

Appendix B—[Amended]

2. In appendix B, table 1 is amended by removing the site for Kenmark Textile Corporation, Farmingdale, New York.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Care Financing Administration****42 CFR Part 421**

[BPO-083-F]

RIN 0938-AF84

Medicare Program; Revisions to Criteria and Standards for Evaluating Intermediaries and Carriers*CFR Correction*

In title 42 of the Code of Federal Regulations, parts 400 to 429, revised as of October 1, 1994, on page 617, § 421.120 was inadvertently omitted. The section should have appeared as set forth below:

§ 421.120 Performance criteria.

(a) *Application of performance criteria.* As part of the intermediary evaluations authorized by section 1816(f) of the Act, HCFA periodically assesses the performance of intermediaries in their Medicare operations using performance criteria. The criteria measure and evaluate intermediary performance of functional responsibilities such as—

- (1) Correct coverage and payment determinations;
- (2) Responsiveness to beneficiary concerns; and

(3) Proper management of administrative funds.

(b) *Basis for criteria.* HCFA will base the performance criteria on—

- (1) Nationwide intermediary experience;
- (2) Changes in intermediary operations due to fiscal constraints; and
- (3) HCFA's objectives in achieving better performance.

(c) *Publication of criteria.* The development and revision of criteria for evaluating intermediary performance is a continuing process. Therefore, before the beginning of each evaluation period, HCFA will publish the performance criteria as a notice in the **Federal Register**.

[48 FR 7178, Feb. 18, 1983]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 2**

[ET Docket No. 92-28; FCC 95-70]

Mobile-Satellite Service at 1610-1626.5 and 2483.5-2500 Mhz

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification and correction of typographical errors.

SUMMARY: This *Memorandum Opinion and Order (MO&O)* affirms the decision in the *Report and Order (R&O)* in this proceeding to allocate the 1610-1626.5 MHz (1.6 GHz) and 2483.5-2500 MHz (2.4 GHz) bands for geostationary orbit (GSO) and non-geostationary orbit (low-Earth orbit or LEO) mobile-satellite service (MSS) use, and clarifies that the Commission made no finding in that decision as to whether both types of systems would be authorized. We also clarify the meaning of international footnotes RR753F and RR731E, but defer to the International Telecommunication Union (ITU) 1995 World Radiocommunications Conference (WRC-95) action on modification of these footnotes. Finally, we note that we will explore with the National Telecommunications and Information Administration (NTIA) the possibility of Government or shared Government/non-Government bands being made available to assist in satisfying MSS/radiodetermination satellite service (RDSS) feeder link requirements.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT:

Ray LaForge, Office of Engineering and Technology, telephone (202) 739-0598.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* in ET Docket No. 92-28 adopted on February 24, 1995 and released on March 20, 1995. The complete text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Public Reference Center (Room 239), 1919 M Street, NW, Washington, DC 20554. The complete text of this *Memorandum Opinion and Order* also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington DC 20036, (202) 857-3800.

Summary of Memorandum Opinion and Order

1. In the R&O, (See ET Docket No. 92-28, 9 FCC Rcd 536, 59 FR 9413 (1993))

we allocated the 1.6 and 2.4 GHz bands for LEO and GSO MSS on a primary basis. We stated that this allocation supports the growing demand for mobile communications, permits the introduction of new satellite services, and conforms to the 1992 World Administrative Radio Conference (WARC-92) spectrum allocation for these bands.

2. On March 30, 1994, Loral Qualcomm Satellite Services, Inc. (LQSS) filed a Petition for Clarification and Partial Reconsideration of the R&O requesting that the Commission (1) clarify that the R&O was intended only to allocate spectrum for MSS but did not establish eligibility requirements for MSS licensees; (2) increase the power flux density (PFD) values in RR753F and clarify that these values represent thresholds that determine when coordination with terrestrial users is required, rather than absolute limits; (3) modify RR731E to apply a -15 dBW/4 kHz EIRP limit to all MSS uplinks and eliminate the requirement for protection of aeronautical radionavigation systems; and (4) identify spectrum below 15 GHz that can be used for MSS feeder links.

3. We concur with LQSS that the R&O made no finding on the desirability of LEO versus GSO systems. In the Notice of Proposed Rule Making (NPRM) (see ET Docket 92-28, 7 FCC Rcd 6414, 57 FR 43434 (September 21, 1992)) we proposed to require MSS systems licensed in the 1.6 and 2.4 GHz bands to operate in non-geostationary orbits. The R&O did not make any determination of this issue. However, the recent *Report and Order* in the service rules proceeding decided this issue in favor of LEO satellite systems. See CC Docket No. 92-166, 9 FCC Rcd 5936, 59 FR 53294 (1994).

4. Further in regard to footnote RR753F, in the R&O, we concluded that the international footnotes adopted for the 1.6 and 2.4 GHz bands by WARC-92 were intended to form the basis for international notification and coordination of various satellite systems, and to ensure that new and existing systems are afforded protection from harmful interference. We therefore adopted footnote RR753F domestically. While the PFD values prescribed by RR753F may be viewed by LQSS as excessively conservative, we believe that the proper forum for modifying these values is WRC-95. However, we concur with LQSS and commenting parties that these values were not intended as absolute limits. We thus clarify that the PFD values prescribed by RR753F are coordination thresholds that may be exceeded with the consent of all affected parties.

5. Further, RR731E was one of the bases for international agreement on the use of the 1.6 GHz band for the implementation of new mobile-satellite services. We believe that the proper forum for modifying this footnote is WRC-95. However, consistent with our interpretation of RR753F, we clarify that the EIRP values may be exceeded with the consent of all affected parties.

6. In the R&O, we noted that there may be difficulties in identifying spectrum below 15 GHz for MSS LEO feeder link operations. We stated that we would be exploring all options to ensure that adequate unencumbered spectrum is available for feeder link requirements. In a recent Report to NTIA, we recommended that the shared Government/non-Government bands at 3600-3700 and 5850-5925 MHz be made available for exclusive non-Government use. We noted that the 3600-3700 MHz band was identified in our negotiated rule making regarding MSS above 1 GHz as one of the more likely candidates for MSS/RDSS feeder link spectrum. We intend to explore with NTIA the possibility of feeder link spectrum being made available from these and other existing Government or shared Government/non-Government bands that may be reallocated for exclusive non-Government use.

7. Accordingly, It is Ordered, that the Petition for Clarification and Partial Reconsideration submitted by Loral Qualcomm Satellite Services, Inc. Is Granted to the extent indicated herein, and Is Denied in all other respects. This action is taken pursuant to Sections 4(i), 303(c), (f), (g), and (r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(c), (f), (g), and (r). Since there were a few typographical errors in the Table as published in the R&O, we are also placing below in Amendatory Text a corrected copy of the Table of Frequency Allocations, 47 CFR 2.106, that reflects all of the modifications to the Table that were made in the R&O.

List of Subjects 47 CFR Part 2

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

Amendatory Text

Part 2 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS—GENERAL RULES AND REGULATIONS

1. The authority citation in Part 2 continue to read:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. The entries for 1610-1626.5 MHz are removed and new entries for 1610-1626.5 MHz are added in numerical order.

b. The entry for 2483.5-2500 MHz is removed and a new entry for 2483.5-2500 MHz is added in numerical order.

c. The entries for the 22.5-22.55, 22.55-23, 24.25-24.45, 24.45-24.65, and 24.65-24.75 GHz are removed and new entries for 22.5-22.55, 22.55-23, 24.25-24.45, 24.45-24.65, and 24.65-24.75 GHz are added in numerical order.

d. INTERNATIONAL FOOTNOTES Nos. 731E, 731F, 753F, 881A, 881B, 882E, 882F, and 882G are added; and Nos. 733A, 733E, 734, 753, and 753C are revised.

e. UNITED STATES (US) FOOTNOTE US319 is revised and NON-GOVERNMENT (NG) FOOTNOTE NG147 is revised.

The additions, deletions, and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

International Table			United States Table		FCC use designators	
Region 1 allocation MHz	Region 2 allocation MHz	Region 3 allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
1610-1610.6 AERONAUTICAL RADIO- NAVIGATION MOBILE SAT- ELLITE (Earth- to-space)	1610-1610.6 AERONAUTICAL RADIO- NAVIGATION RADIO- DETERMIN- ATION SAT- ELLITE (Earth- to-space) MOBILE SAT- ELLITE (Earth- to-space)	1610-1610.6 AERONAUTICAL RADIO- NAVIGATION MOBILE-SAT- ELLITE (Earth- to-space) RADIO- DETERMIN- ATION-SAT- ELLITE (Earth- to-space)	1610-1610.6 AERONAUTICAL RADIO- NAVIGATION RADIO- DETERMIN- ATION-SAT- ELLITE (Earth- to-space) MOBILE-SAT- ELLITE (Earth- to-space)	1610-1610.6 AERONAUTICAL RADIO- NAVIGATION RADIO- DETERMIN- ATION-SAT- ELLITE (Earth- to-space) MOBILE-SAT- ELLITE (Earth- to-space)	AVIATION (87) SATELLITE COM- MUNICATION (25)	
722 727 730 731 731E 732 733 733A 733B 733E 733F 1610.6-1613.8	722 731E 732 733 733A 733C 733D 733E 1610.6-1613.8	722 727 730 731E 732 733 733A 733B 733E 1610.6-1613.8	722 731E 732 733 733A 733E US208 US260 US319 1610.6-1613.8	722 731E 732 733 733A 733E US208 US260 US319 1610.6-1613.8		

International Table			United States Table		FCC use designators	
Region 1 allocation MHz	Region 2 allocation MHz	Region 3 allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FIXED INTER-SAT- ELLITE MOBILE	FIXED INTER-SAT- ELLITE MOBILE	FIXED INTER-SAT- ELLITE MOBILE	FIXED INTER-SAT- ELLITE MOBILE	FIXED INTER-SAT- ELLITE MOBILE	DOMESTIC PUB- LIC FIXED (21) PRIVATE OPER- ATIONAL FIXED MICRO- WAVE (94) SATELLITE COM- MUNICATIONS (25).	
879	879	879	879 US278	879 US278		
*	*	*	*	*	*	*
24.25–24.45 FIXED	24.25–24.45 RADIO- NAVIGATION	24.25–24.45 RADIO- NAVIGATION FIXED MOBILE	24.25–24.45 RADIO- NAVIGATION	24.25–24.45 RADIO- NAVIGATION	AVIATION (87)	
24.45–24.65 FIXED INTER-SAT- ELLITE	24.45–24.65 RADIO- NAVIGATION INTER-SAT- ELLITE	24.45–24.65 RADIO- NAVIGATION FIXED INTER-SAT- ELLITE MOBILE	24.45–24.65 INTER-SAT- ELLITE RADIO- NAVIGATION	24.45–24.65 INTER-SAT- ELLITE RADIO- NAVIGATION	SATELLITE COM- MUNICATION (25)	
24.65–24.75 FIXED INTER-SAT- ELLITE	882E 24.65–24.75 INTER-SAT- ELLITE RADIO-LOCA- TION SAT- ELLITE (Earth- to-space)	882E 24.65–24.75 FIXED INTER-SAT- ELLITE MOBILE 882E 882F	882E 24.65–24.75 INTER-SAT- ELLITE RADIO-LOCA- TION-SAT- ELLITE (Earth- to-space)	882E 24.65–24.75 INTER-SAT- ELLITE RADIO-LOCA- TION-SAT- ELLITE (Earth- to-space)	SATELLITE COM- MUNICATION (25)	
*	*	*	*	*	*	*

International Footnotes

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731E—The use of the band 1610–1626.5 MHz by the mobile-satellite service (Earth-to-space) and by the radiodetermination-satellite service (Earth-to-space) is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC-92). A mobile earth station operating in either of the services in this band shall not produce an e.i.r.p. density in excess of –15 dB(W/4 kHz) in the part of the band used by systems operating in accordance with the provisions of No. 732, unless otherwise agreed by the affected administrations. In the part of the band where such systems are not operating, a value of –3 dB (W/4 kHz) is applicable. Stations of the mobile-satellite service shall not cause harmful interference to, or claim protection from, stations in the aeronautical radionavigation service, stations operating in accordance with the provisions of No. 732 and stations in the fixed service operating in accordance with the provisions of No. 730.

731F—The use of the band 1613.8–1626.5 MHz by the mobile-satellite service (space-to-Earth) is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC-92).

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733A—With respect to the radiodetermination-satellite and mobile-satellite services the provisions of No. 953 do not apply in the frequency band 1610–1626.5 MHz.

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733E—Harmful interference shall not be caused to stations of the radio astronomy service using the band 1610.6–1613.8 MHz by stations of the radiodetermination-satellite and mobile-satellite services. (No. 2904 applies.)

734—In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the radio astronomy service in the band 1610.6–1613.8 MHz from harmful interference. Emissions from space or air-borne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

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753—Different category of service: in France, the band 2450–2500 MHz is allocated on a primary basis to the radiolocation service (see No. 425). Such use is subject to agreement with administrations having service operating or planned to operate in accordance with the Table of Frequency Allocations which may be affected.

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753C—Different category of service: in Angola, Australia, Bangladesh, Burundi, China, Côte d'Ivoire, Ethiopia, India, the Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Lebanon, Liberia, Libya, Madagascar, Mali, Pakistan, Papua New Guinea, Senegal, Sudan, Swaziland, Syria, Tanzania, Thailand, Togo, Zaire and Zambia, the allocation of the band 2483.5–2500 MHz to the radiodetermination-satellite service (space-to-Earth) is on a primary basis (see No. 425) subject to agreement obtained under the procedure of Article 14 with other countries not listed in this provision.

* * * * *

753F—The use of the band 2483.5–2500 MHz by the mobile-satellite and the radiodetermination-satellite services is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC-92). Coordination of space stations of the mobile-satellite and radiodetermination-satellite services with respect to terrestrial services is required only if the power flux-density produced at the Earth's surface exceeds the limits in No. 2566. In respect of assignments operating in this band, the provisions of Section II, paragraph 2.2 of Resolution 46 (WARC-92) shall also be applied to geostationary

transmitting space stations with respect to terrestrial stations.

* * * * *

881A—Use of the 25.25–27.5 GHz band by the inter-satellite service is limited to space research and Earth exploration-satellite applications, and also transmissions of data originating from industrial and medical activities in space.

881B—Space services using non-geostationary satellites operating in the inter-satellite service in the band 27–27.5 GHz are exempt from the provisions of No. 2613.

* * * * *

882E—The inter-satellite service shall not claim protection from harmful interference from airport surface detection equipment stations of the radionavigation service.

882F—Additional allocation: in Japan, the band 24.65–25.25 GHz is also allocated to the radionavigation service on a primary basis until 2008.

882G—In the band 24.75–25.25 GHz, feeder links to stations of the broadcasting-satellite service shall have priority over other users in the fixed-satellite service (Earth-to-space). Such other users shall protect and shall not claim protection from existing and future operating feeder-link networks to such broadcasting satellite stations.

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United States (US) Footnotes

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US319—In the 137–138, 148–149.9, 149.9–150.05, 399.9–400.5, 400.15–401, 1610–1626.5, and 2483.5–2500 MHz bands, Government stations in the mobile-satellite

service shall be limited to earth stations operating with non-Government space stations.

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Non-Government (NG) Footnotes

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NG147—Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a primary basis with the mobile-satellite service and the radiodetermination satellite service.

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