

combined residues of azoxystrobin and its Z isomer in or on pistachios at 0.02 ppm and in or on tree nuts at 0.02 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerances were published in 64 FR 13106 (March 17, 1999), the final rule that established the initial tolerances for residues of azoxystrobin in or on pistachios at 0.01 ppm and in or on tree nuts at 0.01 ppm. In that rule the Agency concluded that there was a reasonable certainty that no harm would result from the establishment of azoxystrobin tolerances for several other commodities. A reassessment of the risk associated with increasing the azoxystrobin tolerances for pistachios and tree nuts to 0.02 ppm demonstrated that the calculated risk increases were so small (generally at the fourth decimal place) that the risk assessment values (rounded) reported in 64 FR 13106 (March 17, 1999) were not changed. That is, the risk increase resulting from this proposed rule will be negligible. Accordingly, EPA concludes that modifying these tolerances as described will be safe for the general population, including infants and children. EPA reaffirms its specific risk findings set forth in the March 1999 azoxystrobin tolerance action.

#### D. International Residue Limits

There are no Codex, Canadian or Mexican Maximum Residue Limits (MRL) established for azoxystrobin for pistachios or tree nuts. Thus, harmonization is not an issue.

### III. Regulatory Assessment Requirements

This proposed rule seeks to establish a tolerance under FFDCA section 408(e). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income*

*Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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." This rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

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

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

Dated: December 16, 1999.

**James Jones,**

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I shall be 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. In § 180.507, the table to paragraph (a)(1), by revising the entries for pistachios and tree nuts to read as follows:

#### § 180.507 Azoxystrobin; tolerances for residues.

(a) *General.* (1) \* \* \*

Commodity	Parts per million
Pistachios	0.02
Tree nuts	0.02

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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 of the Assistant Secretary for Planning and Evaluation, DHHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects the preamble and proposed regulatory text published in the **Federal Register** of November 3, 1999, regarding the Standards for Privacy of Individually Identifiable Health Information.

**FOR FURTHER INFORMATION CONTACT:** Roxanne Gibson, (202) 260-5083.

#### SUPPLEMENTARY INFORMATION:

#### Corrections

In the proposed rule 45 CFR Parts 190 through 164, beginning on page 59918

in the issue of November 3, 1999, make the following corrections.

On page 59919 in the first column, C.3. currently says, "Right to restrict uses and disclosures." It should read, "Right to request restrictions on uses and disclosures."

On page 59919 in the first column, D.6. currently says, "Inclusion in the accounting for uses and disclosures." This should be changed to say, "Inclusion in the accounting for disclosures."

On page 59919 in the second column, III.3. currently says, "Accounting for uses and disclosures." This should be changed to say, "Accounting for disclosures."

On page 59919 in the second column, IV.G.5. currently says, "Right to restrict uses and disclosures." It should read, "Right to request restrictions on uses and disclosures."

On page 59942 in the second full paragraph of the second column currently reads, "We considered including other disclosures permitted under proposed § 164.510 within the prohibition described in this provision, but were unsure if psychotherapy notes were ever relevant to the public policy purposes underlying those disclosures. For example, we would assume that such notes are rarely disclosed for public health purposes or to next of kin. We solicit comment on whether there are additional categories of disclosures permitted under proposed § 164.510 for which the disclosure of psychotherapy notes by covered entities without specific individual authorization would be appropriate." That paragraph should read, "We considered including the disclosures permitted under proposed § 164.510 within the prohibition described in this provision, but were unsure if psychotherapy notes were ever relevant to the public policy purposes underlying those disclosures. For example, we would assume that such notes are rarely disclosed for public health purposes or to next of kin. We solicit comment on whether there are categories of disclosures permitted under proposed § 164.510 for which the disclosure of psychotherapy notes by covered entities without specific individual authorization would not be appropriate."

On page 59943 in the second full paragraph of the first column currently reads, "We considered including other of the uses and disclosures that would be permitted under § 164.510 within the prohibition described in this provision, but were unsure if research information unrelated to treatment would ever be relevant to the public policy purposes underlying those disclosures. We solicit

comment on whether there are additional categories of uses or disclosures that would be permitted under proposed § 164.510 for which the use or disclosure of such information by covered entities without specific individual authorization would be appropriate." That paragraph should read, "We considered including the uses and disclosures that would be permitted under § 164.510 within the prohibition described in this provision, but were unsure if research information unrelated to treatment would ever be relevant to the public policy purposes underlying those disclosures. We solicit comment on whether there are categories of uses or disclosures that would be permitted under proposed § 164.510 for which use or disclosure of such information by covered entities without specific individual authorization would not be appropriate."

On page 59945 in the second column, 3 currently says, "Right to Restrict Uses and Disclosures." It should read, "Right to Request Restrictions on Uses and Disclosures."

On page 59945 in the second column, under 3 currently says, "[Please label comments about this section with the subject: 'Right to restrict']". It should read, "[Please label comments about this section with the subject: 'Right to request restrictions']".

On page 59946 in the first column paragraph four, the sentence, "Limiting the right to restrict to self-pay patients also would reduce the number of requests that would be made under this provision," should read, "Limiting the right to request restrictions to self-pay patients also would reduce the number of requests that would be made under this provision."

On page 59958 in the second line of the first column, the phrase "(often referred to as 'deemed status') should be deleted."

On page 59987 in the second column section b. Grounds for denial of request for amendment, the first sentence currently reads, "We are proposing that a covered plan or provider would be permitted to deny a request for amendment or correction if, after a reasonable review, the plan or provider determines that it did not create the information at issue, the information would not be available for inspection and copying under proposed § 164.514, the information is accurate and complete, or if it is erroneous or incomplete, it would not be adversely affect the individual." We are correcting this sentence to read, "We are proposing that a covered plan or provider would be permitted to deny a request for amendment or correction if, after a

reasonable review, the plan or provider determines that it did not create the information at issue, the information would not be available for inspection and copying under proposed § 164.514, or the information is accurate and complete."

On page 60004 in the first column, 3. currently says, "Accounting for uses and disclosures." This should be changed to say, "Accounting for disclosures."

On page 60004 in the first column, the preamble text under 3. currently says, "Covered plans and providers would have to be able to provide an accounting for the uses and disclosures of protected health information for purposes other than treatment, payment, or health care operations." This should be changed to say, "Covered plans and providers would have to be able to provide an accounting for disclosures of protected health information for purposes other than treatment, payment, or health care operations."

On page 60007 in table 1, the cost of notice development for all entities in the initial or first year cost (2000) column should be 30,000,000 rather than 20,000,000.

On page 60007 in table 1, the total cost of the regulation in the initial or first year cost (2000) column should be \$1,185,230,000 rather than \$1,165,230,000.

On page 60012 in the second column the third full paragraph begins, "It is also important to point out that none of the States appear to offer individuals the right to restrict disclosure of their protected health information for treatment." It should read, "It is also important to point out that none of the States appear to offer individuals the right to request restrictions on disclosure of their protected health information for treatment."

On page 60016 in the first column in the first paragraph under the heading Notice of Privacy Practices, the sentences that currently read, "Data from the 1996 Medical Expenditure Panel Survey shows that there are approximately 200 million ambulatory care encounters per year, nearly 20 million persons with a hospital episode, 7 million with home-health episodes, and over 170 million with prescription drug use (350 million total). For the remaining four years of the five year period, we have estimated that, on average, a quarter of the remaining population will enter the system, and thus receive a notice." are changed to read, "Data from the 1996 Medical Expenditure Panel Survey shows that there are approximately 200 million ambulatory care encounters per year,

nearly 20 million persons with a hospital episode, 7 million with home-health episodes, and over 170 million with prescription drug use (397 million total). For the remaining four years of the five year period, we have estimated that one-quarter to three-quarters of patients without an encounter in the first year will enter the system."

On page 60016 in the second column, the sentence starting on line five currently reads, "The cost for this would be \$0.75 over five years." This sentence should read, "The cost for health plans to issue notice would be \$0.75 over five years."

On page 60017 in table 2, the cost of notice development for all entities in the initial or first year cost (2000) column should be 30,000,000 rather than 20,000,000.

On page 60018 in table 2, the total cost of the regulation in the initial or first year cost (2000) column should be \$1,185,230,000 rather than \$1,165,230,000.

On page 60024 in the first column, 5 currently says, "Right to Restrict Uses and Disclosures." It should read, "Right to Request Restrictions on Uses and Disclosures."

On page 60024 in the second full paragraph in the second column, the sentence, "Limiting the right to restrict to self-pay patients also would reduce the number of requests that would be made under this provision," should read, "Limiting the right to request restrictions to self-pay patients also would reduce the number of requests that would be made under this provision."

On page 60037 in the first paragraph of the first column, the sentence that currently reads, "These small businesses represent 83.8% of all health entities we have examined," should read, "These small businesses represent 84.9% of all health entities we have examined."

On page 60039 in the second column, c. currently says, "Right to restrict." It should read, "Right to request restrictions on uses and disclosures."

On page 60041 in the first column under "i. Documentation requirements for covered entities," the sentence that currently reads, "These areas would include use within the entity; informing business partners; disclosures with and without authorizations; limitations on use and disclosure for self-pay; inspection and copying; amendment or correction; accounting for uses and disclosure; notice development, maintenance, and dissemination; sanctions; and complaint procedures," should read, "These areas would include use within the entity; informing

business partners; disclosures with and without authorization; inspection and copying; amendment or correction; accounting for disclosure; notice development, maintenance, and dissemination; sanctions; and complaint procedures."

On page 60045 in the table summarizing the PRA burden hours, the line that says, "\$ 164.515 Accounting for uses and disclosures of protected health information," should read, "\$ 164.515 Accounting for disclosures of protected health information."

On page 60046 column three the heading "Section 164.515 Accounting for Uses and Disclosures of Protected Health Information" should be changed to "Section 164.515 Accounting for Disclosures of Protected Health Information."

On page 60049 in the first column, the title **Appendix to the Preamble: Sample Contact of Provider Notice** should read **Appendix to the Preamble: Sample Content of Provider Notice**.

On page 60053 in the third column, under 164.506(a)(1), (i) currently reads, "Except for research information unrelated to treatment, to carry out treatment, payment, or health care operations;" It should read, "Except for research information unrelated to treatment and psychotherapy notes, to carry out treatment, payment, or health care operations;"

On page 60055 in the third column, (3)(iii) currently reads, "A covered entity may not condition treatment, enrollment in a health plan, or payment on a requirement that the individual authorize use of disclosure of psychotherapy notes relating to the individual." It should read, "A covered entity may not condition treatment, enrollment in a health plan, or payment on a requirement that the individual authorize use or disclosure of research information unrelated to treatment or psychotherapy notes relating to the individual."

On page 60057 in the third column, the following should be deleted because it duplicates information in the second column:

(5) *Urgent circumstances*. The disclosure is of the protected health information of an individual who is or is suspected to be a victim of a crime, abuse, or other harm, if the law enforcement official represents that:

(i) Such information is needed to determine whether a violation of law by a person other than the victim has occurred; and

(ii) Immediate law enforcement activity that depends upon obtaining such information may be necessary.

Dated: December 27, 1999.

**Brian P. Burns,**

*Deputy Assistant Secretary for Information Resources Management.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1804 and 1852

#### Security Requirements for Unclassified Information Technology Resources

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Proposed rule.

**SUMMARY:** This is a proposed rule to amend the NASA FAR Supplement (NFS) to include a requirement for contractors and subcontractors working with NASA Information Technology Systems to take certain Information Technology (IT) security related actions, to document those actions, and submit related reports to NASA.

**DATES:** Comments should be submitted on or before March 6, 2000.

**ADDRESSES:** Interested parties should submit written comments to Karl Beisel, NASA Headquarters Office of Procurement, Analysis Division (Code HC), Washington, DC 20546. Comments may also be submitted by email to [Karl.Beisel@hq.nasa.gov](mailto:Karl.Beisel@hq.nasa.gov).

**FOR FURTHER INFORMATION CONTACT:**

**KARL BEISEL, 202-358-0416, EMAIL: [KARL.BEISEL@HQ.NASA.GOV](mailto:KARL.BEISEL@HQ.NASA.GOV).**

**SUPPLEMENTARY INFORMATION:**

#### A. Background

This revision to the NASA FAR Supplement will require NASA contractors and subcontractors to comply with the security requirements outlined in NASA Policy Directive (NPD) 2810.1, "Security of Information Technology," and NASA Procedures and Guidelines (NPG) 2810.1, "Security of Information Technology," and to comply with additional safeguarding requirements delineated in the proposed contract clause.

Currently NASA contractors have no definitive contractual requirement to follow NASA directed policy in safeguarding unclassified NASA data held via information technology (computer systems). This proposed rule establishes these requirements in a contract clause. The clause also requires compliance with additional safeguarding requirements. These policies apply to all IT systems and networks under NASA's purview