

“meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

**VIII. Submission to Congress and the Comptroller General**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 24, 2001.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321 (q), (346a) and 371.

2. Section 180.275 is amended by revising paragraph (a) introductory text and redesignating it as paragraph (a)(1); by adding in alphabetical order entries

for “almonds (nutmeat)”; “almond hulls”; “mango”; “peppers, non-bell”; and “pistachio” to the table in newly designated paragraph (a)(1), and by adding new paragraph (a) (2) to read as follows:

**§ 180.275 Chlorothalonil; tolerances for residues.**

(a) *General.* (1) Tolerances are established for the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following food commodities.

Commodity	Parts per million
Almonds (nutmeats) .....	0.05
Almond hulls .....	1.0
Asparagus .....	0.1
* * * *	*
Mango .....	1.0
* * * *	*
Peppers, (non-bell <sup>1</sup> ) .....	5
* * * *	*
Pistachio .....	0.2
* * * *	*

<sup>1</sup>There are no U.S. registrations as of January, 2001.

(2) Tolerances are established for the metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following food commodities.

Commodity	Parts per million
Cattle, fat .....	0.1
Cattle, kidney .....	0.5
Cattle, mby (except kidney) ....	0.05
Cattle, meat .....	0.03
Goat, fat .....	0.1
Goat, kidney .....	0.5
Goat, mby (except kidney) ....	0.05
Goat, meat .....	0.03
Hog, fat .....	0.1
Hog, kidney .....	0.5
Hog, mby (except kidney) .....	0.05
Hog, meat .....	0.03
Horses, fat .....	0.1
Horses, kidney .....	0.5
Horses, mby (except kidney) ..	0.05
Horses, meat .....	0.03
Milk .....	0.1
Sheep, fat .....	0.1
Sheep, kidney .....	0.5
Sheep, mby (except kidney) ...	0.05
Sheep, meat .....	0.03

\* \* \* \*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

**42 CFR Parts 413 and 422**

[HCFA-1685-F2]

RIN 0938-AE79

**Medicare Program; Payment for Nursing and Allied Health Education: Delay of Effective Date**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled “Regulatory Review Plan,” published in the January 24, 2001 **Federal Register**, this action temporarily delays for 60 days the effective date of the rule entitled “Payment for Nursing and Allied Health Education” published in the January 12, 2001 **Federal Register** (66 FR 3358). That final rule sets forth in regulations Medicare policy for the payment of costs of approved nursing and allied health education programs and clarifies the payment methodology for certified registered nurse anesthetist education programs. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553 (b) (A). Alternatively, HCFA’s implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553 (b) (B) and 553 (d) (3), in that seeking public comment and delaying the effective date of this final rule is impracticable, and contrary to the public interest.

The temporary 60-day delay in the effective date is necessary to give Department officials the opportunity for further review and consideration of regulations that had been published in the **Federal Register** as of January 20, 2001 but had not yet taken effect as of that date, consistent with the Assistant to the President’s memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

**DATES:** The effective date of the final rule, Payment for Nursing and Allied

Health Education, published in the **Federal Register** on January 12, 2001 (66 FR 3358), is delayed for 60 days, from March 13, 2001 to a new effective date of May 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Hirshorn, (410) 786-3411.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance and Program; No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 27, 2001.

**Michael McMullan,**

*Acting Deputy Administrator, Health Care Financing Administration.*

Approved: March 8, 2001.

**Tommy G. Thompson,**

*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 435

[HCFA-2086-F2]

RIN 0938-AJ96

#### Medicaid Program; Change in Application of Federal Financial Participation Limits: Delay of Effective Date

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff entitled "Regulatory Review Plan," published on January 24, 2001 in the **Federal Register**, this action temporarily delays for 60 days the effective date of the rule entitled "Change in Application of Federal Financial Participation Limits" published in the January 11, 2001 **Federal Register** (66 FR 2316). That final rule changes the current requirement that limits Federal financial participation that must be applied before States use less restrictive income methodologies than those used by related cash assistance programs in determining eligibility for Medicaid. The effective date of that final rule, which would have been March 12, 2001, is now May 11, 2001.

The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new

regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, HCFA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

**DATES:** The effective date of the rule amending 42 CFR part 435 published in the January 11, 2001 **Federal Register** (66 FR 2316) is delayed 60 days until May 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Roy Trudel, (410) 786-3417.

(Catalog of Federal Domestic Assistance Program No. 93.778 Medical Assistance Program)

Dated: February 27, 2001.

**Michael McMullan,**

*Acting Deputy Administrator, Health Care Financing Administration.*

Approved: March 8, 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. 030601B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

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

**ACTION:** Closure, notice of opening.

**SUMMARY:** NMFS is prohibiting directed fishing for Atka mackerel in the Western

Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2001 A season harvest specification of Atka mackerel. NMFS announces also some Steller sea lion critical habitat areas in the Western Aleutian District, not otherwise subject to year-round closures or transiting prohibitions, are open to fishing with trawl gear for species for which directed fisheries are open.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 7, 2001, until 1200 hrs, A.l.t., September 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 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 50 CFR part 679.

The 2001 A season Atka mackerel total allowable catch (TAC) in the Western Aleutian District of the BSAI is 12,904 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2001 A season Atka mackerel TAC in the Western Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 12,654 mt, and is setting aside the remaining 250 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Western Aleutian District of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

On February 13, 2001, NMFS prohibited trawling within Steller sea lion critical habitat in the Western Aleutian District because the allowable harvest of Atka mackerel in the Steller Sea lion protection areas in the Western Aleutian District had been reached (66 FR 10637, February 16, 2001).