

of dual eligibility/entitlement after February 1992 and before August 10, 1993. Except as provided in paragraph (b)(4) of this section, if the first month of ESRD-based eligibility or entitlement and first month of dual eligibility/entitlement were after February 1992 and before August 10, 1993, Medicare—

(i) Is primary payer from the first month of dual eligibility/entitlement through August 9, 1993;

(ii) Is secondary payer from August 10, 1993, through the 18th month of ESRD-based eligibility or entitlement; and

(iii) Again becomes primary payer after the 18th month of ESRD-based eligibility or entitlement.

(3) *First month of ESRD-based eligibility or entitlement after February 1992 and first month of dual eligibility/entitlement after August 9, 1993.* Except as provided in paragraph (b)(4) of this section, if the first month of ESRD-based eligibility or entitlement is after February 1992, and the first month of dual eligibility/entitlement is after August 9, 1993, the rules of § 411.162(b) and (c) apply; that is, Medicare—

(i) Is secondary payer during the first 18 months of ESRD-based eligibility or entitlement; and

(ii) Becomes primary after the 18th month of ESRD-based eligibility or entitlement.

\* \* \* \* \*

**§ 411.172 [Corrected]**

4. In § 411.172, paragraph (b) is revised to read as follows:

\* \* \* \* \*

(b) *Special rule for multi-employer plans.* The requirements and limitations of paragraph (a) of this section and of (a)(2)(iii) of § 411.170 do not apply with respect to individuals enrolled in a multi-employer plan if—

(1) The individuals are covered by virtue of current employment status with an employer that has fewer than 20 employees; and

(2) The plan requests an exception and identifies the individuals for whom it requests the exception as meeting the conditions specified in paragraph (b)(1) of this section.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 13, 1995.

Neil J. Stillman,

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 95-25840 Filed 10-17-95; 8:45 am]

BILLING CODE 4120-01-P

**42 CFR Part 414**

[BPD-830-F]

**Medicare Program: Authority Citations; Technical Amendments**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Technical Amendment.

**SUMMARY:** A final rule with comment period published on September 29 at 60 FR 50439 revised the authority citations of most of the Medicare rules and also made a nomenclature change in 42 CFR Part 414. In developing the document, we overlooked two of the sections that require the nomenclature change. This technical amendment corrects that oversight.

**DATES: Effective date:** This rule is effective as of September 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Luisa V. Iglesias (202) 690-6383.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 414 is amended as set forth below.

1. The authority citation for part 414 continues to read as follows:

**PART 414—[AMENDED]**

Authority: Secs. 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr(b)(1)).

**§§ 414.28, 414.60 [Amended]**

2. In §§ 414.28 and 414.60(a), “physicians’ services” is revised to read “physician services”.

(Catalog of Federal Domestic Assistance Program No. 93773, Medicare Hospital Insurance; Program No. 93.774, Medicare Supplementary Medical Insurance)

Dated: October 11, 1995.

Neil J. Stillman,

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 95-25839 Filed 10-17-95; 8:45 am]

BILLING CODE 4120-01-P

suppliers of specialized services, published on September 29, 1995 at 60 FR 50446, redesignated 42 CFR part 485, subpart D as 42 CFR part 486, subpart G, and corrected internal cross-references as required by the redesignation. This document corrects one cross-reference that we failed to identify in the final rule with comment period.

**DATES: Effective date:** This rule is effective as of September 29, 1995.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 42 CFR Part 486

Health professionals, Medicare, Organ procurement, X-rays.

42 CFR Part 486 is amended as set forth below.

**PART 486—[AMENDED]**

1. The authority citation for part 486 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C 1302 and 1395hh).

**§ 486.304 [Amended]**

2. In § 486.304(c)(1), “subpart D of part 485” is revised to read “this subpart”.

(Catalog of Federal Domestic Assistance No. 93-773, Medicare—Hospital Insurance, and No. 93-774, Medicare—Supplementary Medical Insurance)

Dated: October 11, 1995.

Neil J. Stillman,

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 95-25838 Filed 10-17-95; 8:45 am]

BILLING CODE 4120-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 90-316; RM-7059]

**Radio Broadcasting Services; Rocky Mount, NC**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission denied an application for review filed by New East Communications, Inc. and Roanoke Chowan Broadcasting Corporation which argued that Station WSAY-FM’s license should not have been modified from Channel 253A to Channel 253C3 at Rocky Mount. Instead, they argued that Stations WSAY-FM, WBCG(FM), Murfreesboro, NC and WCZI-FM, Washington, NC, should have been allowed to improve their facilities from 3 kW to 6 kW. The Commission affirmed the *Memorandum Opinion and*

Order on reconsideration in this proceeding, which had affirmed the *Report and Order*, 56 FR 19229, April 26, 1991, which substituted Channel 253C3 for Channel 253A at Rocky Mount and modified Station WSAY-FM's license to specify the higher class channel. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** October 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 90-316, adopted July 31, 1995, and released August 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

[FR Doc. 95-25763 Filed 10-17-95; 8:45 am]

**BILLING CODE 6712-01-F**

#### 47 CFR Part 73

[MM Docket No. 93-165; RM-8247]

#### Radio Broadcasting Services; Athens, OH

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** The Commission, pursuant to delegated authority, denies a Petition for Reconsideration filed by David W. Ringer ("Ringer") of the action taken by the Acting Chief, Allocations Branch in MM Docket No. 93-165, establishing a filing window for the filing of applications for authorization to operate on Channel 240A in Athens, Ohio. See 59 F.R. 4008 (January 28, 1994). It also dismisses a Motion for Stay filed by Ringer. The Commission dismisses the reconsideration petition because the petitioner had actual knowledge that an original filing window for Athens had been suspended in an unpublished *Public Notice*. It rejects the contention that the wording of that *Public Notice* was so unclear as to have deprived petitioner of such notice. Accordingly, the *Public Notice* was effective in

suspending the original filing window and the subsequent filing window for Athens, Ohio, established in a later *Order*, was valid.

**EFFECTIVE DATE:** October 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roger Holberg, Mass Media Bureau, Policy and Rules Division, Legal Branch, (202) 776-1653.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 93-165, adopted October 4, 1995, and released October 12, 1995. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-25760 Filed 10-17-95; 8:45 am]

**BILLING CODE 6712-01-F**

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 1815, 1816, 1852, and 1870

#### Acquisition Regulation; Cost or Pricing Data

**AGENCY:** Office of Procurement, National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This rule revises NASA policies on cost or pricing data in order to make the policies consistent with recently revised Federal-wide policies.

**EFFECTIVE DATE:** October 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** William T. Childs, (202) 358-0454.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Federal Acquisition Streamlining Act of 1994 (FASA) revised policy on cost or pricing data under the Truth in Negotiations Act (TINA), among other things. The TINA changes have been implemented in the Federal Acquisition Regulation (FAR), and those changes necessitate corresponding revisions of the NASA FAR Supplement (NFS). In

addition, in the spirit of the National Performance Review, changes are being made to the NFS to provide clarity.

(a) Section 1815.804-1(a)(2), formerly 1815.804-3(a)(2), is deleted because it duplicates the revised FAR. A new paragraph is substituted to require that decisions to utilize the FAR cost or pricing data exception for one-offer adequate price competition situations must be approved by the head of the contracting activity, and copies of the approval and basis of price reasonableness must be sent to Headquarters Code HC.

(b) Section 1815.804-1(d), formerly 1815.804-3(d), is revised to accommodate the FAR reduction in approval level for cost or pricing data exceptions to the head of the contracting activity. The requirement to send a copy of the approval to Headquarters Code HC is retained, but some of the accompanying documentation is no longer required to be furnished to Headquarters Code HC.

(c) FAR 15.804-2(a)(2) specifies that below-threshold requirements for cost or pricing data must be approved by the head of the contracting activity. Section 1815.804-2(a) is added to require that copies of such approvals must be furnished to Headquarters Code HC.

(d) FAR 15.804-2(b)(2) provides that certificates of current cost or pricing data may be made applicable as of a date agreed upon by the parties. Section 1815.804-2 is amended to add paragraph (b) to provide guidance that the agreed date should generally be within two weeks of the date of price agreement.

(e) The dollar thresholds for formal prenegotiation reviews at 1815.807-71 are deleted and left to the centers' discretion.

(f) Most of the coverage in 1815.970-3(b) has been removed because it is addressed in subpart 1830.70 (60 FR 37983, July 25, 1995). The discussion of (AS 417 in 1815.970-3(c) has been substantially rewritten to remove a previous misinterpretation of CAS.

(g) Numerous editorial changes have been made. Numbering, section headings, and form titles have been revised to comport with the revisions in FAR subpart 15.8.

This rule pertains to internal NASA procedures only. Because there is no impact on the public, it is not required to be published for comment.

#### Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does