

commercial television stations. Radio and television applicants will now also be required to submit as part of FCC Form 315 a copy of any attributable time brokerage agreement (TBA) (see 47 CFR 73.3613 for definition) pursuant to which the transferee will supply programming to the station(s) subject to the application, or with any other station in the same market as the station(s) subject to the application 47 CFR 73.3613 already required the filing of an TBA within 30 days of execution. On June 2, 2003, the Commission announced by Public Notice, DA 03-1877, that applicants with long-form assignment or transfer of control applications (FCC Form 314 or 315) or with modification applications (FCC Form 301) that were pending as of adoption date of the R&O may amend those applications by submitting new multiple ownership showings to demonstrate compliance with the new rules. Applicants may file such amendments once notice has been published by the Commission in the **Federal Register** that OMB has approved the information collection requirements contained in such amendments. Applicants may also submit a complete and adequate showing supporting a waiver of, or exemption from, the new rules. The Commission has established a freeze on the filing of all commercial radio and television transfer of control applications that require the use of FCC Form 315. The freeze will be in effect starting with the R&O's adoption date until notice has been published by the Commission in the **Federal Register** that OMB has approved the revised FCC Form 315. Upon such publication, parties may file new applications, but only if they demonstrate compliance with the new multiple ownership rules adopted in the R&O, or submit complete and adequate showings that a waiver of the new rules is warranted.

*OMB Control Number:* 3060-0027.

*Type of Review:* Revision of a currently approved collection.

*Title:* Application for Construction Permit for Commercial Broadcast Station, FCC Form 301.

*Form Number:* FCC 301.

*Respondents:* Business or other for-profit entities; Not-for-profit institutions.

*Number of Respondents:* 2,450.

*Estimated Time per Response:* 2 to 4 hours.

*Frequency of Response:* On occasion requirements; Third party disclosure.

*Total Annual Burden:* 5,620 hours.

*Total Annual Cost:* \$28,971,675.00.

*Needs and Uses:* FCC Form 301 is used to apply for authority to construct

a new commercial AM, FM, or TV broadcast station, or to make changes in existing facilities of such a station. In addition, FM licensees or permittees may request, by application on FCC Form 301, upgrades on adjacent and co-channels, modifications to adjacent channels of the same class and downgrades to adjacent channels without first submitting a petition for rulemaking. To receive authorization for commencement of Digital Television ("DTV") operation, commercial broadcast licensees must file FCC Form 301 for a construction permit. This application may be filed anytime after receiving the initial DTV allotment but must be filed before mid-point in a particular applicant's required construction period. The Commission will consider these applications as minor changes in facilities. Applications will not have to supply full legal or financial qualification information.

Specific to this collection of information approved under OMB control number 3060-0027, the Commission will require all applicants to submit an exhibit demonstrating compliance with the Commission's multiple ownership rules and cross-media limits, or supporting an exemption from, or waiver of, 47 CFR 73.3555. With respect to radio station construction permit applications, we will require parties to show compliance with the local radio ownership rule using either the interim contour-overlap methodology previously called for in FCC Form 301, or the newly adopted geographic-based Arbitron Metro methodology. Under our modified rules Joint Sales Agreements (JSAs) will be attributable. Parties with attributable radio JSAs at the time of filing an FCC Form 301 will now be required to file a copy of the JSA as part of the application. With respect to television station construction permit applications, the parties will, for the first time, be required to submit an exhibit identifying the relevant Designated Market Area (DMA) as measured by Nielson Research, the number of commercial and noncommercial education stations in the DMA, and the market rankings of the top-four commercial television stations. Radio and television applicants are also required to submit a part of FCC Form 301 a copy of any attributable time brokerage agreement (see 47 CFR 73.3613 for definition) pursuant to which the applicant will supply programming to the station(s) subject to the application or with any other station in the same market as the station(s) subject to the application. On June 2,

2003, the Commission announced by Public Notice, DA 03-1877, that applicants with FCC Form 301 applications pending as of the adoption date of the R&O may amend those applications by submitting new multiple ownership showings to demonstrate compliance with the new rules. Applicants may file such amendments once notice has been published by the Commission in the **Federal Register** that OMB has approved the information collection requirements contained in such amendments.

Applicants may also submit a complete and adequate showing supporting a waiver of, or exemption from, the new rules.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 03-20537 Filed 8-12-03; 8:45 am]

**BILLING CODE 6712-01-M**

---

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 011528-023.

*Title:* Japan/United States Eastbound Freight Conference.

*Parties:*

American President Lines, Ltd;  
Hapag-Lloyd Container Line GmbH;  
Kawasaki Kisen Kaisha, Ltd.;  
Mitsui O.S.K. Lines, Ltd.;  
A.P. Moller Maersk Sealand;  
Nippon Yusen Kaisha;  
Orient Overseas Container Line Limited;  
P&O Nedlloyd B.V.;  
P&O Nedlloyd Limited;  
and Wallenius Wilhelmsen Lines AS.

*Synopsis:* The amendment extends the suspension of the conference through January 31, 2004.

*Agreement No.:* 011859.

*Title:* TMM/Hanjin Slot Charter Agreement.

*Parties:*

TMM Lines, Ltd.;  
Hanjin Shipping Co., Ltd.

*Synopsis:* The proposed agreement would authorize TMM to charter

space to Hanjin in the trades between the U.S. West Coast, on the one hand, and Mexico and Asia, on the other.

Agreement No.: 201124-001.

Title: Oakland/Yang Ming Terminal Use Agreement.

Parties:

City of Oakland,  
Yang Ming Transport Corporation.

Synopsis: The amendment terminates the parties' terminal use agreement.

By Order of the Federal Maritime Commission.

Dated: August 8, 2003.

**Karen V. Gregory,**

*Acting Assistant Secretary.*

[FR Doc. 03-20656 Filed 8-12-03; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

### Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

*Worldtrans Services, Inc.*, 8925 Carroll Way, Suite C, San Diego, CA 92121.

*Officers:* Tony Carnevale, Vice President, (Qualifying Individual), Charles H. Saathoff, President.

*Ocean Lilly Express, LLC*, 8501 NW 17th Street, Suite 101, Miami, FL 33126. *Officers:* Alan Egan, President, (Qualifying Individual), Nelson Cabrera, Vice President.

*CTC Logistics (L.A.) Inc.*, 9111 S. La Cienega Blvd., Suite 205, Inglewood, CA 90301. *Officers:* Ms. Xiaomei Lu, Chief Operations Officer, (Qualifying Individual), Yonglong Li, President.

*Caribbean Cargo & Package Services Inc.*, Building #80 JFK International Airport, Jamaica, NY 11430.

*Officers:* Franklin Clifford Vieira, President, (Qualifying Individual), Harold Smith, Director.

*Admiral Marine, Inc.*, 33 Wood Avenue South, Iselin, NJ 08830. *Officers:*

Fred Grootarz, President, (Qualifying Individual), Henry Kiesel, Vice President.

*Ace Express (New York) Inc.*, 147-39 175 Street, Suite 101, Jamaica, NY 11434-5463. *Officer:* Ivan P. Hong, President, (Qualifying Individual).

### Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

*Wen-Parker, Inc.*, 230-19 International Airport Center Blvd., Suite 238, Jamaica, NY 11413. *Officer:* Weiming New, President, (Qualifying Individual).

*Motherlines Inc.*, 1419 Oak Tree Road, Iselin, NJ 08830. *Officers:* N. Santhosh Kumar, Vice President, (Qualifying Individual), A.B. Sankarankutty, Director.

*Kartash, Inc.*, 11 Sunrise Plaza, Suite 200, Valley Stream, NY 11580. *Officers:* Raisa Kartasheusky, President, (Qualifying Individual), Edward Kartasheusky, Vice President.

### Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant

*Continental Resource Company*, 2639 East Avenue, Hayward, CA 94541. Jack Chiang, Sole Proprietor.

Dated: August 8, 2003.

**Karen V. Gregory,**

*Acting Assistant Secretary.*

[FR Doc. 03-20657 Filed 8-12-03; 8:45 am]

BILLING CODE 6730-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### Notice of Hearing: Reconsideration of Disapproval of Virginia State Plan Amendment (SPA) 02-09

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

**ACTION:** Notice of hearing.

**SUMMARY:** This notice announces an administrative hearing on September 25, 2003, 10 a.m., Room 217; Second Floor; Suite 216, The Public Ledger Building; 150 South Independence Mall West; Philadelphia, Pennsylvania 19106 to reconsider our decision to disapprove Virginia State Plan Amendment (SPA) 02-09.

**Closing Date:** Requests to participate in the hearing as a party must be received by the presiding officer by August 28, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Scully-Hayes, Presiding Officer, CMS, 2520 Lord Baltimore Drive, Suite L, Baltimore, Maryland 21244-2670, Telephone: (410) 786-2055.

**SUPPLEMENTARY INFORMATION:** This notice announces an administrative hearing to reconsider the decision, dated June 16, 2003, to disapprove Virginia State Plan Amendment (SPA) 02-09. This SPA proposes to provide supplemental payment for services rendered by a newly created class of physicians and other health professionals who are State employees affiliated with a State academic medical center. There are two supplemental payment methodologies described in the SPA. The first, effective July 2, 2002, until August 12, 2002, would provide payment equal to the difference between the amount indicated on the Medical Assistance (Medicaid) fee schedule applicable to other providers of the same type, and the lower of Medicare-allowed amount or billed charges. The second method, effective August 13, 2002, would be equal to the difference between the Medicaid fee schedule and providers' usual and customary charges. There is no ceiling on charges during the second period.

At issue is whether the State has documented that its proposed supplemental payment methodology is consistent with efficiency, economy, and quality of care when the supplemental payment methodology: (1) Is not justified by any increased costs to the State to ensure access to services for Medicaid beneficiaries; (2) pays significantly more than other third party payers for the same services; (3) is not a usual and customary payment methodology; and (4) would unduly complicate tracking and audit processes.

Section 1902 (a)(30)(A) of the Social Security Act (the Act) requires that states have methods and procedures to ensure that payments are consistent with efficiency, economy, and quality of care. The State was unable to document that other third party payers pay an amount equal to billed charges. In addition, the State did not document that the providers affected by this amendment have higher costs than other providers of the same type in the State, nor did it demonstrate that any portion of the increased payment would be required to pay actual costs incurred in order to ensure access to the Medicaid services at issue. Virginia also failed to justify why the supplemental payment is warranted for public providers only.

The supplemental payment methodology proposed by the State is