

**FOR FURTHER INFORMATION CONTACT:**  
Trisha Kurtz, (410) 786-4670.

**SUPPLEMENTARY INFORMATION:** In our final rule published June 29, 2000 (65 FR 40170), on page 40232 of the preamble, we responded to public comments that addressed our authority under § 422.156 (Compliance deemed on the basis of accreditation), paragraph (e)(1), to remove deemed status on the basis of a review of accreditation results. In the preamble, we clarified that we do not intend to overrule an accreditation organization's survey decision without conducting our own investigation. We also noted that if our own investigation reveals that a condition is not met, we reserve the right to remove the MCO's deemed status even when the accreditation organization has not removed accreditation with respect to that condition. In order to clarify the distinction between: (1) A removal of deemed status by HCFA, based on HCFA's own survey; and (2) a removal based on a determination of noncompliance by an accreditation organization as a result of its accreditation survey, we stated that we would revise § 422.156(e)(1). However, we inadvertently omitted making this change in the regulations text. This document corrects that omission by revising § 422.156(e)(1).

In addition, on pages 40233 through 40234 of the preamble, we responded to a commenter's concern regarding removal of an accreditation organization's approval, regardless of the "rate of disparity" between certification by the accreditation organization and certification by HCFA or our agent, by adding another reporting requirement in § 422.157 (Accreditation organizations), paragraph (c)(6). This change requires that accreditation organizations provide us annually with summary data relating to their accreditation activities and observed trends. These data will assist us in making a comprehensive assessment of accreditation organizations' performance, and will help ensure that our oversight decisions are well-informed and appropriate. However, this change was inadvertently omitted in the final regulations text. This document corrects that omission by adding § 422.157(c)(6).

#### Correction of Errors

#### Regulations Text

##### § 422.156 [Corrected]

1. On page 40323, in column 2, amendatory instruction number 29 is corrected to read "Revise paragraphs (a), (b), and (e)(1) in § 422.156 to read as

follows:" and corrected paragraph (e)(1) is added:

##### § 422.156 Compliance deemed on the basis of accreditation.

\* \* \* \* \*

(e) \* \* \*

(1) HCFA determines, on the basis of its own investigation, that the M+C organization does not meet the Medicare requirements for which deemed status was granted.

\* \* \* \* \*

##### § 422.157 [Corrected]

1. On page 40323, in column 3, amendatory instruction number 30 is corrected to read "Section 422.157 is amended by republishing the introductory text for paragraph (a), revising paragraphs (a)(3) and (b)(1), and adding new paragraph (c)(6) to read as follows:" and new paragraph (c)(6) is added:

##### § 422.157 Accreditation organizations.

\* \* \* \* \*

(c) \* \* \*

(6) Provide, on an annual basis, summary data specified by HCFA that relate to the past year's accreditation activities and trends.

\* \* \* \* \*

(Authority: Sections 1851 through 1859 of the Social Security Act (42 U.S.C. 1395w-21 through 1395w-28))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93-774, Medicare—Supplementary Medical Insurance Program)

Dated: September 28, 2000.

**Brian P. Burns,**

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 00-25499 Filed 10-5-00; 8:45 am]

**BILLING CODE 4120-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket No. 00-91; FCC 00-340]

#### Availability of Intelsat Space Segment Capacity

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission has determined that users and service providers do not have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service and capacity requirements. The

Commission also has required Comsat to enter into commercial negotiations with direct access customers to attempt to resolve satellite capacity allocation issues.

**DATES:** Effective October 6, 2000 written comments by the public on the new information collections are due December 5, 2000.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC, 20554. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998). Comments filed through the ECFS can be sent via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption proceeding, however, commenters must transmit one copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form@your e-mail address." A sample form and directions will be sent in reply.

A copy of any comments on the information collection requirements should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC, 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** James Ball, International Bureau, (202) 418-0427; Steven Spaeth, Satellite Policy Branch, Satellite and Radiocommunication Division, International Bureau, (202) 418-1539. A copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted September 13, 2000, and released September 19, 2000. The full text of this Commission decision is available for inspection and copying

during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th St., SW, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, 1231 20th St., NW, Washington, DC 20036.

The Commission is required to conduct this rulemaking pursuant to the recently enacted Open-Market Reorganization for the Betterment of International Telecommunications Act (ORBIT Act). Section 641(b) of the Communications Satellite Act of 1962, as amended by the ORBIT Act, requires the Commission to determine whether "sufficient opportunity" exists for users and service providers "to access INTELSAT space segment capacity directly from INTELSAT to meet their service and capacity requirements." If the Commission finds that "sufficient opportunity" does not exist, the Commission is required to "take appropriate action to facilitate direct access," and otherwise "to take such steps as may be necessary to prevent circumvention of the intent" of this section. Section 641(c) states that "nothing in this section shall be construed to permit the modification or abrogation of any contract."

In 1999, the Commission permitted users and service providers in the United States to obtain Level 3 direct access to INTELSAT space segment capacity. Direct Access to the INTELSAT System, Report and Order, 64 FR 54561 (October 7, 1999). Level 3 direct access permits non-Signatory users and service providers to enter into contractual agreements with INTELSAT for space segment capacity at the same rates that INTELSAT charges its Signatories. The subsequently enacted ORBIT Act mandates that users and providers of telecommunications services shall be permitted to obtain Level 3 direct access to INTELSAT and requires the Commission to conduct this rulemaking.

The Commission issued a Notice of Proposed Rulemaking in this proceeding. Availability of INTELSAT Space Segment Capacity to Users and Service Providers Seeking to Access INTELSAT Directly, Notice of Proposed Rulemaking, 65 FR 35312 (June 2, 2000). The Commission concludes that users and service providers currently do not have sufficient opportunity for direct access. This is because most of INTELSAT's current U.S.-accessible capacity is subject to Comsat control, or is committed to other INTELSAT Signatories. In addition, a significant portion of INTELSAT's uncommitted

capacity is fragmented into small amounts of bandwidth, and therefore may not be useful for many purposes.

Although INTELSAT plans to launch new satellites and to redeploy existing satellites to make more capacity available by 2003, the Commission cannot determine whether there will be sufficient opportunity for direct access in the future. Most of the new capacity will be concentrated at three orbital locations. It is not clear from the record in this proceeding whether capacity at those locations will meet the needs of direct access users. Furthermore, Comsat can renew the contracts covering the capacity currently under its control, so that there is no way to determine how much of that capacity will become available for direct access in the future.

The Commission also concludes that the "appropriate action" the Commission should adopt is a "commercial solution." In other words, the Commission requires the parties to attempt to negotiate mutually agreeable arrangements, and to report back by March 13, 2001 on the progress of those negotiations. Finally, the Commission concludes that the Commission may adopt a "regulatory solution" if "commercial solutions" are unavailable. The draft does not foreclose any regulatory option at this time.

This Report & Order contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collections contained in this proceeding.

#### Paperwork Reduction Act

This Report and Order contains new information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this R&O as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due December 5, 2000. Comments should address: (a) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Control Number:* 3060-XXXX (new collection).

*Title:* Availability of INTELSAT Space Segment Capacity to Users and Service Providers Seeking to Access INTELSAT Directly.

*Type of Review:* New collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 10.

*Estimated Time per Response:* Two hours.

*Frequency of Response:* One time only.

*Total Annual Burden:* 20 hours.

*Total Annual Costs:* \$3000.

*Needs and Uses:* This data collection is necessary to enable the Commission to evaluate the decisions made in this Report and Order.

*Regulatory Flexibility Analysis:* As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice. The Commission then sought written public comment in that proceeding, including comments on the IRFA. No party filed comments in response to the IRFA. Further, this Report and Order promulgates no new rules and our action here does not affect the previous analysis in the Notice.

#### Ordering Clauses

Accordingly, pursuant to Sections 102(c), 210(c)(2), 201(c)(11), and 641 of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 721(c), 741(c)(2), 741(c)(11), 765, and Sections 1, 2, 4(c), 201, 202, 214, 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(c), 201, 202, 214, 301, 303, 307, 308, and 309, that the requirements and policies are adopted.

Comsat Corporation shall file the report discussed in this Order on or before March 13, 2001.

Authority is delegated to the Chief, International Bureau, as specified herein, to effect the decisions set forth above.

The Motion for Extension of Time filed by Comsat Corporation on July 24, 2000, is granted.

<sup>1</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996) ("CWAAA"). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA").

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 00-25740 Filed 10-5-00; 8:45 am]

BILLING CODE 6712-01-U

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 87-267; FCC 00-291]

#### Implementation of the AM Expanded Band Allotment Plan

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; on remand from U.S. Court of Appeals for D.C. Circuit; record supplemented.

**SUMMARY:** After undertaking a hypothetical computer re-analysis of the allotment plan for the migration of AM radio stations to the expanded band, *i.e.*, 1605-1705 kHz, deleting protections for federal Traveler Information Service ("TIS"), the Federal Communications Commission ("FCC") concluded that WGNV(AM), Newburgh, New York, would not have been granted an AM expanded band allotment even if TIS station protection was deleted. This action was taken in response to WGNV's argument that it would have been granted an expanded band allotment if the expanded band plan did not include TIS protections. The FCC also declined to consider WGNV's objections to several fundamental aspects of the allotment methodology which were resolved earlier in this proceeding but about which WGNV did not object previously.

**DATES:** Effective August 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Peter H. Doyle, Audio Services Division, Mass Media Bureau (202) 418-2789.

**SUPPLEMENTARY INFORMATION:** In Implementation of the AM Expanded Band Allotment Plan, MM Bureau Docket No. 87-267, FCC 00-291, adopted August 3, 2000, released August 10, 2000 ("Memorandum Opinion and Order"), on remand from the U.S. Court of Appeals for the District of Columbia Circuit (the "Court"), the Federal Communications Commission concluded that a computer reanalysis performed by the FCC staff establishes that Station WGNV(AM), Newburgh, New York, would not receive an AM expanded band allotment even if the FCC were to adopt the technical change to the allotment methodology that the licensee of WGNV(AM) advocated. On June 25, 1997, Sunrise Broadcasting of

New York, Inc., sought review by the Court of the FCC's March 17, 1997 Order in Implementation of the AM Expanded Band Allotment Plan, FCC 97-68, 12 FCC Rcd 3361, 62 FR 23176 (Apr. 29, 1997) ("Order"), which had denied, *inter alia*, Sunrise's Petition for Reconsideration of Non-Inclusion in Expanded AM Band Allotment Plan. Note: 62 FR 23176 inadvertently omitted the Final Regulatory Flexibility Analysis for the Order, FCC 97-68; that analysis is located at 62 FR 28369 (May 23, 1997). Also on March 17, 1997, the Mass Media Bureau issued a Public Notice, Mass Media Bureau Announces Revised AM Expanded Band Allotment Plan and Filing Window for Eligible Stations, 12 FCC Rcd 3185 (MM Bureau 1997) ("Third Allotment Plan") which did not include an expanded band allotment for WGNV. Sunrise argued to the Court of Appeals that the staff's granting certain Traveler Information Service ("TIS") stations co-primary status (thus according them some interference protection) was an unexplained change of agency policy and resulted in WGNV being precluded from obtaining an expanded band allotment. The Mass Media Bureau responded to the Court with a computer analysis that eliminated TIS Station consideration but still resulted in WGNV not having an allotment. After the Court remanded the matter to the FCC on this point, on March 31, 1998, the Mass Media Bureau supplemented the record with the computer re-analysis. On October 19, 1998, Sunrise conceded this point, but in Comments filed with the FCC it sought consideration, for the first time, of issues not previously raised in this proceeding. Specifically, Sunrise objected to the 1995 FCC decision to change the co-channel distance separation requirements for AM expanded band stations from 400 to 800 kilometers (see Reconsideration of Implementation of the AM Expanded Band Allotment Plan, 10 FCC Rcd 12143, 12149 (1995)), and to the calculation of the improvement factors for two of the 710 potential expanded band stations listed in a 1996 Mass Media Bureau Public Notice (see Public Notice, Mass Media Bureau Announces Revised Experimental AM Broadcast Band Implementation Factors and Allotment Plan, 11 FCC Rcd 11419 (MMB 1996). In the Memorandum Opinion and Order, the FCC denied as untimely Sunrise's request to reexamine any aspects of the AM expanded band proceeding other than those relating directly to the interference protection afforded TIS stations, and ordered that

the Mass Media Bureau's computer re-analysis be made a part of the record in this proceeding. The full text of the Memorandum Opinion and Order issued in Implementation of the AM Expanded Band Allotment Plan, FCC 00-291, adopted August 3, 2000 and released on August 10, 2000 is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW-A306), 445 12th Street, SW, Washington, D.C. The complete text of this MO&O may also be purchased from the FCC's copy contractor, International Transcription Services (202) 857-3800, 1231 20th Street, NW, Washington, D.C.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 00-25734 Filed 10-5-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2148; MM Docket No. 99-75; RM-9446]

#### Radio Broadcasting Services; Grants, Milan, NM

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Don Davis, former licensee of Station KQEO(FM), now Station KXXQ(FM), Grants, New Mexico, reallocates Channel 264A from Grants to Milan, New Mexico as the community's second local aural transmission service. See 64 FR 14423 (March 25, 1999). Channel 264A at Grants was downgraded from 264C2 by one-step application (File No. BMPH-19960226IB) granted on June 13, 1996. Channel 264A can be allotted to Milan in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at petitioner's site 5.7 kilometers (3.6 miles) south, at coordinates 35-07-09 North Latitude and 107-54-08 West Longitude.

**DATES:** Effective November 6, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.