

One respondent suggested that the Department should consider an on-line, Internet self-query system to minimize the cost of self-queries.

The Department is actively examining the feasibility of an Internet-based self-query process, but is concerned that the current technology may not provide a means of ensuring that a self-query submitted via the Internet is actually from the practitioner in whose name the query is made. If an Internet-based approach is ultimately implemented, cost savings would be passed along to queriers.

The Department also notes that individual practitioners have expressed almost no opposition to the imposition of a self-query charge. Indeed, the current self-query form, introduced in April of 1998, includes a field for the practitioner's credit card number. This field was included when other changes were made to the form so that the Data Bank could begin collecting the self-query fee, if ultimately imposed, without having to print another set of forms. Thus, practitioners who self-query have had constructive notice of the possibility of the imposition of a fee since April of this year. Despite the fact that the form does not list a specific charge, and the instructions clearly indicate that no charge is being imposed at this time, practitioners have willingly provided their credit card numbers on the new form. Furthermore, in conversations with practitioners who call the Data Bank for assistance in completing the self-query form, there have been no complaints about the possibility of paying a fee for self-query processing. The Data Bank, of course, has not actually charged for any self-queries. We believe that the fact that practitioners have willingly provided their credit card numbers on the new form without complaint is a very significant indication that there is little or no opposition by individual practitioners to imposition of a fee for the service of providing a self-query response.

Therefore, the change to remove the prohibition against charging practitioners a fee when they request information about themselves has been retained as proposed. The Department has amended § 60.12 by deleting the phrase "other than those of individuals for information concerning themselves" in the first sentence of paragraph (a).

A notice published elsewhere in this issue of the **Federal Register** announces the fee for self-queries and the effective date of the change. As with other changes, this fee will be subject to change as further costs may warrant.

Economic Impact

Executive Order 12866 requires that all regulations reflect consideration of alternatives, of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding an unnecessary burden. Regulations which are "significant" because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis.

The Department believes that the resources required to implement the requirement in these regulations are minimal. Therefore, in accordance with the Regulatory Flexibility Act of 1980, the Secretary certifies that these regulations will not have a significant impact on a substantial number of small entities. For the same reasons, the Secretary has also determined that this is not a "significant" rule under Executive Order 12866.

Paperwork Reduction Act of 1995

The National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners regulation contains information collections which have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 and assigned control number 0915-0126. This amendment does not affect the recordkeeping or reporting requirements in the existing regulations.

List of Subjects in 45 CFR Part 60

Claims, Fraud, Health maintenance organizations (HMOs), Health professions, Hospitals, Insurance companies, Malpractice.

Dated: October 29, 1998.

Claude Earl Fox,

Administrator, Health Resources and Services Administration.

Approved: November 18, 1998.

Donna E. Shalala,

Secretary.

Accordingly, 45 CFR part 60 is amended as set forth below:

PART 60—NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS

1. The authority citation for 45 CFR part 60 continues to read as follows:

Authority: Secs. 401-432 of the Health Care Quality Improvement Act of 1986, Pub. L. 99-660, 100 Stat. 3784-3794, as amended by sec. 402 of Pub. L. 100-177, 101 Stat. 1007-1008 (42 U.S.C. 11101-11152).

2. Section 60.12, is amended by revising the first sentence in paragraph (a) to read as follows:

§ 60.12 Fees applicable to requests for information.

(a) *Policy on Fees.* The fees described in this section apply to all requests for information from the Data Bank. * * *

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FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 545 and 571

[Docket No. 98-21]

Miscellaneous Amendments to Rules of Practice and Procedure; Correction

AGENCY: Federal Maritime Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Maritime Commission published in the **Federal Register** of February 17, 1999, a final rule making corrections and changes to existing regulations to update and improve them, and to conform them to and implement the Ocean Shipping Reform Act of 1998. Inadvertently, § 545.1 was not amended as intended.

EFFECTIVE DATE: May 1, 1999.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Room 1046, Washington, DC 20573-0001, (202) 523-5725, E-mail: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: The FMC published a final rule in the **Federal Register** of February 17, 1999, (64 FR 7804) which, among other changes, amended § 545.1. The FMC inadvertently omitted an intended correction to § 545.1, replacing the term "conferences," with "agreements between or among ocean common carriers."

In Docket No. 98-21, published on February 17, 1999, (64 FR 7804) make the following correction. On page 7813, in the first column, in paragraph (a) of § 545.1 *Interpretation of Shipping Act of 1984-Refusal to negotiate with shippers' associations*, replace the term "conferences" with "agreements between or among ocean common carriers."

Dated: February 24, 1999.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 99-5002 Filed 2-26-99; 8:45 am]

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