

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).

Regulations at 679.22(a)(12)(iii)(C) authorize opening Steller sea lion critical habitat in the Western Aleutian District to fishing with trawl gear after NMFS closes Atka mackerel to directed fishing within that district. NMFS, therefore, announces that the above mentioned, previously closed areas of the Steller Sea lion critical habitat in the Western Aleutian District are open to fishing with trawl gear for species in areas open to directed fishing. This action does not open critical habitat areas that are closed to transiting or fishing with trawl gear year round.

#### **Classification**

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 to prevent exceeding the amount of the 2001 A season harvest specification of Atka mackerel in the Western Aleutian District of the BSAI constitutes good cause to waive the requirement to provide prior notice and 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 prevent exceeding the 2001 A season harvest specification of Atka

mackerel in the Western Aleutian District of the BSAI 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 §§ 679.20 and 679.22 and is exempt from review under Executive Order 12866.

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

Dated: March 7, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01-6060 Filed 3-7-01; 4:31 pm]

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