

requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds.

Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2). The OMB has exempted this action from review under Executive Order 12866.

V. Unfunded Mandates

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182(b) of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this direct final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 19, 1995.

Jeff Zelikson,

Acting Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(211) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(211) Revised Clean Air Plans for ozone for the following APCDs submitted on November 14, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara Air Pollution Control District

(1) TCM-5, Improve Commuter Public Transit Service, adopted on November 2, 1994

* * * * *

[FR Doc. 95-10613 Filed 4-28-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5200-1]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Kenmark Textile Corporation site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Kenmark Textile Corporation site from the National Priorities List (NPL). The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous

Substance Response Trust Fund (Fund)—financed responses under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT:

Doug Garbarini, Section Chief, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007-1866, (212) 637-4263.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Kenmark Textile Corporation site, Farmingdale, Suffolk County, New York. A notice of intent to delete for this site was published in the **Federal Register** (59 FR 64644) on December 15, 1994. The closing date for comments on the Notice of Intent to Delete was January 17, 1995. EPA received no verbal or written comments of the proposed deletion.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 10, 1995.

William J. Muszynski,

Acting Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

Appendix B—[Amended]

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

[FR Doc. 95-10623 Filed 4-28-95; 8:45 am]

BILLING CODE 6560-50-P

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]

BILLING CODE 1505-01-D

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.