

received by September 20, 1999, the EPA would publish a notice withdrawing the direct final rule before its effective date of October 18, 1999. The EPA received adverse comments on the direct final rule from two commenters on September 20, 1999 and is, therefore, withdrawing the direct final rule. The EPA will address these comments in a final rule addressing additional compliance options for continuous web cleaning machines before December 2, 1999, the date on which the compliance extension for these types of machines expires.

Dated: October 13, 1999.

**Robert D. Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 99-27189 Filed 10-15-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-6456-8]

#### Vermont: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule, correction.

**SUMMARY:** On September 24, 1999 (64 FR 51702), EPA published an immediate final rule authorizing revisions to Vermont's hazardous waste management program under the Resource Conservation and Recovery Act (RCRA). Vermont sought authorization for and EPA made a decision to authorize Vermont for all the Land Disposal Regulations incorporated under the Consolidated Checklists for Land Disposal Restrictions listed at (64 FR 51705 and 51706). However, we inadvertently omitted listing the rules listed under Checklist 137 as part of the Consolidated Checklist. The purpose of this document is to correct this error.

**DATES:** The immediate final rule published in September 24, 1999 (64 FR 51702), as corrected by this document, will be effective November 23, 1999, unless EPA receives adverse comments by October 25, 1999. If EPA receives such comments, EPA will publish a timely document withdrawing the rule.

**FOR FURTHER INFORMATION CONTACT:** Geri Mannion, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023; Phone Number: (617) 918-1648.

**SUPPLEMENTARY INFORMATION:**

### I. Technical Correction

On September 24, 1999, EPA published an immediate final rule authorizing revisions to Vermont's hazardous waste management program under RCRA. In listing the rules for which Vermont seeks authorization, we inadvertently omitted Checklist 137 as part of the Consolidated Checklist for Land Disposal Restrictions. The title and **Federal Register** information for Checklist 137 is: Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes; 59 FR 47982-48110, September 19, 1994 as amended at 60 FR 242-302, January 3, 1995. The Vermont regulations cited at 64 FR 51705 include authority to implement Checklist 137.

### II. Administrative Requirements

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency certifies that the rule as amended by this correction will not have a significant economic impact on a substantial number of small entities, because it does not impose any new burdens on small entities. The rule simply authorizes requirements to which small entities are already subject under State law.

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) does not apply to this action because it does not contain a Federal mandate that will result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector, and because it does not impose any significant or unique impact on small governments as described in UMRA. This action also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998) because it does not impose any enforceable duties on these entities or have a significant or unique impact on tribal communities. This action does 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 12612 (52 FR 41685, October 30, 1987) because this action affects only one State and it pertains to the State's proposal to be authorized for updated requirements in the hazardous waste program that the state has voluntarily chosen to operate. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not

economically significant. The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993). The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) does not apply to this action because it does not involve technical standards. This action 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 for the underlying rule is discussed in the September 24, 1999 **Federal Register** document.

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 the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This correction, together with the rule it amends, will be effective November 23, 1999.

Dated: October 4, 1999.

**John P. DeVillars,**

*Regional Administrator, Region I.*

[FR Doc. 99-26858 Filed 10-15-99; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 62

RIN 3067-AC95

#### National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** We (the Federal Insurance Administration of FEMA) are changing the Financial Control Plan (Appendix B of 44 CFR Part 62) that sets standards for evaluating the performance of private insurance companies participating in the Write Your Own program. These

changes are to streamline and simplify the regulations of the National Flood Insurance Program. This rule is part of an agency-wide initiative by the Federal Emergency Management Agency to simplify regulations for easier use by our customers. The changes are also consistent with the approach we adopted several years ago to streamline the arrangement for the WYO program and to place operational details in a technical operations manual rather than in the agreement itself between the Government and WYO companies.

**EFFECTIVE DATE:** December 1, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Edward L. Connor, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, 202-646-3429, (facsimile) 202-646-3445, (email) [Edward.Connor@fema.gov](mailto:Edward.Connor@fema.gov).

**SUPPLEMENTARY INFORMATION:** On August 5, 1999, we proposed a rule at 64 FR 42633 that would streamline and simplify the Financial Control Plan that private insurance companies must follow as part of their financial assistance arrangement with FEMA under the Write Your Own component of the National Flood Insurance Program. The proposed streamlining involved eliminating operational details from the text of the Financial Control Plan. This gives the Government and its industry partners the flexibility to make operational adjustments and corrections more efficiently and more quickly while retaining the broad framework necessary for sound financial controls.

**Comments**

We received one set of comments during the comment period from a company currently participating in the Write Your Own program. The company generally supports the proposed changes to the Financial Control Plan but asked for clarification on several points.

**Consolidated Financial Statements Audit**

The company offered "conditional support" for the changes on the understanding that we would eliminate the Consolidated Financial Statements Audit. The company concluded that "if that audit is continued, then the rule is overly burdensome and the system of reviews is redundant."

The Consolidated Financial Statements Audit and the planned operation reviews are independent of each other and serve separate needs. The Consolidated Financial Statements Audit is a financial audit for the program conducted by FEMA's

Inspector General (IG) and required by the Chief Financial Officers Act of 1990, as amended by the Government Management Reform Act of 1994. The scope of this independent, mandatory audit includes a company's financial management and its controls for receiving and disposing of money connected with a Federal program. The overall goal of this audit is to prevent fraud, waste, and abuse. The Consolidated Financial Statements Audit is not an optional audit, and it has a specific financial management and statutory purpose. The operation reviews that we conduct for participating Write Your Own companies on the other hand focus on a company's performance in specific areas of the Write Your Own program, namely, claims, underwriting, marketing, and customer service.

In summary, the Consolidated Financial Statements Audit, the FEMA IG's audit, and our program reviews are both appropriate, do not duplicate each other, and serve separate needs.

**Reports to the Standards Committee**

The company expressed concern about confidentiality and the protection of trade secrets when we file a report of an operation review to the Standards Committee since the Standards Committee consists of competitors of the Write Your Company which is the subject of the report. The commenter recommended that "auditors should only file reports on those companies failing the Operation Review. In addition, the auditors should not include in the report any information which is of a proprietary nature or trade secret." We agree with this recommendation.

We will present reports of operation reviews in summary form to the Standards Committee. These summary reports will identify trends but not companies by name. Instead, we will identify common or typical errors that we discovered during operation reviews and coordinate the appropriate remedy with the Standards Committee, such as improved training or guidance materials. We will, however, identify for the Standards Committee companies that fail the operation review and that will be the subject of an audit for cause. In these cases, we will continue to rely, as we have since the program's inception, on the ethics and professional standards of the members of the Standards Committee to safeguard the confidentiality of and any proprietary information about a company that has failed an operation review.

**Penalties for Poor Performance**

The commenter also expressed concern that the "penalties are undefined" for companies that fail the operation review. The purpose of operation reviews is for us to provide technical assistance to individual companies so that they may improve their underwriting, claims, marketing, and customer service operations. We will present to the Standards Committee summaries of common errors and trends that surface during the operation reviews so that we may select the most appropriate program-wide remedy, for example, training, guidance, etc. If we find that a company's performance warrants it, however, we will recommend an audit for cause and the deficient company would be subject to any penalties that are appropriate from that separate and independent mechanism.

**Opportunity for Further Review and Comment**

The commenter stated that it was important for participating companies to know "how the Operation Review will be conducted and the benchmarks for passage or failure of the review." We agree that companies need to have more specific information about the operation reviews, which are included in a companion document titled "The Write Your Own Program Financial Control Plan Requirements and Procedures." We will distribute during the first quarter of the 1999-2000 Arrangement year a draft version of this document for review and comment to all companies participating in the Write Your Own program. We have postponed the effective date of this rule until December 1, 1999 to allow us to consider all comments on the companion document for this rule before either one becomes final. Until that date, we will operate under the existing Financial Control Plan found at 44 CFR Part 62, Appendix B.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. We have not prepared an environmental assessment.

**Executive Order 12866, Regulatory Planning and Review**

This rule is not a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, and the Office of Management and Budget has not reviewed it. Nevertheless, this rule adheres to the regulatory principles set forth in E.O. 12866.

### Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, we have submitted to the Office of Management and Budget (OMB) the collections of information in this final rule, and OMB has approved them. To request additional information or copies of the OMB submissions, contact the FEMA Information Collections Officer, Muriel B. Anderson, by calling (202) 646-2625, or by writing to FEMA, 500 C Street SW., Washington, DC 20472. The approved collections of information are:

OMB Number 3067-0169, Write Your Own (WYO) Program (expires March 31, 2002). To maintain adequate financial control over Federal funds, the National Flood Insurance Program requires each WYO company to meet the requirements of the WYO Transaction record Reporting and Processing Plan and to submit monthly financial and statistical reports as required in FEMA regulation 44CFR, part 62, Appendix B. The number of respondents is estimated at 105. The burden estimates per respondent are as follows:  
Reconciliation Report, 30 minutes;  
Biennial Audit Administrative Review Checklist, 1 hour; Monthly Financial and Statistical Reconciliation Reports Certification Statement, 3 minutes; and Monthly Statistical Transaction Reports Certification Statement, 3 minutes.

### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

### List of Subjects in 44 CFR Part 62

Claims, Flood insurance.

Accordingly, we amend 44 CFR part 62 as follows:

### PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

2. We amend § 62.23 by redesignating paragraphs (j)(2) through (j)(6) as paragraphs (j)(3) through (j)(7), and by revising paragraph (j)(1) and adding new paragraph (j)(2) to read as follows:

### § 62.23 WYO Companies authorized.

\* \* \* \* \*

(j) \* \* \*  
(1) Have a biennial audit of the flood insurance financial statements conducted by an independent Certified Public Accountant (CPA) firm at the Company's expense to ensure that the financial data reported to us accurately represents the flood insurance activities of the Company. The CPA firm must conduct its audits in accordance with the generally accepted auditing standards (GAAS) and Government Auditing Standards issued by the Comptroller General of the United States (commonly known as "yellow book" requirements). The Company must file with us (the Federal Insurance Administration) a report of the CPA firm's detailed biennial audit, and, after our review of the audit report, we will convey our determination to the Standards Committee.

(2) Participate in a WYO Company/FIA Operation review. We will conduct a review of the WYO Company's flood insurance claims, underwriting, customer service, marketing, and litigation activities at least once every three (3) years. As part of these reviews, we will reconcile specific files with a listing of transactions submitted by the Company under the Transaction Record Reporting and Processing (TRPP) Plan (Part 5). We will file a report of the Operation Review with the Standards Committee.

\* \* \* \* \*

3. We revise Appendix B to Part 62—National Flood Insurance Program to read as follows:

### Appendix B to Part 62—National Flood Insurance Program

*A Plan to Maintain Financial Control for Business Written Under the Write Your Own Program.*

(a) *In general.* Under the Write Your Own (WYO) Program, we (the Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA)) may enter into an arrangement with individual private sector insurance companies licensed to engage in the business of property insurance. The arrangement allows these companies—using their customary business practices—to offer flood insurance coverage to eligible property owners. To assist companies in marketing flood insurance coverage, the Federal Government will be a guarantor of flood insurance coverage for WYO policies issued under the WYO Arrangement. To account for and ensure appropriate spending of any taxpayer funds, the WYO companies and we will implement this Financial Control Plan (Plan). Only the Administrator may approve any departures from the requirements of this Plan.

(b) *Financial Control Plan.* (1) The WYO Companies are subject to audit, examination,

and regulatory controls of the various States. Additionally, the operating department of an insurance company is customarily subject to examinations and audits performed by the company's internal audit or quality control departments, or both, and independent Certified Public Accountant (CPA) firms. This Plan will use to the extent possible the findings of these examinations and audits as they pertain to business written under the WYO Program.

(2) This Plan contains several checks and balances that can, if properly implemented by the WYO Company, significantly reduce the need for extensive on-site reviews of the Company's files by us or our designee. Furthermore, we believe that this process is consistent with customary reinsurance practices and avoids duplication of examinations performed under the auspices of individual State Insurance Departments, NAIC Zone examinations, and independent CPA firms.

(c) *Standards Committee established.* (1) We establish in this Plan a Standards Committee for the WYO Program to oversee the performance of WYO companies under this Plan and to recommend appropriate remedial actions to the Administrator. The Standards Committee will review and recommend to the Administrator remedies for any adverse action arising from the implementation of the Financial Control Plan. Adverse actions include, but are not limited to, not renewing a particular company's WYO Arrangement.

(2) The Administrator appoints the members of the Standards Committee, which consists of five (5) members from FIA, one (1) member from FEMA's Office of Financial Management, and one (1) member from each of the six (6) designated WYO Companies, pools, or other entities.

(3) A WYO company must—

(A) Have a biennial audit of the flood insurance financial statements conducted by a CPA firm at the Company's expense to ensure that the financial data reported to us accurately represents the flood insurance activities of the Company. The CPA firm must conduct its audits in accordance with generally accepted auditing standards (GAAS) and the Government Auditing Standards issued by the Comptroller General of the United States (commonly known as "yellow book" requirements). The Company must file with us a report of the CPA firm's detailed biennial audit, and, after our review of the audit report, we will convey our determination to the Standards Committee.

(B) Participate in a WYO Company/FIA Operation review. We will conduct a review of the WYO Company's flood insurance claims, underwriting, customer service, marketing, and litigation activities at least once every three (3) years. As part of these reviews, we will reconcile specific files with a listing of transactions submitted by the Company under the Transaction Record Reporting and Processing Plan (Part 5). We will file a report of the Operation Review with the Standards Committee (Part 7).

(C) Meet the recording and reporting requirements of the WYO Transaction Record Reporting and Processing (TRRP) Plan and the WYO Accounting Procedures Manual.

The National Flood Insurance Program's (NFIP) Bureau and Statistical Agent will analyze the transactions reported under the TRRP Plan and submit a monthly report to the WYO company and to us. The analysis will cover the timeliness of the WYO submissions, the disposition of transactions that do not pass systems edits, and the reconciliation of the totals generated from transaction reports with those submitted on the WYO Company's reports. (Parts 2 and 6).

(D) Cooperate with FEMA's Office of Financial Management on Letter of Credit matters.

(E) Cooperate with us in the implementation of a claims reinspection program (Part 3).

(F) Cooperate with us in the verification of risk rating information.

(G) Cooperate with FEMA's Office of Inspector General on matters pertaining to fraud.

(d) This Plan incorporates by reference a separate document, "The Write Your Own Program Financial Control Plan Requirements and Procedures," that contains the following parts, each of which is incorporated by reference into and is applicable to the Financial Control Plan:

(1) Part 1—Financial Audits, Audits for Cause, and State Insurance Department Audits;

(2) Part 2—Transaction Record Reporting and Processing Plan Reconciliation Procedures;

(3) Part 3—Claims Reinspection Program;

(4) Part 4—Report Certifications and Signature Authorization;

(5) Part 5—Transaction Record Reporting and Processing Plan;

(6) Part 6—Write Your Own (WYO) Accounting Procedures Manual; and

(7) Part 7—Operation Review Procedures.

(e) Interested members of the public may obtain a copy of "The Write Your Own Program Financial Control Plan Requirements and Procedures" by contacting the FEMA Distribution Center, P.O. Box 2012, Jessup, MD 20794."

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: October 12, 1999.

**Edward T. Pasterick,**

*Acting Administrator, Federal Insurance Administration.*

[FR Doc. 99-27009 Filed 10-15-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket 98-170; FCC 99-72]

### Truth-in-Billing and Billing Format

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On June 25, 1999 the Federal Communications Commission

published rules in the **Federal Register** concerning Truth-in-Billing principles and guidelines for telecommunications common carriers. This document makes corrections to that rule.

**DATES:** Effective October 18, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Enforcement Division, Common Carrier Bureau, David Konuch, (202) 418-0960.

**SUPPLEMENTARY INFORMATION:** On April 15, 1999, the Commission adopted an order establishing billing principles to ensure that consumers are provided with basic information they need to make informed choices among telecommunications services and providers, to protect themselves against inaccurate and unfair billing practices, and to enhance their ability to detect cramming and slamming. A summary of this order was published in the **Federal Register**. See 64 FR 34488, June 25, 1999. This document corrects typographical errors contained in that summary.

In the rule changes, "Subpart U" is revised to read "Subpart W." Also in the rules section, "64.2000" is revised to read "64.2400." "64.2001" is revised to read "64.2401." "64.2001(a)(2)," "64.2001(b)," and "64.2001(c)" are replaced with "64.2401(a)(2)," "64.2401(b)," and "64.2401(c)," respectively.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-26884 Filed 10-15-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 99040113-913-01; I.D. 090899A]

### Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Inseason Adjustments and Closures from Cape Flattery to Leadbetter Point, WA

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

**ACTION:** Inseason adjustments; closures; request for comments.

**SUMMARY:** NMFS announces the following inseason adjustments to the commercial salmon fishery in the area between Cape Flattery (48°23'00" N. lat.) and Cape Alava (48°10'00" N. lat.)

West of 125°05'00" W. long. and Cape Alava and Leadbetter Point, WA: Suspension of certain gear restrictions and the 100-coho trip limit for the open period from July 31 to August 3, 1999; closing the entire area to fishing from August 4 through August 14, 1999; reopening the area between Cape Alava and Leadbetter Point, WA, from August 14 through August 17, 1999, with the suspension of certain gear restrictions and the 100-coho trip limit; and closing the entire area to fishing starting August 18, 1999, for the duration of the season, scheduled to close September 30, 1999, due to the attainment of the 7,000-chinook guideline. These actions were necessary to conform to the 1999 management measures and were intended to ensure conservation of chinook salmon.

**DATES:** Suspension of gear restrictions and the coho trip limit effective 0001 hours local time (l.t.), July 31, 1999, from the area between Cape Flattery and Leadbetter Point, WA; closure effective 0001 hours l.t., August 4, 1999, from the area between Cape Flattery and Leadbetter Point, WA; reopening the area between Cape Alava and Leadbetter Point, WA, effective 0001 hours l.t., August 14, 1999; and closure effective 0001 hours l.t., August 21, 1999 from the area between Cape Flattery and Leadbetter Point, WA through the end of the 1999 fishing season, or until NMFS publishes a further notice in the **Federal Register**. Comments will be accepted through November 2, 1999.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson, 206-526-6140. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

#### SUPPLEMENTARY INFORMATION:

#### Background

Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i). All other restrictions that applied to this fishery remained in effect as announced in the annual management measures. Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS