

*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.