

553(b). Therefore no RFA analysis under 5 U.S.C. 603 is required for this rule.

#### Executive Order 12988

This interim final rule meets the applicable standards of Executive Order 12988.

#### List of Subjects in 44 CFR Part 62

Flood insurance.

■ Accordingly, for the reasons set forth in the preamble, FEMA amends 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. Revise the title of subpart B of part 62, to read as follows:

#### Subpart B—Claims Adjustment, Claims Appeals, and Judicial Review

■ 3. Add § 62.20 to read as follows:

##### § 62.20 Claims appeals.

###### (a) Definitions.

*Administrator* means the Federal Insurance Administrator.

*Appeal decision* means the disposition of the appeal by the Administrator.

*Decision* means the insurer's final claim determination, which is the insurer's written denial, in whole or in part, of the insured's claim.

(b) *Appeal*. A National Flood Insurance Program (NFIP) policyholder, whether insured by a participating Write-Your-Own (WYO) Company or directly by the Federal Emergency Management Agency (FEMA), may appeal a *decision*, including a determination of any insurance agent, adjuster, insurance company, or any FEMA employee or contractor with respect to a claim, proof of loss, and loss estimate. In order to file an appeal, the insured must comply with all requirements set out in the Standard Flood Insurance Policy (SFIP). This appeals process is available after the issuance of the insurer's final claim determination, which is the insurer's written denial, in whole or in part, of the insured's claim. Once the final claim determination is issued, an insured may appeal any action taken by the insurer, FEMA employee, FEMA contractor, insurance adjuster, or insurance agent.

###### (c) Limitations on Appeals.

The appeals process is intended to resolve claim issues and is not intended

to grant coverage or limits that are not provided by the SFIP. Filing an appeal does not waive any of the requirements for perfecting a claim under the SFIP or extend any of the time limitations set forth in the SFIP.

(1) Disputes that are or have been subject to appraisal as provided for in the SFIP cannot be appealed under this section.

(2) When a policyholder files an appeal on any issue, that issue is no longer subject to resolution by appraisal or other pre-litigation remedies.

(d) *Litigation preclusion*. An insured who files suit against an insurer on the flood insurance claim issue is prohibited from filing an appeal under this section. All appeals submitted for decision but not yet resolved shall be terminated upon notice of the commencement of litigation regarding the claim.

(e) *Procedures*. To pursue an appeal under this section a policyholder must:

(1) Submit a written appeal to FEMA within 60 days from the date of the decision. The appeal should be sent to: Federal Emergency Management Agency, Federal Insurance Administrator, Mitigation Division, 500 C Street, SW., Washington, DC 20472;

(2) Identify relevant policy and claim information and state the basis for the appeal;

(3) Submit relevant documentation; and

(4) Submit a copy of the proof of loss submitted to the insurer as required in the policy.

(f) *Appeal resolution*. (1) FEMA will acknowledge, in writing, receipt of a policyholder's appeal.

(2) The *Administrator* will review the appeal documents and may notify the policyholder in writing of the need for additional information. A request for the additional information will include the date by which the information must be provided, and shall in no case be less than 14 calendar days. Failure to provide the requested information in full, or to request an extension by the due date, may result in a dismissal of the appeal. A re-inspection of the policyholder's property may be conducted at the discretion of the *Administrator* to gather more information. The *Administrator* will ensure that all information necessary to rule on the appeal has been provided prior to making an *appeal decision*.

(3) The *Administrator* will review the appeal documents, including any reinspection report, if appropriate. The *Administrator* will provide an *appeal decision* in writing to the policyholder and insurer. No further administrative review will be provided to the insured.

(4) A policyholder who does not agree with FEMA's appeal decision should refer to the SFIP, for options for further action (*see* Part 61, App. A(1) VII.R., Part 61, App. A(2) VII.R., and Part 61, App. A(3) VIII.R.). The one-year period to file suit commences with the written denial from the insurer and is not extended by the appeals process.

Dated: May 23, 2006.

**R. David Paulison,**

*Acting Director, Federal Emergency Management Agency, Department of Homeland Security.*

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 54

[CC Docket No. 96-45 and WC Docket No. 05-337, FCC 06-69]

#### Federal-State Joint Board on Universal Service, High-Cost Universal Service Support

**AGENCY:** Federal Communications Commission.

**ACTION:** Interim order.

**SUMMARY:** In this document, the Commission extends the high-cost universal service support rules adopted in, among others, the *Rural Task Force Order* on an interim basis until the Commission concludes its rural review proceeding and adopts changes, if any, to those rules as a result of that proceeding.

**DATES:** Effective June 26, 2006, the framework adopted at 66 FR 30081, June 5, 2001, is extended.

**FOR FURTHER INFORMATION CONTACT:** Katie King, Special Counsel, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400, TTY (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, in CC Docket No. 96-45 and WC Docket No. 05-337, released May 16, 2006. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554.

#### I. Introduction

1. This *Order*, extends the high-cost universal service support rules adopted in the *Rural Task Force Order, Fourteenth Report and Order and Twenty-Second Order on Reconsideration*, 66 FR 30080, June 5,

2001 and 66 FR 34603, June 20, 2001, on an interim basis until the Commission concludes its rural review proceeding and adopts changes, if any, to those rules as a result of that proceeding. Based on the recommendations of the Rural Task Force and the Federal-State Joint Board on Universal Service (Joint Board), the Commission adopted a modified embedded cost support mechanism for rural carriers for a five-year period beginning on July 1, 2001. Thus, the Commission intended that the Rural Task Force plan would remain in effect until June 30, 2006. At the same time, the Commission expected to complete a review, with Joint Board input, of the rules relating to the rural high-cost support mechanism before the end of the five year period.

2. On June 28, 2004, the Commission asked the Joint Board to review the Commission's rules relating to high-cost support for rural carriers and to determine the appropriate rural mechanism to succeed the five-year plan adopted in the *Rural Task Force Order*. On August 16, 2004, the Commission released a Joint Board Public Notice seeking comment on the rural review issues referred to the Joint Board. On August 17, 2005, the Commission released another Joint Board Public Notice seeking comment on several proposals that state Joint Board members and staff had developed. The Joint Board has been diligently reviewing the record and considering what support mechanism should succeed the Rural Task Force plan. Nonetheless, the Commission finds that it may not have adequate time after the Joint Board issues a recommended decision in the rural review proceeding to develop a record on that recommendation and to adopt any changes to the current rules prior to June 30, 2006. In light of the ongoing Joint Board review, the interim nature of these rules, and the need to ensure continuity pending further Commission action, good cause exists to extend the rural high-cost support rules adopted in the *Rural Task Force Order*. The Commission also finds it has authority to adopt interim rules without notice and comment when necessary. 5 U.S.C. 553(b)(3)(B); see *Mid-Tex Elec. Coop., Inc. v. FERC*, 822 F.2d 1123 (D.C. Cir. 1987). Accordingly, the rural high-cost support rules adopted in the *Rural Task Force Order*, as amended, will remain in effect after this date until the Commission adopts new high-cost support rules for rural carriers.

3. Pursuant to the authority contained in sections 1–4, 201–205, 214, 218–220,

254, 303(r), 403, 405, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 214, 218–220, 254, 303(r), 403, 405, and 410, that this *Order* in CC Docket No. 96–45 and WC Docket No. 05–337 is adopted.

4. The extension of the high-cost universal service support rules applicable to rural carriers shall be effective June 26, 2006.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 06–4856 Filed 5–25–06; 8:45am]

**BILLING CODE 6712–01–M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 060327086-6130-02; I.D. 032306A]

RIN 0648-AU21

#### NOAA Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers; Fisheries off West Coast States; Fisheries in the Western Pacific; Correction

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This rule amends the regulations for fisheries in the western Pacific to correct errors that resulted from a recent regulatory reorganization. This action is necessary to remedy incorrect cross-references and administrative titles, and will result in accurately worded regulations.

**DATES:** Effective May 26, 2006.

**FOR FURTHER INFORMATION CONTACT:** Robert Harman, Pacific Islands Region, NMFS, 808 944–2271.

**SUPPLEMENTARY INFORMATION:** NMFS published in the *Federal Register* a final rule that reorganized fishery regulations by creating a new part 665 for the regulations covering fisheries in the western Pacific (71 FR 17985, April 10, 2006). Regulations for western Pacific fisheries were formerly found in part 660, with west coast regulations. The instructions for implementing that reorganization rule contained several

errors. Most important was that the internal cross-references to other sections of the new part 665 still incorrectly referred to sections in old part 660 that no longer existed after the reorganization. Other errors included administrative titles that were not changed during the previous reorganization rule. This final rule corrects those errors. No substantive changes are being made to the regulations.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive prior notice and opportunity for public comment, as such notice and comment would be unnecessary. These procedures are unnecessary because the regulations were subject to notice and comment when originally implemented, and no substantive changes are being made pursuant to this final rule. The only actions currently being taken are to correct errors in cross references created during the reorganization of the western Pacific regulations into a new part, and to correct several administrative titles. Pursuant to 5 U.S.C. 553(d), the 30-day delay in effectiveness does not apply to this rule because it is not a substantive rule.

This rule is exempt from review under Executive Order 12866.

Dated: May 22, 2006.

**James W. Balsiger,**

*Acting Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons set out in the preamble, 50 CFR part 665 is correctly amended as follows:

#### PART 665—[CORRECTED]

■ 1. The authority citation for part 665 continues to read as follows:

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

■ 2. In part 665, remove all references to “660” every place it appears and replace it with “665”.

#### § 665.41 [Corrected]

■ 3. In § 665.41, paragraph (c), remove “Pacific Area Office” and replace it with “Pacific Islands Regional Office”.

■ 4. In § 665.41, paragraphs (g)(4)(i), and (g)(4)(ii), remove “Regional Director” and replace it with “Regional Administrator”.

[FR Doc. E6–8173 Filed 5–25–06; 8:45 am]

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