

Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “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.

IX. 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: October 20, 2001.

Peter Caulkins,

Acting 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), 346(a) and 371.

2. Section 180.275 is amended by revising the entry for the commodity in the table in paragraph (b) to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *
(b)* * *

Commodity	Parts per million	Expiration/Revocation Date
Ginseng	0.10	12/31/03

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1201

[STB Ex Parte No. 634]

Consolidated Reporting By Commonly Controlled Railroads

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rule.

SUMMARY: The Board has concluded that consolidated financial reports should be filed for each group of railroads or railroad-related affiliates that operate as a single, integrated United States rail system whose cumulative annual operating revenues meet the Class I threshold of \$250 million (in 1991 dollars).

EFFECTIVE DATE: January 1, 2002.

FOR FURTHER INFORMATION CONTACT: Paul A. Aguiar, (202) 565-1527. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: On September 25, 2000, the Board proposed that commonly controlled railroads (and their railroad-related affiliates) whose combined annual operating revenues meet the \$250 million threshold be required to file consolidated financial reports. See 65 FR 57650 (2000). The Board’s objective was to gather more meaningful and accurate information on the large rail systems operating in the United States by conforming its regulatory reporting requirements as closely as practical to Financial Accounting Standards Board Statement No. 94, *Consolidation of All Majority-Owned Subsidiaries*. After evaluating the comments filed by interested parties, the Board has concluded that consolidated reports should be required for commonly controlled railroads that operate as a single, integrated United States rail system and whose cumulative operating revenues meet the Class I threshold. Accordingly, the Board will amend its regulations at 49 CFR part 1201 to reflect this change. A printed copy of the full Board decision served November 7, 2001 in this proceeding is available for a fee by contacting Da 2 Da Legal, Room 405, 1925 K Street, NW., Washington, DC 20006, telephone (202) 293-7776. The decision also is available for viewing and downloading via the Board’s website at www.stb.dot.gov.

List of Subjects in 49 CFR Part 1201

Freight, Railroads, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Title 49, part 1201 of the Code of Federal Regulations will be amended as follows:

PART 1201—[AMENDED]

1. The authority citation for Title 49, Part 1201 continues to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 11142 and 11164.

2. Section 1-1 is amended by revising paragraph (b)(1) to read as follows:
1-1 Classification of Carriers. * * *

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after the railroad revenue deflator adjustment. Families of railroads operating within the United States as a single, integrated rail system will be treated as a single carrier for classification purposes. Upward and downward reclassification will be effected as of January 1 in the year immediately following the third consecutive year of revenue qualification.

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Decided: October 31, 2001.

By the Board, Chairman Morgan, Vice
Chairman Clyburn, and Commissioner
Burkes.

Vernon A. Williams,

Secretary.

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