

Published elsewhere in this issue of the **Federal Register** is a document extending for an additional 60 days, the comment period for the proposed rule published in the June 12, 1998, **Federal Register** in which we propose to rebase Medicare payment rates and update the list of approved procedures for ambulatory surgical centers (ASCs) (63 FR 32290). We are extending the comment period for the June 12, 1998, ASC proposed rule to be concurrent with the extended comment period for the September 8, 1998, hospital outpatient proposed rule because Medicare payments to ASCs are closely linked to the manner in which Medicare proposes to pay hospitals under a prospective payment system for surgical services furnished on an outpatient basis.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).
(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)
Dated: January 4, 1999.

Nancy-Ann Min DeParle,
Administrator, Health Care Financing Administration.

Dated: January 6, 1999.

Donna E. Shalala,
Secretary.
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 416 and 488

(HCFA-1885-4N)

RIN 0938-AH81

Medicare Program; Update of Ratesetting Methodology, Payment Rates, Payment Policies, and the List of Covered Procedures for Ambulatory Surgical Centers Effective October 1, 1998; Extension of Comment Period

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

ACTION: Notice of extension of comment period for proposed rule.

SUMMARY: This document extends the comment period for the fourth time on a proposed rule published in the **Federal Register** on June 12, 1998, (63 FR 32290). In that rule we proposed to make various changes, including changes to the ambulatory surgical center (ASC) payment methodology and the list of Medicare covered procedures.

The comment period is extended for 60 days.

DATES: The comment period is extended to 5 p.m. on March 9, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-1885-P, P.O. Box 26688, Baltimore, MD 21207-0488.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 443-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-09-26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA-1885-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443-G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

For comments that relate to information collection requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

FOR FURTHER INFORMATION CONTACT:
Terri Harris, (410) 786-6830.

SUPPLEMENTARY INFORMATION: On June 12, 1998, we issued a proposed rule in the **Federal Register** (63 FR 32290) that would do the following:

- Update the criteria for determining which surgical procedures can be appropriately and safely performed in an ASC.
- Make additions to and deletions from the current list of Medicare covered ASC procedures based on the revised criteria.
- Rebase the ASC payment rates using cost, charge, and utilization data collected by a 1994 survey of ASCs.
- Refine the ratesetting methodology that was implemented by a final notice published on February 8, 1990, in the **Federal Register**.
- Require that ASC payment, coverage, and wage index updates be implemented annually on January 1

rather than having these updates occur randomly throughout the year.

- Reduce regulatory burden.
- Make several technical policy changes.

The proposed rule would also implement requirements of section 1833(i)(1) and (2) of the Social Security Act. We indicated that comments would be considered if we received them by August 11, 1998.

We received requests from numerous ASCs and professional associations for more time to analyze the potential consequences of the rule. We issued a notice in the **Federal Register** on August 14, 1998, (63 FR 43655) announcing extension of the public comment period to September 10, 1998.

On September 8, 1998, we published a proposed rule in the **Federal Register** entitled "Medicare Program; Prospective Payment System for Hospital Outpatient Services" (63 FR 47552). We received additional requests from ASCs and professional associations for more time to analyze the impact of the hospital outpatient proposed rule, and for a delay in the implementation of the ASC final rule to be concurrent with implementation of the hospital outpatient prospective payment system.

On October 1, 1998, we reopened the comment period for the June 12, 1998, ASC proposed rule until November 9, 1998, to coincide with the comment period for the September 8, 1998, hospital outpatient proposed rule. We also gave notice in the October 1, 1998, **Federal Register** (63 FR 52663) of a delay in the adoption of the provisions of the June 12, 1998, ASC proposed rule as a final rule to be concurrent with the adoption as final of the hospital outpatient prospective payment system as soon as possible after January 1, 2000. In the November 13, 1998, **Federal Register** (63 FR 63430), we further extended the comment period until January 8, 1999.

Published elsewhere in this issue of the **Federal Register** is a document extending for an additional 60 days the comment period for the September 8, 1998, hospital outpatient proposed rule (63 FR 47552). Because Medicare payments to ASCs are closely linked to the way Medicare proposes to pay hospitals under a prospective payment system for surgical services furnished on an outpatient basis, we are extending the comment period for the June 12, 1998, ASC proposed rule for an additional 60 days to be concurrent with the extended comment period for the September 8, 1998, hospital outpatient proposed rule. The comment period will close at 5 p.m. on March 9, 1999.

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

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

Dated: January 4, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: January 6, 1999.

Donna E. Shalala,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 25

[ET Docket No. 98-206, FCC 98-310]

Fixed Satellite Service and Terrestrial System in the Ku-Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rulemaking ("NPRM") proposes to establish non-geostationary satellite orbit ("NGSO") fixed satellite service ("FSS") operations which could provide global broadband wireless services. This NPRM seeks to develop appropriate spectrum sharing criteria to allow the proposed NGSO FSS operations in the Ku band without interfering with incumbent operations. If appropriate sharing criteria are adopted, NGSO FSS operations could increase spectrum usage, provide a wide variety of broadband wireless services and increase competition within the satellite service industry. The NPRM also seeks to develop a more extensive record regarding the ability of terrestrial based service that would retransmit local television signals and provide one-way data services to direct broadcast satellite ("DBS") subscribers in the 12.2-12.7 GHz band.

DATES: Comments are due February 16, 1999, reply comments are due March 15, 1999. Written comments by the public on the proposed and/or modified information collections are due March 15, 1999. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before March 15, 1999.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission,

445 Twelfth Street, S.W., TW-A325, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room C-1804, 445 Twelfth Street, S.W., Washington, DC 20554 or via internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 or via the internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Tom Derenge, Office of Engineering and Technology, (202) 418-2451. For additional information or copies of the information collections contact Judy Boley at (202) 418-0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket 98-206, FCC 98-310, adopted November 19, 1998, and released November 24, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-C404), 445 Twelfth Street, S.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W. Washington, D.C. 20036. This Notice of Proposed Rulemaking contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

Summary of the Notice of Proposed Rulemaking

1. The Commission takes this action in response to two Petitions for Rulemaking filed on July 3, 1997 and March 6, 1998, by SkyBridge L.L.C. ("SkyBridge") (RM-9147) and Northpoint Technology ("Northpoint") (RM-9245), respectively. Additionally, the NPRM considers changes to the International Radio Regulations contained in the Final Acts of the 1997 World Radiocommunication Conference ("Final Acts of WRC-97"), Geneva, 1997.

2. *Skybridge Petition.* SkyBridge requests that the Commission amend its rules to permit non-geostationary satellite orbit ("NGSO") fixed satellite

service ("FSS") systems to operate in the United States ("U.S.") in the 10.7-12.7 GHz band for NGSO space-to-earth links ("downlinks") (a total of 2 gigahertz) and in the 12.75-13.25 GHz, 13.75-14.5 GHz, and 17.3-17.8 GHz bands for NGSO earth-to-space links ("uplinks") (a total of 1.75 gigahertz). The requested downlink bands are generally used by geostationary-satellite orbit ("GSO") FSS, DBS and fixed services. The requested appliance bands are generally used by GSO FSS operations, fixed services, mobile services, and Government operations. SkyBridge proposes technical criteria which it claims would protect GSO satellite and terrestrial operations in these bands from unacceptable interference from NGSO FSS systems. SkyBridge contends that its system would provide high-speed Internet and on-line access services, video conferencing and telephony, entertainment services, interactive video on demand, and a variety of substitutes for terrestrial infrastructure links.

3. *WRC-97/2000.* To promote spectrum sharing between NGSO systems and other services, WRC-97 adopted spectrum sharing criteria for NGSO systems in the Ku and Ka-bands (see *Notice* at paragraphs 4-6 for an explanation). However, because the studies justifying the WRC-97 action had not gone through the typical International Telecommunications Union ("ITU") study group process for validation, several components of the spectrum sharing criteria are deemed provisional, or are subject to review and possible modification at WRC-2000 to determine whether they adequately protect incumbent operations. Currently, Joint Task Group ("JTG") 4-9-11, in which the U.S. participates, is conducting technical analyses of NGSO FSS sharing issues in preparation for WRC-2000.

4. *Northpoint Petition.* Northpoint proposes to provide terrestrial retransmission of local television signals and provide one-way data services to DBS receivers in the 12.2-12.7 GHz band on a secondary basis. Northpoint states that its proposal would allow DBS subscribers to receive local television programming and one-way data services with minimal additional equipment and thus would permit the DBS service to compete more fully with cable television services. Because Northpoint is requesting that its technology be permitted to operate in some of the same spectrum requested by SkyBridge, we are addressing both petitions in this proceeding.

5. The NPRM proposes to allow NGSO FSS downlink operations on a co-