

BILLING CODE 6560-50-C

*III. Alternative Test Methods*

Alternative test methods may be used upon obtaining the written approval of the EPA.

[FR Doc. 99-32760 Filed 12-20-99; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Office of Inspector General****42 CFR Part 1001**

RIN 0991-AA91

**Federal Health Care Program: Fraud and Abuse; Statutory Exception to the Anti-Kickback Statute for Shared Risk Arrangements; Correction**

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Interim final rule with comment period; correction amendment.

**SUMMARY:** This document contains corrections to the interim final regulations which were published in the **Federal Register** on Friday, November 19, 1999 (64 FR 63504). These regulations established two new safe harbors from the anti-kickback statute (section 1128B(b) of the Social Security Act) to provide protection for certain managed care arrangements. A number of inadvertent errors appeared in both the preamble and in the text of the regulations that warrant clarification or revision. As a result, we are setting forth these revisions in order to assure the technical correctness of that document and the regulations.

**EFFECTIVE DATE:** December 21, 1999.

**FOR FURTHER INFORMATION CONTACT:** Joel Schaer, (202) 619-0089, OIG Regulations Officer.

**SUPPLEMENTARY INFORMATION:** The HHS Office of Inspector General (OIG) issued interim final regulations on November 19, 1999 (64 FR 63504) that set forth two new safe harbors from the anti-kickback statute to provide protection for certain managed care arrangements. In that interim final rule, a number of inadvertent errors appeared in the preamble and in 42 CFR part 1001 which are now being corrected.

In the preamble on page 63505, second column, an extra bullet point was inserted before the words "Underwriters/National Association of Life Underwriters." As corrected, the eleventh bullet point appearing in column two should read as "Independent Insurance Agents of America/National Association of Health

Underwriters/National Association of Life Underwriters."

On page 63507 of the preamble, in the third column, second paragraph, the reference to "paragraph (1)(i)(A)(IV)" should be corrected to read as "paragraph (1)(i)(A)(4)." Similarly, in the third paragraph on this page, the reference to "§ 1001.952(t)(1)(i)(A)(IV)" should be corrected to read as "§ 1001.952(t)(i)(A)(4)."

In the first column on page 63508, in the second full paragraph, line 15, the words "or cost" should be inserted after the words "programs on a fee-for-service."

On page 63511, in the first column, the first line of the first full paragraph, the regulatory reference "§ 1001.965(u)(2)(i)(B)" should be corrected to read as "§ 1001.952(u)(1)(i)(B)." In addition, in the third full paragraph in column one on the same page, on the fourth and fifth lines, the parenthetical phrase "(paragraphs (u)(1)(i)(C)(I)-(III))" is revised to read as "(paragraphs (u)(1)(i)(C)(1)-(3))." Lastly, in the last paragraph in column one, the parenthetical reference "(paragraph (u)(1)(i)(C)(IV))" should be corrected to read as "(paragraph (u)(1)(i)(C)(4))."

In addition, we are correcting the regulatory text that was set forth in § 1001.952(t). In the regulations text on page 63513, § 1001.952(t)(1)(i)(B) is amended by adding the words "or cost" after the words "fee-for-service." In addition, in § 1001.952(t)(1)(ii)(B), we are (1) adding the words "for or" after the phrase "receives remuneration in return" and (2) are adding the words "or cost" after the words "fee-for-service." These words were inadvertent omitted in the November 19, 1999 interim final rule.

**List of Subjects in 42 CFR Part 1001**

Administrative practice and procedure, Fraud, Grant programs—health, Health facilities, Health professions, Maternal and child health, Medicaid, Medicare, Social Security.

Accordingly, 42 CFR part 1001 is corrected by making the following correcting amendments:

**PART 1001—PROGRAM INTEGRITY—MEDICARE AND STATE HEALTH CARE PROGRAMS**

1. The authority citation for part 1001 continues to read as follows:

**Authority:** 42 U.S.C. 1302, 1320a-7, 1320a-7b, 1395u(j), 1395y(d), 1395y(e), 1395cc(b)(2)(D), (E) and (F), and 1395hh; and sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note).

2. Section 1001.952 is amended by republishing the introductory text, and by revising paragraphs (t)(1)(i)(B) and (t)(1)(ii)(B) to read as follows:

**§ 1001.952 Exceptions.**

The following payment practices shall not be treated as a criminal offense under section 1128B of the Act and shall not serve as the basis for an exclusion:

\* \* \* \* \*

(t) *Price reductions offered to eligible managed care organizations.* \* \* \*

(1) \* \* \*

(i) \* \* \*

(B) In establishing the terms of the agreement, neither party gives or receives remuneration in return for or to induce the provision or acceptance of business (other than business covered by the agreement) for which payment may be made in whole or in part by a Federal health care program on a fee-for-service or cost basis.

\* \* \* \* \*

(ii) \* \* \*

(B) In establishing the terms of the agreement, neither party gives or receives remuneration in return for or to induce the provision or acceptance of business (other than business covered by the agreement) for which payment may be made in whole or in part by a Federal health care program on a fee-for-service or cost basis.

\* \* \* \* \*

Dated: December 14, 1999.

**Joel Schaer,**

*OIG Regulations Officer.*

[FR Doc. 99-32940 Filed 12-20-99; 8:45 am]

BILLING CODE 4152-01-P

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 64**

[Docket No. FEMA-7725]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain

management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea, Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

#### National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits

flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

#### Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

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

#### § 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region II</b>				
New York: Sloatsburg, village of, Rockland County.	360690	July 7, 1975, Emerg.; January 6, 1982, Reg.; December 1, 1999, Susp.	December 1, 1999 .....	December 1, 1999.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region I</b>				
Rhode Island: North Providence, town of, Providence County.	440020	October 6, 1972, Emerg.; December 15, 1977, Reg.; December 6, 1999, Susp.	December 6, 1999 .....	December 6, 1999.
<b>Region III</b>				
Philadelphia: Smithfield, township of, Monroe County.	421896	November 8, 1974, Emerg.; March 4, 1988, Reg.; December 6, 1999, Susp.	.....do .....	Do.
<b>Region V</b>				
Michigan:				
Nashville, village of, Barry County.	260902	July 29, 1992, Emerg.; December 6, 1999, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Northville, city of, Wayne & Oakland Counties.	260235	March 29, 1976, Emerg.; September 16, 1981, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Ohio:				
Bay Village, city of, Cuyahoga County.	390093	June 14, 1974, Emerg.; December 1, 1977, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Wisconsin:				
Ozaukee County, unincorporated areas.	550310	May 14, 1971, Emerg.; May 16, 1977, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Saukville, village of, Ozaukee County.	550317	April 18, 1984, Emerg.; December 16, 1980, Reg.; December 6, 1999, Susp.	.....do .....	Do.
<b>Region VI</b>				
Oklahoma: Lincoln County, unincorporated areas.	400457	September 28, 1990, Emerg.; February 3, 1993, Reg.; December 6, 1999, Susp..	.....do .....	Do.
Texas:				
Midland, city of, Midland County.	480477	May 16, 1975, Emerg.; September 27, 1991, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Midland County, unincorporated areas.	481239	March 8, 1978, Emerg.; September 27, 1991, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Odessa, city of, Midland County.	480206	March 27, 1980, Emerg.; March 4, 1991, Reg.; December 6, 1999, Susp.	.....do .....	Do.
<b>Region VII</b>				
Iowa: Ankeny, city of, Polk County.	190226	June 13, 1975, Emerg.; May 16, 1983, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Missouri:				
Foristell, city of, St. Charles County.	290902	February 24, 1993, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Lee's Summit, city of, Jackson & Cass Counties.	290174	February 4, 1972, Emerg.; April 3, 1978, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Nebraska:				
Albion, city of, Boone County.	310009	May 9, 1975, Emerg.; April 2, 1986, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Boone County, unincorporated areas.	310008	July 28, 1982, Emerg.; September 18, 1987, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Petersburg, village of, Boone County.	310308	August 13, 1976, Emerg.; September 24, 1984, Reg.; December 6, 1999, Susp.	.....do .....	Do.
St. Edward, village of, Boone County.	310010	November 2, 1974, Emerg.; February 1, 1990, Reg.; December 6, 1999, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Utah: Santa Clara, town of, Washington County.	490178	August 7, 1975, Emerg.; August 5, 1986, Reg.; December 6, 1999, Susp.	.....do .....	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region X</b>				
Alaska: Kenai Peninsula, borough of.	020012	June 19, 1970, Emerg.; November 20, 1986, Reg.; December 6, 1999, Susp.	.....do .....	Do.
Washington: Kittitas County, unincorporated areas..	530095	February 5, 1974, Emerg.; May 5, 1981, Reg.; December 6, 1999, Susp.	.....do .....	Do.
<b>Region I</b>				
Vermont:				
Bellows Falls, village of, Windham County.	500125	June 23, 1975, Emerg.; July 16, 1979, Reg.; December 20, 1999, Susp.	December 20, 1999 .....	December 20, 1999.
Rockingham, town of, Windham County.	500135	January 24, 1975, Emerg.; May 15, 1980, Reg.; December 20, 1999, Susp.	.....do .....	Do.
Springfield, town of, Windsor County.	500154	June 17, 1975, Emerg.; December 4, 1979, Reg.; December 20, 1999, Susp.	.....do .....	Do.
Thetford, town of, Orange County.	500075	October 20, 1975, Emerg; June 3, 1991, Reg.; December 20, 1999, Susp.	.....do .....	Do.
<b>Region IV</b>				
South Carolina:				
Hollywood, town of, Charleston County.	450037	February 18, 1986, Emerg.; June 17, 1986, Reg.; December 20, 1999, Susp.	.....do .....	Do.
Ravenel, town of, Charleston County.	450043	September 25, 1975, Emerg.; April 1, 1981, Reg.; December 20, 1999, Susp.	.....do .....	Do.
Tennessee:				
Lincoln County, unincorporated areas.	470104	June 3, 1991, Emerg.; October 1, 1992, Reg.; December 20, 1999 Susp.	.....do .....	Do.
Petersburg, town of, Lincoln County.	470106	March 24, 1975, Emerg.; September 29, 1986, Reg.; December 20, 1999, Susp.	.....do .....	Do.
<b>Region V</b>				
Minnesota: Sauk Rapids, city of, Benton County.	270023	June 18, 1973, Emerg.; October 14, 1977, Reg.; December 20, 1999, Susp.	.....do .....	Do.
Wisconsin: Grant County, unincorporated areas.	555557	March 26, 1971, Emerg.; May 25, 1973, Reg.; December 20, 1999, Susp.	.....do .....	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

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

Issued: December 7, 1999.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 981014259-8312-02; I.D. 121499B]

#### Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey.

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

**ACTION:** Commercial quota harvest.

**SUMMARY:** NMFS announces that the summer flounder commercial quota available to the State of New Jersey has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in New Jersey for the remainder of calendar year 1999, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification to advise the State of New Jersey that the quota has been harvested, and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in New Jersey.