

the sample to obtain the net sample mercury concentration.

Based on the preamble text for the June 8, 1999, final rule and the response to comments document that supports the final rule, it is apparent that the Agency intended to allow for field blank subtraction and for not using test sample results for regulatory compliance if multiple field blanks do not meet the specifications at 9.4.3.3. This correction does not add any new requirements to the regulated community. To the contrary, it provides additional flexibility by allowing the use of field blank subtraction and by not requiring the reporting of test samples that may be contaminated based on results from field blank analyses. The rest of EPA Method 1631 is unchanged from the previously promulgated EPA Method 1631, Revision B.

## II. Administrative Requirements

This technical correction action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders or their predecessors for the underlying rule is discussed in the June 8, 1999 **Federal Register** notice (64 FR 30417).

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of July 18, 2001. 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 the rule in the **Federal Register**. This action is not

a "major rule" as defined by 5 U.S.C. 804(2).

## III. Materials Incorporated by Reference Into 40 CFR Part 136

USEPA, 2001. Method 1631, Revision C: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry. March 2001. U.S. Environmental Protection Agency, Engineering and Analysis Division, Office of Science and Technology, Washington, DC. EPA-821/R-01/024.

## IV. Public Availability of Materials

The full text of Method 1631, Revision C incorporated by reference in today's rulemaking will be available to the general public from the following sources:

*Water Docket:* Paper version of the method, along with the public record for this rule and the Method 1631 final rule, are available for review under docket number W-98-15 at the U.S. Environmental Protection Agency, Water Docket, 401 M Street SW., Washington, DC 20460. For access to these materials, call 202-260-3027 on Monday through Friday, excluding Federal holidays, between 9:00 a.m. and 3:30 p.m. Eastern Time for an appointment.

*Internet:* This **Federal Register** rule also is available on the Internet at: <http://www.epa.gov/fedrgstr>. An electronic version of Method 1631, Revision C is available via the Internet at <http://www.epa.gov/OST>.

*National Technical Information Service (NTIS):* Electronic or paper version of Method 1631, Revision C (NTIS Publication No. PB2001-102796) is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, by phone at 1-703/487-4650, fax at 1-703/321-8547, or via the Internet at <http://www.ntis.gov>.

## List of Subjects in 40 CFR Part 136

Environmental protection, Analytical methods, Incorporation by reference, Reporting and recordkeeping requirements, Water pollution control.

Dated: June 6, 2001.

**Diane C. Regas,**

*Acting Assistant Administrator for Water.*

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations, is amended as follows:

## PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

1. The authority citation for Part 136 continues to read as follows:

**Authority:** Secs. 301, 304(h), 307, and 501(a) Pub. L. 95-217, 91 Stat. 1566, *et seq.* (33 U.S.C. 1251, *et seq.*) (The Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977.)

2. Section 136.3 is amended as follows:

a. Redesignate paragraph (b)(41) as paragraph (b)(42);

b. Redesignate the second paragraph (b)(40) as new paragraph (b)(41) and revise it to read as follows:

### § 136.3 Identification of test procedures.

\* \* \* \* \*

(b) \* \* \*

(41) USEPA. 2001. Method 1631, Revision C, "Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry." March 2001. Office of Water, U.S. Environmental Protection Agency (EPA-821-R-01-024). Available from: National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Publication No. PB2001-102796. Cost: \$25.50. Table IB, Note 43.

\* \* \* \* \*

[FR Doc. 01-15145 Filed 6-15-01; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

### 42 CFR Parts 400, 430, 431, 434, 435, 438, 440, and 447

[HCFA-2001-F3]

RIN 0938-AI70

### Medicaid Program; Medicaid Managed Care: Further Delay of Effective Date

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

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

**SUMMARY:** This final rule temporarily delays the effective date of the final rule entitled "Medicaid Managed Care" that was published on January 19, 2001 in the **Federal Register** (66 FR 6228). That final rule amends the Medicaid regulations to implement provisions of the Balanced Budget Act of 1997 (BBA), which revised various aspects of the Medicaid law as it applies to managed care programs.

On February 26, 2001, we initially delayed the effective date of the final rule from April 19, 2001 until June 18, 2001. This temporary 60-day delay of effective date was necessary to give Department officials the opportunity for further review and consideration of these regulations. We have determined that a short additional period is required properly to consider these issues. We therefore delay the effective date of this rule until August 17, 2001. Therefore, provisions of the rule that must be implemented through contracts with managed care organizations, prepaid health plans, health insuring organizations, or enrollment brokers are effective with respect to contracts that are up for renewal or renegotiation on or after August 17, 2001, but no later than August 18, 2002.

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)(3)(a). Alternatively, HCFA's delay of 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. sections 553(b)(3)(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, because the time available before the effective date is too short for meaningful comment. Moreover, to the extent that seeking public comment would preclude this delay, it would be contrary to the public interest in the orderly promulgation and implementation of regulations in light of the development of necessary revisions. The immediate delay is necessary to prevent application of inconsistent standards while we issue the necessary revisions.

**DATES:** The effective date of the final rule with comment amending 42 CFR parts 400, 430, 431, 434, 435, 438, 440, and 447 that was published in the January 19, 2001 **Federal Register** (66 FR 6227) and delayed until June 18, 2001 in the February 26, 2001 **Federal Register** (66 FR 11546), is further delayed until August 17, 2001. Additionally, the implementation date of the rule is delayed until August 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Deirdre Duzor, (410) 786-4626.

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

Dated: June 11, 2001.

**Thomas A. Scully**,  
*Administrator, Health Care Financing Administration.*

Approved: June 14, 2001.

**Tommy G. Thompson**,  
*Secretary.*

[FR Doc. 01-15400 Filed 6-15-01; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Parts 409, 410, 411, 413, 424, and 484

[HCFA-1059-F2]

RIN 0938-AJ24

#### Medicare Program; Prospective Payment System for Home Health Agencies; Correction

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

**ACTION:** Correcting amendments.

**SUMMARY:** This document corrects technical errors that appeared in the final rule entitled, "Medicare Program; Prospective Payment System for Home Health Agencies," published in the **Federal Register** on July 3, 2000.

**EFFECTIVE DATE:** October 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Sharon Ventura, (410) 786-1985.

#### SUPPLEMENTARY INFORMATION:

##### Background

In the July 3, 2000 final rule entitled, "Medicare Program; Prospective Payment System for Home Health Agencies," (65 FR 41128), **Federal Register** Docket Number 00-16432, there were several technical errors. We transposed a number in a code included in the list of non-routine medical supplies that have a duplicate Part B code that could have been unbundled and billed under Part B before implementation of the prospective payment system (PPS). The code we listed is "A4454—Tape all types all sizes" but should be "A4554—Disposable underpads". In addition, we inadvertently left out a code for "A6248—Hydrogel drg gel filler" that should be added to the list.

We also noted a list of codes that should be deleted from the list. This list included codes "K0137—Skin barrier liquid per oz", "K0138—Skin barrier

paste per oz", and "K0139—Skin barrier powder per oz". These codes were inadvertently retained on the final list and should have been deleted in the final rule.

We inadvertently used the word "start" instead of the word "end" in the last complete sentence in the second paragraph on page 41165.

We are correcting the table in the middle of page 41168 to remove the asterisks each time they appear (seven times), as well as the corresponding reference below the chart because in some instances the selection of N/A at M0825 would be valid for a Medicare patient. For example, a patient returning to home health care after an inpatient stay may not warrant a significant change in condition (SCIC) adjustment. In this case, the response to item M0825 would be N/A.

We are revising Table 4A, "Wage Index for Rural Areas—FY 2000 Pre-Floor and Pre-Reclassified" and Table 4B, "Wage Index for Urban Areas—FY 2000 Pre-Floor and Pre-Reclassified," to account for several technical and typographical errors.

We are correcting a typographical error in a footnote under the last table on page 41184.

In Table 7, "Home Health Resource Group Case-Mix Classification Decision Tree Logic," we are correcting a typographical error to an OASIS item number, and we are adding the OASIS item number that was inadvertently not noted in the final rule.

In the final rule, we added § 411.15(q), which superseded an already existing § 411.15(q). To correct this, we are redesignating § 411.15(q) to § 411.15(r) and republishing § 411.15(q) as it existed before the publication of the final rule.

We are making technical corrections to the following sections of the regulations to include additional conforming changes that were inadvertently not included in the July 3, 2000 final rule: §§ 484.14, 484.36, and 484.52.

#### Correction of Errors

In FR Doc. 00-16432 of July 3, 2000 (65 FR 41128), we are making the following corrections:

#### Corrections to the Preamble

1. On page 41138, in column one, in line 25 from the top of the page, the code "A4454—Tape all types all sizes" is removed.

2. On page 41138, the following codes are added to the list for non-routine medical supplies that have a duplicate Part B code that could have been