

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: March 1, 1999.

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

Dated: March 9, 1999.

Donna E. Shalala,
Secretary.

[FR Doc. 99-6134 Filed 3-9-99; 2:08 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 416 and 488

[HCFA-1885-5N]

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 notice extends the comment period for the fifth 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.

DATES: The comment period is extended to 5 p.m. on June 30, 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: Health Care Financing Administration.

Office of Information Services,
Standards And Security Group,
Division of HCFA Enterprise
Standards, Room N2-14-26, 7500
Security Boulevard, Baltimore, MD
21244-1850. Attn: John Burke HCFA-
1885-P, and

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. In the January 12, 1999, **Federal Register** (64 FR 1785), we again extended the comment period until March 9, 1999.

Published elsewhere in this issue of the **Federal Register** is a notice extending the comment period for the September 8, 1998, hospital outpatient proposed rule (63 FR 47552) until June 30, 1999. 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 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 June 30, 1999.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 030299B]

RIN 0648-AL48

Fisheries Off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Amendment 8

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Notice of availability of an
amendment to a fishery management
plan; request for comments.

SUMMARY: NMFS announces that the
Pacific Fishery Management Council
(Council) has submitted Amendment 8
to the Northern Anchovy Fishery
Management Plan (FMP) for Secretarial
review. The amendment was prepared
to provide a comprehensive
management approach to small coastal
pelagic species (CPS) off the Pacific
coast. The amendment also addresses
the provisions of the 1996 Sustainable
Fisheries Act (SFA) regarding
overfishing, bycatch, essential fish
habitat, and fishing communities.

DATES: Comments on Amendment 8
must be received on or before May 11,
1999.

ADDRESSES: Comments on Amendment
8 or supporting documents should be
sent to William T. Hogarth,
Administrator, Southwest Region,
NMFS, 501 West Ocean Boulevard,
Suite 4200, Long Beach, CA 90802.

Copies of Amendment 8, which
includes a Final Supplemental
Environmental Impact Statement/
Regulatory Impact Review, are available
from Larry Six, Executive Director,
Pacific Fishery Management Council,
2130 SW Fifth Avenue, Suite 224,
Portland, OR, 97201.

FOR FURTHER INFORMATION CONTACT:
James Morgan, Sustainable Fisheries
Division, NMFS, at 562-980-4030 or
Julie Walker, Pacific Fishery
Management Council, at 503-326-6352.

SUPPLEMENTARY INFORMATION: The
Magnuson-Stevens Fishery
Conservation and Management Act
(Magnuson-Stevens Act) requires each
Regional Fishery Management Council
to submit any amendment to an FMP to
NMFS for review and approval,
disapproval, or partial approval. The
Magnuson-Stevens Act also requires
that NMFS, upon receiving an
amendment, immediately publish
notification in the **Federal Register** that
the amendment is available for public
review and comment. NMFS will
consider the public comments received
during the comment period described
above in determining whether to
approve the amendment for
implementation.

Amendment 8 would place Pacific
mackerel (*Scomber japonicus*), Pacific
sardine (*Sardinops sagax*), Jack
mackerel (*Trachurus symmetricus*), and
market squid (*Loligo opalescens*) in the
FMP's management unit with northern
anchovy (*Engraulis mordax*). The basic
elements of the amendment follow:

1. Amendment 8 would divide
managed species into two categories:
"actively managed" and "monitored".
Actively managed species would be
subject to annually determined harvest
limits based on estimated biomass.
Monitored species would not be subject
to mandatory harvest limits, although
other management measures such as
closed areas could apply.

2. Amendment 8 would include
conservative harvest strategies that take
into account uncontrolled harvests in
the Mexican fishery, natural variability
in the stocks, and the importance of
coastal pelagics as forage for other fish,
marine mammals, and birds.

3. The amendment would establish a
limited entry system in the commercial
fishery for CPS finfish (squid is not
included) south of 39° N. latitude (Pt.
Arena, California). Open access would
continue north of 39° N. latitude.
Historically, 99 percent of the sardine
resource has been harvested south of Pt.
Arena. When abundance is high,
fishermen in more northern areas would
still be able to gain benefits from the
high abundance through the open access
fishery. When abundance declines, the
resource tends to disappear from the
north and move south.

4. To qualify for a limited entry
permit, a vessel would have had to land
at least 100 metric tons (mt) of finfish
during the period January 1, 1993,
through November 5, 1997.

5. Vessels with limited entry permits
would be limited to 125 mt per trip. The
purpose of the limit is to control the
fleet's harvest capacity.

6. Limited entry permits could be
transferred under only limited
circumstances to a replacement vessel,
except during the first year of the
program, when one unrestricted transfer
of each permit would be allowed.

7. To accommodate vessels that land
dead bait and fish for small specialty
markets, Amendment 8 would allow
vessels to land a specific amount,
between 1 and 5 mt, without a limited
entry permit. The Council would
determine, and could adjust, the precise
amount.

8. Amendment 8 would establish a
framework process similar to that used
in the Pacific coast groundfish fishery to
allow the implementation of certain
types of management actions without
further amending the FMP. Under the
framework system, actively managed
and monitored species could be moved
between categories as circumstances
require.

The SFA amended section 303(a) of
the Magnuson-Stevens Act, which
describes the required components of
each FMP. The SFA established a 2-year
deadline (October 11, 1998) by which
each Regional Fishery Management
Council was required to submit
amendments to NMFS to bring all FMPs
into compliance with the new
provisions of section 303(a).

Amendment 8 seeks to make the FMP
consistent with the Magnuson-Stevens
Act by defining, consistent with the
SFA, optimum yield (OY), overfishing,
and levels at which managed stocks are
considered overfished. Amendment 8
also, as required by the SFA, defines
essential fish habitat, discusses the
nature of bycatch in the fisheries for
CPS, and presents social and economic
data on communities substantially
dependent or substantially engaged in
fishing.

As described in the National Standard
guidelines (63 FR 24212, May 1, 1998),
OY is based on maximum sustainable
yield (MSY). The MSY control rules
proposed for CPS would maintain
biomass of the stocks at levels that are
the same or higher than those produced
at FMSY (the harvest rate that produces
MSY), while also allowing relatively
high and consistent levels of catch. OY
based on an MSY control rule for CPS
would always be at least as effective in
maintaining a healthy stock and fishery
as catches under an FMSY policy. An
alternative would be to define OY as
being equal to MSY, but this could
prevent the Council from reducing
harvest levels to accommodate
ecological or economic factors. Large
fluctuations in biomass make reducing
the harvest as the biomass falls
essential. The proposed definition of