*Interested party* means any individual, partnership, corporation, association, society, scientific or academic establishment, professional or trade organization, or any other legal entity.

*New technology IOL* means an IOL that HCFA determines has been approved by the FDA for use in labeling and advertising the IOL's claims of specific clinical advantages and superiority over existing IOLs with regard to reduced risk of intraoperative or postoperative complication or trauma, accelerated postoperative recovery, reduced induced astigmatism, improved postoperative visual acuity, more stable postoperative vision, or other comparable clinical advantages.

*New technology subset* means a group of IOLs that HCFA determines meet the criterion for being treated as new technology IOLs and that share a common feature or features that distinguish them from other IOLs. For example, all new technology IOLs that are made of a particular bioengineered material could comprise one subset, while all that rely on a particular optical innovation could comprise another.

**§ 416.185 Payment review process.**

(a) HCFA publishes a **Federal Register** notice announcing the deadline and requirements for submitting a request for HCFA to review payment for an IOL.

(b) HCFA receives a request to review the appropriateness of the payment amount for an IOL.

(c) HCFA compiles a list of the requests it receives and identifies the IOL manufacturer's name, the model number of the IOL to be reviewed, the interested party or parties that submit requests, and a summary of the interested party's grounds for requesting review of the appropriateness of the IOL payment amount.

(d) HCFA publishes the list of requests in a **Federal Register** notice with comment period, giving the public 30 days to comment on the IOLs for which review was requested.

(e) HCFA reviews the information submitted with the request to review, any timely public comments that are submitted regarding the list of IOLs published in the **Federal Register**, and any other timely information that HCFA deems relevant to decide whether to provide a payment adjustment as specified in § 416.200. HCFA makes a determination of whether the IOL meets the definition of a new technology IOL in § 416.180.

(f) If HCFA determines that a lens is a new technology IOL, HCFA establishes a payment adjustment as follows:

(1) Before July 16, 2002—$50.

(2) After July 16, 2002—$50 or the amount announced through proposed and final rulemaking in connection with ambulatory surgical center services.

(g) HCFA designates a predominant characteristic of a new technology IOL that both sets it apart from other IOLs and links it with other similar IOLs with the same characteristic to establish a specific subset of new technology within the ''class of new technology IOLs.''

(h) Within 90 days of the end of the comment period following the **Federal Register** notice identified in paragraph (d) of this section, HCFA publishes in the **Federal Register** its determinations with regard to IOLs that it has determined are ''new technology'' lenses that qualify for a payment adjustment.

(i) Payment adjustments are effective beginning 30 days after the publication of HCFA's determinations in the **Federal Register**.

**§ 416.190 Who may request a review.**

Any party who is able to furnish the information required in § 416.195 may request that HCFA review the appropriateness of the payment amount provided under section 1833(i)(2)(A)(iii) of the Act with respect to an IOL that meets the definition of a new technology IOL in § 416.180.

**§ 416.195 A request to review.**

(a) *Content of a request.* The request must include all of the following information:

(1) The name of the manufacturer, the model number, and the trade name of the IOL.

(2) A copy of the FDA's summary of the IOL's safety and effectiveness.

(3) A copy of the labeling claims of specific clinical advantages approved by the FDA for the IOL.

(4) A copy of the IOL's original FDA approval notification.

(5) Reports of modifications made after the original FDA approval.

(6) Other information that HCFA finds necessary for identification of the IOL.

(b) *Confidential information.* To the extent that information received from an IOL manufacturer can reasonably be characterized as a trade secret or as privileged or confidential commercial or financial information, HCFA maintains the confidentiality of the information and protects it from disclosure not otherwise authorized or required by Federal law as allowed under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and, with respect to trade secrets, the Trade Secrets Act (18 U.S.C. 1905).

**§ 416.200 Application of the payment adjustment.**

(a) HCFA recognizes the IOL(s) that define a new technology subset for purposes of this subpart as belonging to the class of new technology IOLs for a period of 5 years effective from the date that HCFA recognizes the first new technology IOL for a payment adjustment.

(b) Any IOL that HCFA subsequently recognizes as belonging to a new technology subset receives the new technology payment adjustment for the remainder of the 5-year period established with HCFA's recognition of the first IOL in the subset.

(c) Beginning 5 years after the effective date of HCFA's initial recognition of a new technology subset, payment adjustments cease for all IOLs that HCFA designates as belonging to that subset and payment reverts to the standard payment rate set under section 1833(i)(2)(A)(iii) of the Act for IOL insertion procedures performed in ASCs.

(d) ASCs that furnish an IOL designated by HCFA as belonging to the class of new technology IOLs must submit claims using specific billing codes to receive the new technology IOL payment adjustment.

(Sections 1832(a)(2)(F)(i) and 1833(i)(2)(a) of the Social Security Act (42 U.S.C. 1395k(a)(2)(F)(i) and 1395l(i)(2)(a)))

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

Dated: January 15, 1999.

**Nancy-Ann Min DeParle,**

*Administrator, Health Care Financing Administration.*

Dated: March 8, 1999.

**Donna E. Shalala,**

*Secretary.*

[FR Doc. 99–15067 Filed 6–14–99; 8:45 am]

**BILLING CODE 4120–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 51

**[CC Docket No. 96–98; FCC 99–86]**

### Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deaveraged Rate Zones for Unbundled Network Elements

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; temporary stay.

**SUMMARY:** In this Order, the Commission temporarily stays the effectiveness of its

rule requiring each state to establish at least three geographic rate zones for unbundled network elements and interconnection. The Commission issues the stay to afford the states an opportunity to bring their own rules into compliance with the Commission's rule, in light of the U.S. Supreme Court's recent decision in *AT&T* v. *Iowa Utils. Bd.*

**DATES:** Effective May 7, 1999, 47 CFR 51.507(f), published at 61 FR 45476 (August 29, 1996), is stayed indefinitely. The Commission will publish in the **Federal Register** at a later date the date that the stay expires.

**ADDRESSES:** The entire file is available for inspection and copying weekdays from 9:00 a.m. to 4:30 p.m. in the Commission's Reference Center, 445 Twelfth Street SW, Washington, DC 20554. Copies may be purchased from the Commission's duplicating contractor, ITS Inc., 1231 Twentieth St., NW, Washington, DC 20036, (202) 857–3800.

**FOR FURTHER INFORMATION CONTACT:** Neil Fried, Common Carrier Bureau, Competitive Pricing Division, (202) 418–1530; TTY: (202) 418–0484.

**SUPPLEMENTARY INFORMATION:** In the *Local Competition Order*, the Commission promulgated certain rules to implement section 251 of the Communications Act of 1934, as amended. 61 FR 45476; 11 FCC Rcd 15499 (1996). One such rule, section 51.507(f), requires each state commission to ''establish different rates for [interconnection and unbundled network elements] in at least three defined geographic areas within the state to reflect geographic cost differences.'' 47 CFR 51.507(f). The Commission released the *Local Competition Order* on August 8, 1996. A number of parties, including incumbent LECs and state commissions, appealed the order shortly thereafter. The U.S. Court of Appeals for the Eighth Circuit stayed the effectiveness of the section 251 pricing rules on September 27, 1996. *Iowa Utils. Bd.* v. *FCC*, 96 F.3d 1116 (8th Cir. 1996) (per curium) (temporarily staying the *Local Competition Order* until the filing of the court's order resolving the petitioners' motion for stay). *See also Iowa Utils. Bd.* v. *FCC*, 109 F.3d 418 (8th Cir.) (dissolving temporary stay and granting petitioners' motion for stay, pending a final decision on the merits of the appeal), *motion to vacate stay denied*, 117 S. Ct. 429 (1996). On July 18, 1997, the Court of Appeals vacated these rules, including Section 51.507(f) on deaveraging, on the grounds that the Commission lacked jurisdiction. *Iowa Utils.* v. *FCC*, 120 F.3d 753, 800 n.21, 819 n.39, 820 (8th Cir. 1997). On January 25, 1999, however, the U.S. Supreme Court reversed the Eighth Circuit's decision with regard to the Commission's section 251 pricing authority, and remanded the case to the Eighth Circuit for proceedings consistent with the Supreme Court's opinion. *AT&T* v. *Iowa Utils. Bd.*, 119 S. Ct. 721, 733, 738 (1999).

In this Order, the Commission stays the effectiveness of section 51.507(f) until six months after the Commission issues its order in CC Docket No. 96–45 finalizing and ordering implementation of high-cost universal service support for non-rural LECs under section 254 of the Act. The six-month period shall run from the Commission's release of that order. Neither petitions for reconsideration nor appeals of that order shall have any bearing on the length of the stay.

The Commission found good cause to issue such a stay. *See* 47 CFR 1.3 (allowing the Commission to suspend its rules for good cause). Because of the Eighth Circuit's decisions, the section 251 pricing rules were not in effect for approximately two-and-a-half years. During that time, not all states established at least three deaveraged rate zones for unbundled network elements and interconnection. Some have taken no action yet regarding deaveraging; others have affirmatively decided to adopt less than three zones. A temporary stay will ameliorate the disruption that would otherwise occur, and will afford the states an opportunity to bring their rules into compliance with section 51.507(f).

A number of parties argued that the Commission made the appropriate policy decisions regarding deaveraging when it issued the *Local Competition Order*, and that implementation should not be further postponed. Some contended that it may be appropriate for the Commission to give states a reasonable amount of time to implement conforming rules, but argue that any ''significant'' delay is unwarranted. The Commission concluded that six months following the Commission's order in CC Docket No. 96–45 represents an appropriate length for the stay. State and federal regulators now have the benefit of not only a variety of court decisions, but also nearly three more years of experience and data. The stay will allow the states and the Commission a sufficient, but not excessive, amount of time to bring their rules into compliance in a manner coordinated with reform of universal service.

The Commission recognized the possibility that the three-zone rule may not be appropriate in all states. In some states, for instance, local circumstances may dictate the establishment of only two deaveraged rate zones. The Commission stated that it intends to address such situations on a case-by-case basis. States may file waiver requests with the Commission seeking relief from the general rule in light of their particular facts and circumstances. *See* 47 CFR 1.3 (allowing the Commission to waive any provision of its rules based on a petition if good cause is shown).

**List of Subjects in 47 CFR Part 51**

Communications common carriers, Deaveraged rate zones, Interconnection, Local competition, Pricing of elements, Telecommunications, Unbundled network elements.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99–14792 Filed 6–15–99; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

**[Docket No. 990304062–9062–01; I.D. 061099B]**

## Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second seasonal apportionment of pollock total allowable catch (TAC) in this area.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), June 11, 1999, until 1200 hours, A.l.t., September 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907–486-6919 or tom.pearson@noaa.gov.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North