

public comments would serve no purpose.

#### Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### Executive Order 12866

The Department of State does not consider this rule, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

#### Executive Order 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping

requirements. The information collection requirement (Form OF-156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

#### List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department amends 22 CFR part 41 as follows:

#### PART 41—[AMENDED]

1. The authority citation for Part 41 is revised to read as follows:

**Authority:** 8 U.S.C. 1104; 22 U.S.C. 2651a.

2. Revise § 41.111(b) introductory text and (b)(2) to read as follows:

#### § 41.111 Authority to issue visa.

(b) *Issuance in the United States in certain cases.* The Deputy Assistant Secretary for Visa Services and such officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:

\* \* \* \* \*

(2) Other qualified aliens who:

(i) Are currently maintaining status in the E, H, I, L, O, or P nonimmigrant category;

(ii) Intend to reenter the United States in that status after a temporary absence abroad; and

(iii) Who also present evidence that:

(A) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

(B) Their period of authorized admission in that status has not expired.

Dated: January 21, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. 01-4769 Filed 2-27-01; 8:45 am]

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#### DEPARTMENT OF STATE

#### 22 CFR Part 126

#### General Policies and Provisions

#### CFR Correction

In Title 22 of the Code of Federal Regulations, parts 1 to 299, revised as of Apr. 1, 2000, in part 126, beginning on page 469, the second § 126.5 is removed.

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#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Office of the Secretary

#### 45 CFR Parts 160 and 164

RIN 0991-AB08

#### Standards for Privacy of Individually Identifiable Health Information

**AGENCY:** Office for Civil Rights, HHS.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This action provides for the submission of comments on a technical amendment to the final rule adopting standards for privacy of individually identifiable health information published on December 28, 2000, in the **Federal Register** (65 FR 82462), to convert it to a final rule with request for comments. The purpose of this action is to permit public comment on the final rule for a limited period before the rule becomes effective.

**DATES:** 1. Comments will be considered if received as provided below, no later than 5 p.m. on March 30, 2001.

2. The effective date of the final rule with request for comments published December 28, 2000 (65 FR 82462) was corrected to be April 14, 2001. See 66 FR 12434 (February 26, 2001).

**ADDRESSES:** Comments will be considered only if provided through any of the following means:

1. Mail written comments (1 original and, if possible, a floppy disk) to the following address: U.S. Department of Health and Human Services, Attention: Privacy I, Room 801, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

2. Deliver written comments (1 original and, if possible, a floppy disk) to Room 801, 200 Independence Avenue, SW., Washington, DC 20201.

3. Submit electronic comments at the following website: <http://aspe.hhs.gov/admsimp/>.

#### FOR FURTHER INFORMATION CONTACT:

Kimberly Coleman, 1-866-OCR-PRIV (1-866-627-7748) or TTY 1-866-788-4989.

#### SUPPLEMENTARY INFORMATION:

#### Comment Procedures, Availability of Copies, and Electronic Access

*Comment procedures:* All comments should include the full name, address, and telephone number of the sender or a knowledgeable point of contact. Each specific comment should specify the section of the final rule to which the specific comment pertains. If possible, please send an electronic version of the

comments on a 3½ inch DOS format floppy disk in Adobe Acrobat Portable Document Format (PDF), HTML, ASCII text, or popular word processor format (Microsoft Word, Corel WordPerfect). All comments and content must be limited to the 8.5 wide by 11.0 high vertical (also referred to as "portrait") page orientation. If identical/duplicate comment submissions are submitted both electronically and in paper form, each submission should clearly indicate that it is a duplicate submission.

Because of staffing and resource limitations, we will *not* accept comments by electronic mail or facsimile (FAX) transmission. Any comments received through such media will be deleted or destroyed, as appropriate. They will not be considered as public comments.

Comments that are timely received in proper form and at one of the addresses specified above will be available for public inspection by appointment as they are received, generally beginning approximately three weeks after this publication in Room 801 of the Department's offices at 200 Independence Avenue, SW, Washington, DC on Monday through Friday of each week from 8:30 a.m. to 5 p.m. Appointments may be made by telephoning 202-260-3392.

After the close of the comment period, comments that we are technically able to convert will be posted on the Administrative Simplification website specified above.

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## Discussion

On December 28, 2000, we published in the **Federal Register** a final rule adopting standards for the privacy of individually identifiable health information (Privacy Rule). The Privacy Rule is the second in a series of rules mandated by sections 261-264 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191. In general, the Privacy Rule establishes in 45 CFR part 160 a set of definitions applicable to the entire set of HIPAA rules, requirements for requesting that a state law be excepted from preemption by the statute, and compliance and enforcement requirements. The Privacy Rule also establishes a new subpart E of part 164. Subpart E establishes standards which entities covered by the statute—health plans, health care clearinghouses, and certain health care providers—are required to comply with to protect the privacy of certain individually identifiable health information ("protected health information"). The standards are requirements relating to the uses and disclosures of protected health information, the rights of individuals with respect to their protected health information, and the procedures for exercising those rights.

The Privacy Rule affects over 600,000 entities and virtually every American. It is estimated to cost in excess of \$17.6 billion over ten years. The Department received over 52,000 public comments in the public comment period on the proposed rule; in the period following publication of the final rule, HHS has received approximately a thousand inquiries about the impact and operation of the Privacy Rule on numerous sectors of the economy. Many comments exhibit substantial confusion over how the Rule will operate; others express great concern over the complexity and workability of the Rule. The significance of the Privacy Rule for the health care industry and for society as a whole, and the substantial nature of some concerns that have been raised have led us to conclude that an additional comment period on the Privacy Rule is warranted. Accordingly, we hereby solicit public comment for 30 days on the Privacy Rule, as published in the **Federal Register** on December 28, 2000 at 65 FR 82462.

Based on telephone calls, e-mails, letters, and other contacts with HHS, we are aware that the Privacy Rule has been the subject of widespread debate in the health care industry and the public at large in the almost two months since its publication. Thus, we believe that many

of the public's concerns about the Privacy Rule have already crystallized. We accordingly are of the view that 30 days should be sufficient for the public to state its views fully to HHS.

We determined that the report to Congress required by 5 U.S.C. 801(a)(1) was not received by the Congress concurrent with the transmission of the Privacy Rule to the **Federal Register**, as previously thought. We have published elsewhere in this section of the **Federal Register** a final rule correcting the effective date of the Privacy Rule to April 14, 2001 to comply with 5 U.S.C. 801(a)(3)(A). This action does not alter the corrected effective date. The public comment period provided for above accordingly will close before the Privacy Rule becomes effective.

Dated: February 22, 2001.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 01-4811 Filed 2-26-01; 11:13 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 022201A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea

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

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to utilize the amount of the 2001 red king crab bycatch limit specified for the RKCSS.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 23, 2001, until 1200 hrs, A.l.t., February 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 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