

Actuary to obtain clarification about its calculation of the fee schedule payment cap. Additionally, a Medical Issues workgroup was formed.

The Committee held its fourth meeting on June 28 and 29, 1999. At this meeting a presentation was made by a HCFA Office of the Actuary staff member. The presentation clarified that budget neutrality will be evaluated by using all ambulance claims for the most current year and comparing the results of the proposed models with those paid claims. HCFA staff presented more historical Medicare hospital and supplier ambulance billing data. Consensus was reached on one possible basic structure for the fee schedule. HCFA indicated that the fee schedule must be effective as soon as operationally possible after January 1, 2000. Subcommittees were formed to produce, by July 19, 2000 proposals for—

(1) A rural/urban adjustment; and

(2) A fee schedule model based on the structure agreed to at the June meeting, combined with relative values. These proposals, along with the results of the medical issues workgroup, were to serve as the basis for the Committee's next meeting.

The Committee held its fifth meeting on August 2 and 3, 1999. At this meeting the Committee heard presentations from HCFA staff on the Medicare Physician Fee Schedule's Geographic Practice Cost Index (GPCI) and hospital wage index. The Committee is considering the GPCI and hospital wage index for possible use as a geographic cost adjuster for the ambulance fee schedule. The second presenter, a member of the HCFA negotiated rulemaking team, presented additional historical Medicare hospital and ambulance supplier billing data. The Committee was advised in a letter signed by HCFA's Deputy Administrator, Michael M. Hash, that it has until February 15, 2000 to conclude its business. The Committee reached consensus on the definitions for Basic Life Support, Advanced Life Support (ALS) Level-1, ALS Level-2, and the criteria that the service must meet in order for the emergency response modifier amount to be paid. During the October meeting, the Committee planned to work on defining the geographic and rural modifiers and establishing the relative values of the different levels of service.

The seventh meeting of the Negotiated Rulemaking Committee was held December 6 through 8, 1999. The Committee reached consensus on the relative values to be used for the different levels of ambulance service to

be modeled for evaluation purposes. The physicians' fee schedule Geographic Practice Cost Index (practice expense component) will be used as the ambulance fee schedule geographic adjuster. An additional payment will be made for ambulance services if the point of pickup is in a rural area. Rural is defined as a location in a non-MSA (with Goldsmith modification, if possible). An additional payment for an emergency response will be paid if the condition as presented was an emergency condition and the supplier responded "immediately".

The Committee is expected to conclude its work by February 15, 2000. The main items remaining include evaluating the results of the rural modifier and preparing the Committee's official report.

The announced meeting is open to the public without advanced registration. Public attendance at the meeting may be limited to space available. Mail written statements to the following address: Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, Attention: Lynn Sylvester. Notice of future meetings will be published in the **Federal Register**. A summary of all proceedings will be available for public inspection 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), and can be accessed through the HCFA Internet site at <http://www.hcfa.gov/medicare/ambmain.htm>. Additional information related to the Committee will also be available on the web site.

**Authority:** Section 1834(l) of the Social Security Act (42 U.S.C. 1395m). (Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: January 4, 2000.

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AF80

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 224

[I.D. 102299A]

RIN 0648-XA39

### Endangered and Threatened Wildlife; Extension of Comment Period and Notice of Public Hearings on Proposed Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (*Salmo salar*) in the Gulf of Maine

**AGENCIES:** Fish and Wildlife Service (FWS), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; notice of public hearings and extension of comment period.

**SUMMARY:** NMFS and FWS (the Services) provide notice to cancel a scheduled public hearing on January 19, 2000, to schedule three new public hearings that will be held on the proposed determination of endangered status for a distinct population segment (DPS) of Atlantic salmon (*Salmo salar*) in the Gulf of Maine, and to extend the public comment period on the proposal.

**DATES:** There will be three public hearings. The first will be held from 10:00 a.m. to 1:00 p.m. on January 29, 2000; the second will be held from 6:00 p.m. to 9:00 p.m. on January 31, 2000; and the third will be held from 6:00 p.m. to 9:00 p.m. on February 1, 2000. The public comment period originally closed on February 15, 2000. The Services are extending the public comment period to March 15, 2000.

**ADDRESSES:** The January 29, 2000, public hearing will be held at the University of Maine at Machias, 9 O'Brien Avenue, Machias, Maine, in the Performing Arts Center. The January 31, 2000, public hearing will be held at Ellsworth Middle School, 20 Forrest Avenue, Ellsworth, Maine, in the cafeteria. The February 1, 2000, public hearing will be held at the Rockland District Middle School, 30 Broadway, Rockland, Maine, in the cafeteria. Written comments and materials regarding the proposed rule should be

directed to the Endangered Species Program Coordinator, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, Massachusetts 01930, or to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035. The 1999 Status Review may be obtained by contacting either of the above individuals or downloaded from the following site: <http://news.fws.gov/salmon/asalmon.html>. Please note that electronic mail or internet site comments will not be accepted.

**FOR FURTHER INFORMATION CONTACT:**

Mary Colligan, NMFS, at the address above (978-281-9116) or Paul Nickerson, FWS, at the address above (413-253-8615).

**SUPPLEMENTARY INFORMATION:**

The Gulf of Maine DPS includes all naturally reproducing wild populations of Atlantic salmon having historical, river-specific characteristics found in a range north of and including tributaries of the lower Kennebec River to, but not including, the mouth of the St. Croix River at the US-Canada border. The DPS includes both early and late run Atlantic salmon. Threats to the species include low marine survival, disease, the use of non-North American strains of Atlantic salmon in the U.S. aquaculture industry, aquaculture escapees, water withdrawal and sedimentation.

On November 17, 1999, the Services published a proposed rule to list the Gulf of Maine DPS of Atlantic salmon as endangered under the Endangered Species Act of 1973, as amended (ESA). Section 4(b)(5)(E) of the ESA requires that a public hearing be held if requested within 45 days of the proposal's publication in the *Federal Register*. Requests for public hearings were received within the allotted time period from Olympia Snowe, United States Senator, Chair, Subcommittee on Oceans and Fisheries, and Susan Collins, United States Senator, Chair, Permanent Subcommittee on Investigations, to be held in Machias, Maine; and Trout Unlimited, to be held in Rockland, Maine. The public hearing scheduled for January 19, 2000, in Ellsworth, Maine, which was noticed in the proposed rule (64 FR 62627; November 17, 1999), has been canceled.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement to be presented to the Services at the start of a hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration.

There are no limits to the length of written comments presented at the hearings or mailed to the Services. Legal notices announcing the dates, time, and location of the hearings are being published in newspapers concurrently with this **Federal Register** notice.

Dated: January 3, 2000.

**Ann Terbush,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

Dated: December 22, 1999.

**Ronald E. Lambertson,**

*Regional Director, Region 5, Fish and Wildlife Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 216**

[I.D. 121699A]

**Small Takes of Marine Mammals Incidental to Specified Activities; San Francisco-Oakland Bay Bridge, Pile Installation Demonstration Project, San Francisco Bay, CA**

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

**ACTION:** Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

**SUMMARY:** NMFS has received a request from the Federal Highway Agency (FHA) on behalf of the California Department of Transportation (CALTRANS) for the harassment of marine mammals incidental to a pile installation demonstration project (PIDP) at the San Francisco-Oakland Bay Bridge (SF-OB), San Francisco Bay (the Bay), CA. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize CALTRANS to incidentally take, by harassment, small numbers of marine mammals in the above mentioned area for a period of 1 year.

**DATES:** Comments and information must be received no later than February 7, 2000.

**ADDRESSES:** Comments on the application should be addressed to Donna Wieting, Chief, Marine Mammal Conservation Division,

Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application and a list of references used

in this document may be obtained by writing to this address or by telephoning one of the contacts listed here.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth R. Hollingshead, (301) 713-2055 ext 128, or Tina Fahy, (562) 980-4023.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and if the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA now defines "harassment" as:

...any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.