subpart D, if applicable, and subparts H, J, K, M, and P of this part;

* * * * *

(4) Permit HHS or its designee upon request to review all information and data necessary to—

* * * * *

(iii) Determine whether the laboratory is performing tests in addition to procedures specified as PPM procedures; (iv) Collect information regarding the appropriateness of tests specified as PPM procedures; and

* * * * *

51. In § 493.1777, introductory text to the section is added and the heading and paragraphs (a) and (g) are revised to read as follows:

§ 493.1777 Condition: Inspection of laboratories requesting or issued a certificate of compliance.

Laboratories requesting or issued a certificate of compliance must permit an inspection to assess compliance with part 493 of this chapter. Testing in the subcategory of PPM procedures, may be included in the laboratory's routine or complaint inspection. PPM procedures are assessed for compliance with only the applicable requirements specific to the subcategory of testing.

(a) HHS or its designee may conduct unannounced or announced inspections on at least a biennial basis of any laboratory at any time during its hours of operation. To assess compliance with the requirements of part 493, HHS will inspect a laboratory possessing a registration certificate before issuance of a certificate of compliance.

* * * * *

(g) Failure to permit an inspection under this subsection will result in the suspension of Medicare and Medicaid payments to the laboratory, or termination of the laboratory's participation in Medicare and Medicaid for payment, and suspension of or action to revoke the laboratory's CLIA certificate of compliance in accordance with subpart R of this part.

§ 493.1804 [Amended]

52. In § 493.1804(b)(2), the word ''ore'' is revised to read ''or''.

53. In § 493.1814, the introductory text of paragraph (b) is republished and paragraph (b)(3) is revised to read as follows:

§ 493.1814 Action when deficiencies are at the condition level but do not pose immediate jeopardy.

* * * * *

(b) *Failure to correct condition level deficiencies.* If HCFA imposes alternative sanctions for condition level deficiencies that do not pose immediate jeopardy, and the laboratory does not correct the condition level deficiencies within 12 months after the last day of inspection, HCFA—

* * * * *

(3) May impose (or continue, if already imposed) any alternative sanctions that do not pertain to Medicare payments. (Sanctions imposed under the authority of section 353 of the PHS Act may continue for more than 12 months from the last date of inspection, while a hearing on the proposed suspension, limitation, or revocation of the certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures is pending.)

* * * * *

54. In § 493.1834, the heading and introductory text of paragraph (f)(2) are republished and paragraphs (b) and (f)(2)(iii) are revised to read as follows:

§ 493.1834 Civil money penalty.

* * * * *

(b) *Scope.* This section sets forth the procedures that HCFA follows to impose a civil money penalty in lieu of, or in addition to, suspending, limiting, or revoking the certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures of a laboratory that is found to have condition level deficiencies.

* * * * *

(f) *Accrual and duration of penalty*—

* * * * *

(2) *Duration of penalty.* The civil money penalty continues to accrue until the earliest of the following occurs:

* * * * *

(iii) HCFA suspends, limits, or revokes the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures.

* * * * *

55. In § 493.1836, the heading of paragraph (c) is republished and paragraphs (c)(2) and (c)(3) are revised to read as follows:

§ 493.1836 State onsite monitoring.

* * * * *

(c) *Duration of sanction.*

* * * * *

(2) If the laboratory does not correct all deficiencies within 12 months, and a revisit indicates that deficiencies remain, HCFA cancels the laboratory's approval for Medicare payment for its services and notifies the laboratory of its intent to suspend, limit, or revoke the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures.

(3) If the laboratory still does not correct its deficiencies, the Medicare sanction continues until the suspension, limitation, or revocation of the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures is effective.

56. In § 493.2001, paragraph (e) and paragraph (e)(1) are revised to read as follows:

§ 493.2001 Establishment and function of the Clinical Laboratory Improvement Advisory Committee.

* * * * *

(e) The Clinical Laboratory Improvement Advisory Committee or subcommittee, at the request of HHS, will review and make recommendations concerning:

(1) Criteria for categorizing tests and examinations of moderate complexity (including the subcategory) and high complexity;

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance; Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 23, 1994.

Philip R. Lee,

Assistant Secretary for Health.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: December 27, 1994.

Donna E. Shalala,

Secretary.

[FR Doc. 95–9953 Filed 4–21–95; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 93–179, FCC 95–133]

Price Cap Rules for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action is taken to incorporate explicitly the ''add-back'' adjustment into the local exchange carrier (LEC) price cap rules. The explicit add-back rule will first be applied when the LECs file their 1995 access tariffs. It is intended that the explicit add-back rule will ensure that

the LEC price cap plan operates as the Commission intended when it adopted the LEC price cap plan.

EFFECTIVE DATE: May 24, 1995.

FOR FURTHER INFORMATION CONTACT: Joanne F. Wall, (202) 418–1550.

SUPPLEMENTARY INFORMATION: On March 30, 1995, the Commission adopted a Report and Order in CC Docket No. 93–179 amending the Commission's LEC price cap rules. This order makes explicit the requirement that LECs must exclude the effects of sharing and low-end adjustments relating to the prior year before computing the earnings levels that determine required sharing or permitted low-end adjustments for the current year. The Commission found that this requirement, known as the ''add-back adjustment'' rule, is essential to ensure that the sharing and low-end adjustments of the LEC price cap plan achieve their intended purpose.

The full text of this item is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may be purchased from the Commission's duplicating contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements, Telegraph, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Part 61 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 61—TARIFFS

1. The authority citation continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205, and 403.

2. Section 61.3(e) is amended by adding a last sentence to read as follows:

§ 61.3 Definitions.

* * * * *

(e) * * * Base year or base period earnings shall not include amounts associated with exogenous adjustments to the PCI for the sharing or lower formula adjustment mechanisms.

* * * * *

[FR Doc. 95–10027 Filed 4–21–95; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–142; RM–8546]

Radio Broadcasting Services; Knoxville, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 287A to Knoxville, Illinois, as that community's first local aural service, at the request of John Pritchard, *See* 59 FR 64381, December 14, 1994. Channel 287A can be allotted to Knoxville in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates for Channel 287A at Knoxville, Illinois, are North Latitude 40–54–30 and West Longitude 90–16–54. With this action, this proceeding is terminated.

DATES: Effective May 29, 1995. The window period for filing applications for Channel 287A at Knoxville, Illinois will open on May 29, 1995, and close on June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–142, adopted April 12, 1995, and released April 19, 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D. C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Knoxville, Channel 287A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–10026 Filed 4–21–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No.94–68; RM–8486]

Radio Broadcasting Services; Billings, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 286A to Billings, Montana, as that community's seventh FM broadcast service in response to a petition filed by Bruce L. Erickson. *See* 59 FR 35293, July 11, 1994. The coordinates for Channel 286A are 45–46–58 and 108–30–13. With this action this proceeding is terminated.

DATES: Effective May 29, 1995. The window period for filing applications for Channel 286A at Billings will open on May 29, 1995, and close on June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* MM Docket No. 94–68, adopted April 12, 1995, and released April 19, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.