

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 416

[CMS-1885-CN]

RIN 0938-AM02

#### Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures Effective July 1, 2003; Final Rule Correction

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects technical errors that appeared in the final rule with comment period published in the *Federal Register* on March 28, 2003 entitled "Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures Effective July 1, 2003; Final Rule."

**EFFECTIVE DATE:** July 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Bob Cereghino, (410) 786-4645.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 03-7236 of March 28, 2003 (68 FR 15268), there were a number of technical errors that are identified and corrected in the Correction of Errors section below. The provisions in this correction notice are effective as if they had been included in the document published March 28, 2003. Accordingly, the corrections are effective March 28, 2003.

The errors involve the phone number of the agency contact and 5 HCPCS codes: 21365, 36819, 42415, 52355 and 54512. These codes either have incorrect payment groups or incorrect status indicators.

##### II. Correction of Errors

In FR Doc. 03-7236 of March 28, 2003 (68 FR 15268), make the following corrections:

1. On page 15268, in the 2nd column, the **FOR FURTHER INFORMATION CONTACT** section the phone number is corrected as follows: 410-786-4645.

2. On page 15280, HCPCS code 21365, the 2nd column, the status indicator is corrected to read as follows: "D".

3. On page 15296, HCPCS code 36819 is corrected as follows:

a. The payment group in the 4th column is "3".

b. The payment amount in the 5th column is "\$510".

4. On page 15298, HCPCS code 42415 is corrected as follows:

a. The payment group in the 4th column is "7".

b. The payment amount in the 5th column is "\$995".

5. On page 15303, HCPCS code 52355, the 2nd column, the status indicator is corrected to read as follows: "A\*".

6. On page 15304, HCPCS code 54512 is corrected as follows:

a. The payment group in the 4th column is "2".

b. The payment amount in the 5th column is "\$446".

##### III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the *Federal Register* to provide a period for public comment before the provisions of a notice take effect. We can waive this procedure, however, if we find good cause that notice and comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporate a statement of the finding and the reasons for it into the notice issued.

We find it unnecessary to undertake notice and comment rulemaking because this notice merely provides technical corrections to the rule. Therefore, we find good cause to waive notice and comment procedures.

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

Dated: May 12, 2003.

**Ann Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 03-13182 Filed 5-29-03; 8:45 am]

**BILLING CODE 4120-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 25, 74, and 78

[ET Docket No. 98-142; FCC 03-69]

#### Mobile-Satellite Service Above 1 GHz

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** This document denies two petitions for reconsideration of the *Report and Order* ("R&O"), which allocated spectrum for certain satellite "feeder links" and provided rules for sharing these feeder links with certain incumbent terrestrial operations. These petitions, filed by Globalstar, L.P. and Globalstar USA, LLC ("Globalstar") and by the Society of Broadcast Engineers,

Inc. ("SBE"), request reconsideration of the Commission's decisions in the R&O with respect to the 6700-7075 MHz ("7 GHz") band. Globalstar requests that the 6700-7025 MHz Non-Geostationary Satellite Orbit Mobile-Satellite Service ("NGSO MSS") feeder downlink band in the Fixed Satellite Service ("FSS") be extended from 6700-7025 MHz to 6700-7075 MHz, and SBE requests various rule changes pertaining to share use of the 7 GHz band between television broadcast auxiliary service ("TV BAS") and NGSO MSS.

**FOR FURTHER INFORMATION CONTACT:** Rodney Small, Office of Engineering and Technology, (202) 418-2452, TTY (202) 418-2989, e-mail [rsmall@fcc.gov](mailto:rsmall@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, ET Docket No. 98-142, FCC 03-69, adopted March 27, 2003 and released April 2, 2003. The full text of this document is available on the Commission's Internet site at [www.fcc.gov](http://www.fcc.gov). It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Qualex International, Portals II, 445 12th St., SW., Room CY-B402, Washington, DC 20554; telephone (202) 863-2893; fax (202) 863-2898; e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### Summary of the Memorandum Opinion and Order

##### *Globalstar Petition for Reconsideration*

1. We find Globalstar's concerns regarding the possibility of NGSO MSS systems being constrained by a shortage of feeder downlink spectrum to be unfounded for the reasonably foreseeable future. Globalstar's NGSO MSS system in the 1610-1626.5/2483.5-2500 MHz bands ("Big LEO" system) is authorized to use the 6875-7055 MHz band for feeder downlinks. At the time Globalstar filed its petition, its feeder downlink band was potentially subject to significant sharing with other NGSO MSS systems that were authorized overlapping feeder downlink spectrum. The need to share the majority of that band with those NGSO MSS systems in the foreseeable future has been reduced as a result of license cancellations. Thus, Globalstar's Big LEO system, which previously faced the immediate need to share the 6875-6975 MHz band with three competing NGSO MSS systems, is currently the only feeder downlink user of that 100 megahertz of spectrum. In addition, Globalstar will