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Because of staffing and resource limitations, we will *not* accept comments by electronic mail or facsimile (FAX) transmission. Any comments received through such media will be deleted or destroyed, as appropriate. They will not be considered as public comments.

Comments that are timely received in proper form and at one of the addresses specified above will be available for public inspection by appointment as they are received, generally beginning approximately three weeks after this publication in Room 801 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. Appointments may be made by telephoning 202-260-3392.

After the close of the comment period, comments that we are technically able to convert will be posted on the Administrative Simplification website specified above.

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Electronic Access: This document is available electronically at the above website as well as at the web site of the Government Printing Office at http://www.access.gpo.gov/su_docs/aces/140.html.

Discussion

On December 28, 2000, we published in the **Federal Register** a final rule adopting standards for the privacy of individually identifiable health information (Privacy Rule). The Privacy Rule is the second in a series of rules mandated by sections 261-264 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191. In general, the Privacy Rule establishes in 45 CFR part 160 a set of definitions applicable to the entire set of HIPAA rules, requirements for requesting that a state law be excepted from preemption by the statute, and compliance and enforcement requirements. The Privacy Rule also establishes a new subpart E of part 164. Subpart E establishes standards which entities covered by the statute—health plans, health care clearinghouses, and certain health care providers—are required to comply with to protect the privacy of certain individually identifiable health information ("protected health information"). The standards are requirements relating to the uses and disclosures of protected health information, the rights of individuals with respect to their protected health information, and the procedures for exercising those rights.

The Privacy Rule affects over 600,000 entities and virtually every American. It is estimated to cost in excess of \$17.6 billion over ten years. The Department received over 52,000 public comments in the public comment period on the proposed rule; in the period following publication of the final rule, HHS has received approximately a thousand inquiries about the impact and operation of the Privacy Rule on numerous sectors of the economy. Many comments exhibit substantial confusion over how the Rule will operate; others express great concern over the complexity and workability of the Rule. The significance of the Privacy Rule for the health care industry and for society as a whole, and the substantial nature of some concerns that have been raised have led us to conclude that an additional comment period on the Privacy Rule is warranted. Accordingly, we hereby solicit public comment for 30 days on the Privacy Rule, as published in the **Federal Register** on December 28, 2000 at 65 FR 82462.

Based on telephone calls, e-mails, letters, and other contacts with HHS, we are aware that the Privacy Rule has been the subject of widespread debate in the health care industry and the public at large in the almost two months since its publication. Thus, we believe that many

of the public's concerns about the Privacy Rule have already crystallized. We accordingly are of the view that 30 days should be sufficient for the public to state its views fully to HHS.

We determined that the report to Congress required by 5 U.S.C. 801(a)(1) was not received by the Congress concurrent with the transmission of the Privacy Rule to the **Federal Register**, as previously thought. We have published elsewhere in this section of the **Federal Register** a final rule correcting the effective date of the Privacy Rule to April 14, 2001 to comply with 5 U.S.C. 801(a)(3)(A). This action does not alter the corrected effective date. The public comment period provided for above accordingly will close before the Privacy Rule becomes effective.

Dated: February 22, 2001.

Tommy G. Thompson,

Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 022201A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea

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 groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to utilize the amount of the 2001 red king crab bycatch limit specified for the RKCSS.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 23, 2001, until 1200 hrs, A.l.t., February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area

(FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The amount of the 2001 red king crab bycatch limit specified for the RKCSS was established as 22,674 animals by the 2001 Harvest Specifications of Groundfish (66 FR 7276, January 22, 2001). The directed fishery for groundfish with non-pelagic trawl gear was closed effective 1200 hrs, A.l.t., February 18, 2001 in accordance with § 679.21(e)(7)(ii)(B)(66 FR 11123, February 22, 2001) because it was expected that the 2001 red king crab bycatch limit specified for the RKCSS would be caught.

NMFS has determined that as of February 20, 2001, 6,000 red king crab

remain in the 2001 red king crab bycatch limit specified for the RKCSS. Therefore, NMFS is terminating the previous closure and is re-opening directed fishing for groundfish with non-pelagic trawl gear in the RKCSS in accordance with § 679.21(e)(3)(ii)(B).

Classification

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action in order to allow full utilization of the remaining amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR

679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion to allow full utilization of the remaining amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: February 22, 2001.

Richard W. Surdi,

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

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