICES**

1. The authority citation for Part 22 continues to read as follows:

Authority: Sections 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 USC 154, 303, and 332, unless otherwise noted.

**§ 22.901 [Amended]**

2. Section 22.901 is amended by removing paragraph (e).  
[FR Doc. 96-18603 Filed 7-23-96; 8:45 am]  
BILLING CODE 6712-01-P

**47 CFR Part 90**

[PR Docket No. 93-61, DA 96-836]

**Automatic Vehicle Monitoring: Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Correction to final rule.

**SUMMARY:** This Erratum contains corrections to one of the final rules adopted in *Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, Order on Reconsideration*, which was published Tuesday, April 30, 1996 (61 FR 18981). The rule deals with frequency stability.

**EFFECTIVE DATE:** August 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jane Hinckley Halprin, Wireless Telecommunications Bureau, Commercial Wireless Division, (202) 418-0620.

**SUPPLEMENTARY INFORMATION:****Background**

This erratum corrects Section 90.213 of the Commission's rules, 47 CFR § 90.213, as modified in *Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, Order on Reconsideration*, PR Docket No. 93-61, FCC 96-115 (released March 21, 1996), 61 FR 18981 (April 30, 1996). This rule, which deals with frequency stability, was published with a clerical error.

**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 30, 1996 of final rules in PR Docket No. 93-61, which were the subject of FR Doc. 96-10498, is corrected as follows:

**§ 90.213 [Corrected]**

On page 18986, in the first column of the table, in section 90.213, in the text of note 13, the phrase "operating within 40 kHz from the band edge" is corrected to read "with an authorized bandwidth that is more than 40 kHz from the band edge".

Federal Communications Commission.  
David L. Furth,  
Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.  
[FR Doc. 96-18723 Filed 7-23-96; 8:45 am]  
BILLING CODE 6712-01-M-P

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****49 CFR Parts 190, 192 and 198**

[Docket No. PS 145; Amdt. Nos. 190-6; 191-10; 192-75; 193-10; 195-55; 198-2; 199-13]

RIN 2137-AC79

**Pipeline Safety Program Procedures; Update and Corrections; Correction**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations (PS-145) updating and correcting pipeline safety program procedures which were published Friday, April 26, 1996, (61 FR 18512) in the Federal Register.

**EFFECTIVE DATE:** July 24, 1996.

**FOR FURTHER INFORMATION CONTACT:** L.E. Herrick at 202-366-5523 or online at herrickl@rspa.dot.gov.

**SUPPLEMENTARY INFORMATION:****Background**

The final regulations that are the subject of these corrections updated and corrected pipeline safety program procedures by amending nomenclature, addresses, typographical errors, and penalty amounts. These editorial amendments imposed no new procedural requirements.

**Need for Correction**

The final regulations contained four errors. The amendment number for Part 192, Amdt. 192-74, was previously assigned to the final rule in Docket No. PS-135. The next number in the series of amendments to Part 192 should be Amdt. 192-75. In § 190.205, the word "owner" was omitted. The amount in § 190.223(a) should be "\$25,000". And, in § 198.35, the citation should be "49 U.S.C. 60101 *et seq.*"

**Correction of Publication**

Accordingly, the publication on April 26, 1996, of the final regulations (PS-145), which was the subject of FR Doc. 96-10282, is corrected as follows:

1. On page 18512, in the first column, in the heading, the amendment number "192-74" is corrected to read "192-75".

2. On page 18513, third column, § 190.205 is corrected to read as follows:

**§ 190.205 Warning letters.**

Upon determining that a probable violation of 49 U.S.C. 60101 *et seq.* or any regulation or order issued thereunder has occurred, the Associate Administrator, OPS, may issue a Warning Letter notifying the owner or operator of the probable violation and advising the owner or operator to correct it or be subject to enforcement action under §§ 190.207 through 190.235.

**§ 190.223 [Corrected]**

3. On page 18515, first column, in § 190.223(a) the figure "\$10,000" is corrected to read "\$25,000".

4. On Page 18518, second column, § 198.35 is corrected to read as follows:

**§ 198.35 Grants conditioned on adoption of one-call damage prevention program.**

In allocating grants to State agencies under the pipeline safety laws, (49 U.S.C. 60101 *et seq.*), the Secretary considers whether a State has adopted or is seeking to adopt a one-call damage prevention program in accordance with § 198.37. If a State has not adopted or is not seeking to adopt such program, the State agency may not receive the full reimbursement to which it would otherwise be entitled.

Issued in Washington, DC. on June 24, 1996.

Kelley S. Coyner,

Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 96-18694 Filed 7-23-96; 8:45 am]

BILLING CODE 4910-60-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 951116270-5308-02; I.D. 071796A]

**Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Delaware**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Commercial quota harvest.

**SUMMARY:** NMFS issues this notification announcing that the summer flounder commercial quota available to the State of Delaware has been harvested. Vessels