

payment for outpatient services for a potentially significant period of time. In addition, many of our intermediaries do not have sufficient electronic storage space to hold claims for nearly as long as it will take for our systems to be fully tested.

Even if sufficient storage capacity were available, holding claims until HCFA was fully able to implement the PPS would lead to problems. These would have included extensive operational delays at the intermediaries to process and pay the claims once the software became available. Considerable risk of improper or inaccurate payment exists in later working off what would be a crippling backlog of held claims in an expedited manner. Therefore, given our need to accurately program and test the PPS, it would not be feasible, given our operational limitations, to maintain the previous July 1 effective date. Because of the uncertainty for providers, beneficiaries, and HCFA contractors that would be caused by holding claims for any significant period of time, we do not believe that such a course of action provides a viable alternative to a brief delay in the effective date of the PPS.

We had hoped and planned to be able to implement the PPS on July 1, 2000 as stated in the April final rule with comment period. We regret that we must postpone the benefits of the new payment system for beneficiaries, even for only one month. Nevertheless, because of the significance of the considerations discussed above and the unacceptable risk to the successful implementation of the PPS that would be incurred if we chose to move forward as originally planned and implement the PPS on July 1, we have recognized the need to postpone the effective date announced in the April rule.

As stated earlier, the changes to § 412.24(d)(6), new § 413.65, and the changes to § 489.24(h), § 489.2 and § 489.3 will still be effective on October 10, 2000.

II. Impact Statement

In the April 7, 2000 final rule, we discussed the changes the BBA and BBRA will have on payments to hospitals and beneficiaries. Because we are delaying the implementation of the final rule, the current payment rates required under pre-BBA rules will remain in effect for an additional 32 days which may have a significant impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 22, 2000.

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

Dated: June 23, 2000.

Michael F. Mangano,
*Principal Deputy Inspector General,
Department of Health and Human Services.*

Approved: June 23, 2000.

Donna E. Shalala,
Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 991223347-9347-01; I.D. 120299C]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Extension of Emergency Rule

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

ACTION: Extension of emergency rule effectiveness period.

SUMMARY: This action extends an existing emergency rule that was published in conjunction with the annual specifications and management measures for the Pacific coast groundfish fishery off Washington, Oregon, and California in 2000. The emergency authority was used to implement and designate as routine a number of management measures that are intended to achieve rebuilding plans for overfished stocks, reduce bycatch, prevent overfishing, maximize the harvest of healthy stocks while protecting and rebuilding overfished and depleted stocks, and equitably distribute the burdens among the different fishing sectors. The emergency rule is authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: The emergency rule published January 4, 2000, beginning at 65 FR 221, is extended until the effective date of the annual specifications and management measures for the 2001 groundfish fishery, but no later than January 3, 2001. The 2001 annual specifications and management measures will be published in the **Federal Register**.

ADDRESSES: Copies of the environmental assessment/regulatory impact review are available from William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT:

Katherine King at 206-526-6140.

SUPPLEMENTARY INFORMATION: NMFS is extending an emergency rule (65 FR 221, January 4, 2000) which otherwise would expire on July 3, 2000. The emergency authority was used to implement and designate as routine a number of management measures that were designed to achieve rebuilding plans for overfished stocks, reduce bycatch, prevent overfishing, maximize the harvest of healthy stocks while protecting and rebuilding overfished and depleted stocks, and equitably distribute the burdens among the different fishing sectors. NMFS is extending the rule pursuant to the emergency rulemaking authority of the Secretary of Commerce (Secretary) under the Magnuson-Stevens Act, 16 U.S.C. 1855(c)(3)(B). Amendment 13 to the FMP, currently under development, includes provisions that would authorize, on a permanent basis, future use of the provisions implemented under the emergency rule. This action is necessary to maintain the management regime approved by the Secretary, implemented on January 1, 2000, pending Secretarial review and approval of Amendment 13. No changes to the emergency rule are made by this extension.

Background

In the past, annual management measures have been primarily set through "routine" management procedures that consisted of adjusting commercial trip limits and recreational bag limits. For most species, the limited entry commercial trip limit did not vary with the type of gear used. However, because of the drastic reductions in harvest limits for many species which were necessary in 2000, and the multispecies characteristic of the fishery, the existing routine management measures did not produce sufficient and appropriately targeted harvest reductions. Therefore, at its November 1999 meeting, the Pacific Fishery Management Council (Council) recommended that NMFS implement an emergency rule for 2000 that would address these concerns. At the time,

Amendment 13 was under development, and the Council expected that Amendment 13 would authorize future use of the emergency provisions on a permanent basis. Accordingly, an emergency rule with a request for public comments was prepared in conjunction with the annual specifications and management measures for 2000. It was filed with the **Federal Register** on December 27, 1999, published on January 4, 2000 (65 FR 221), and became effective on January 1, 2000. A detailed discussion on the management measures, rebuilding plans, and rationale for the emergency action is included in the preamble to the emergency rule/annual management measures (65 FR 221, January 4, 2000) and the environmental assessment/regulatory impact review for that action, and is not restated in this extension.

Public Comments

NMFS received a number of comments on the emergency rule and annual specifications and management measures, and already has, or will, respond to those comments individually, with one exception. NMFS received, as a comment, a copy of the complaint that was filed in Federal District Court in the Northern District of California, in the case of *Solomon v. Daley*, Civil No. 00-0383. NMFS will respond to this comment in the context of that lawsuit rather than in the extension to the emergency rule.

Classification

This emergency rule has been determined to be not significant for purposes of Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 27, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 061500D]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

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

ACTION: Harpoon category closure.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) Harpoon category annual quota for the 2000 fishing year will be attained by June 26, 2000. Therefore, the 2000 Harpoon category fishery will be closed effective at 11:30 p.m. on June 26, 2000. This action is being taken to prevent overharvest of the Harpoon category quota.

DATES: Effective 11:30 p.m. local time on June 26, 2000, through May 31, 2001.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Brad McHale, 978-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27(a) subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories.

Harpoon Category Closure

NMFS is required, under § 635.28 (a)(1), to file with the Office of the Federal Register for publication notification of closure when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notice, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The proposed 2000 BFT quota specifications issued pursuant to 50 CFR 635.27 would set a quota of 54.1 mt of large medium and giant BFT to be harvested from the regulatory area by vessels permitted in the Harpoon category during the 2000 fishing year (65 FR 33513, May 24, 2000). NMFS expects to issue final quota specifications by early July 2000, and based on comments received and the international quota mandated by ICCAT, does not anticipate changes to the proposed Harpoon category quota. Based on reported landings and effort, NMFS projects that this quota will be reached by June 26, 2000. Therefore, fishing for, retaining, possessing, or landing large medium or giant BFT by vessels in the Harpoon category must cease at 11:30 p.m. local time on June 26, 2000.

The intent of this closure is to prevent overharvest of the quota proposed for the Harpoon category. In the event the Harpoon category landings amount to

less than the final Harpoon category quota, NMFS would consider reopening the fishery.

Classification

This action is taken under §§ 635.27(a) and 635.28 (a)(1) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: June 26, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00-16526 Filed 6-26-00; 4:35 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991228352-0012-02; I.D. 062100A]

Fisheries of the Exclusive Economic Zone Off Alaska; Rockfish and Pacific Ocean Perch in the Central and Eastern Regulatory Areas of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch and northern rockfish in the Central Regulatory Area, and Pacific ocean perch in the Eastern Regulatory Area of the Gulf of Alaska (GOA) by catcher vessels that are non-exempt under the American Fisheries Act (AFA). This action is necessary to allow non-exempt catcher vessels to participate in these fisheries consistent with regulations implementing the AFA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 4, 2000, until 2400 hours, A.l.t., December 31, 2000, or until NMFS publishes further notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

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 Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and