

program, and EPA is not obligated to promulgate a Federal permits program in the Commonwealth. Permits issued under a program with interim approval have full standing with respect to Part 70, and the 1-year time period under the Act for submittal of permit applications by subject sources begins upon interim approval, as does the 3-year time period for processing the initial permit applications.

The scope of the Commonwealth of Massachusetts' part 70 program applies to all part 70 sources (as defined in the approved program) within the Commonwealth of Massachusetts, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

EPA is also not modifying its approval of DEP's authority to implement and enforce section 112 standards at Part 70 sources. Requirements for operating permit program approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Therefore, the EPA has also granted approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

EPA is hereby correcting a mistaken effective date for our interim approval. The prior document indicated an effective date of March 4, 1996, 30 days from the date of publication of the document rather than the correct date of April 2, 1996, 60 days from the date of publication of the document. In light of the Small Business Regulatory Enforcement Act (SBREFA) which became effective on March 29, 1996 prior to the April 2, 1996 corrected date, the rule will take effect on the latter of

the rule's submission to Congress or the date of publication. The rule has been submitted to Congress, therefore, this final rulemaking will be effective May 15, 1996.

III. Administrative Requirements

A. Docket

Copies of the Commonwealth's submittal and other information relied upon for the final interim approval, including public comments received and reviewed by EPA on the proposal, are maintained in a docket at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location under the ADDRESSES section of this document.

B. Opportunity for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

C. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

D. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

E. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of

\$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: April 2, 1996.

John P. DeVillars,
Regional Administrator, Region I.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by revising the entry for Massachusetts to reflect the dates of the final rulemaking to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Massachusetts

(a) Department of Environmental Protection: submitted on April 28, 1995; interim approval effective on April 2, 1996; interim approval expires April 2, 1998.

(b) (Reserved)

* * * * *

[FR Doc. 96-12077 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 62

RIN 3067-AC47

**National Flood Insurance Program;
Allocated Loss Adjustment Expense**

AGENCY: Federal Insurance Administration (FEMA).

ACTION: Interim Final Rule.

SUMMARY: This interim final rule modifies the existing allocated loss adjustment expense fee schedule of the National Flood Insurance Program (NFIP) 1994 Write Your Own (WYO) Program under the Financial Assistance/Subsidy Arrangement (the Arrangement). The rule changes the fee schedule to add new, refined loss ranges and to revise the fees for adjusting higher ranges of covered losses under the NFIP.

DATES: This interim final rule is effective on May 15, 1996. Please submit any comments in writing by July 1, 1996.

ADDRESSES: We request comments on this interim final rule. Please submit any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) (202)646-4536.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646-3422.

SUPPLEMENTARY INFORMATION: The Financial Assistance/Subsidy Arrangement (“the Arrangement”) between the Federal Insurance Administrator and licensed property/casualty insurers participating in the WYO program was last modified effective October 1, 1994. The Arrangement specifies allowable costs and fees to be reimbursed to member WYO companies for adjusting losses under this segment of the National Flood Insurance Program (NFIP). For allocated loss adjustments, participating WYO companies are reimbursed pursuant to a fee schedule, which is Attachment A to Appendix A of the Arrangement. The current fee schedule provides for allowable fees for ranges of losses, the last range being “\$200,000 to limits.”

Since the publication of the Arrangement, however, the limits of flood insurance coverage available under the National Flood Insurance Program (NFIP) increased significantly under the National Flood Insurance Reform Act of 1994 (P.L. 103-325). The higher limits of coverage and correspondingly higher amounts of recovery for insured property owners

became effective March 1, 1995. Also, a new condominium policy, effective October 1, 1994, has resulted in much higher limits of coverage for condominiums.

Recent analysis of loss experience during the last year, especially in connection with Hurricane Opal (October 1995), shows that there have been significantly more losses at higher damage thresholds, particularly for condominiums. The current fee schedule, which has not been revised for nearly five years, needs to be adjusted to reflect these factors as well as the increased workload to adjust claims for condominium losses and the increased costs of labor, overhead, materials, and transportation since the last fee schedule change.

In light of these factors and in anticipation of this year’s hurricane season, there is an urgent need to revise the current adjuster fee schedule and make it effective upon publication of this interim final rule. FEMA finds that there is a compelling need and good cause to waive the 30-day effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553(d). This interim final rule is effective on the date of publication in the Federal Register. Currently, the fee schedule under the Arrangement is as follows:

EXHIBIT A.—FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous Assignment	\$40.00
Closed Without Payment	125.00
Minimum for Upton-Jones Claims	800.00
\$0.01 to \$600.00	150.00
\$600.01 to \$1,000.00	175.00
\$1,000.01 to \$2,000.00	225.00
\$2,000.01 to \$3,500.00	275.00
\$3,500.01 to \$5,000.00	350.00
\$5,000.01 to \$7,000.00	425.00
\$7,000.01 to \$10,000.00	500.00
\$10,000.01 to \$15,000.00	550.00
\$15,000.01 to \$25,000.00	600.00
\$25,000.01 to \$35,000.00	675.00
\$35,000.01 to \$50,000.00	750.00
\$50,000.01 to \$100,000.00	1,000.00
\$100,000.01 to \$150,000.00	1,300.00
\$150,000.01 to \$200,000.00	1,600.00
\$200,000.01 to limits	2,000.00

[Note: Allocated fee schedule entry value is covered loss under the policy asked on the standard deductibles (\$500 and \$500) and limited to the amount of insurance purchased.]

This interim final rule revises the adjuster fee schedule as follows to

reflect the higher limits of coverage available for condominiums and the

amount of technical effort required to adjust losses for condominiums:

EXHIBIT A.—FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous Assignment	\$40.00.
Closed Without Payment	125.00.
Minimum for Upton-Jones Claims	800.00.
\$0.01 to \$600.00	150.00.
\$600.01 to \$1,000.00	175.00.
\$1,000.01 to \$2,000.00	225.00.
\$2,000.01 to \$3,500.00	275.00.
\$3,500.01 to \$5,000.00	350.00.
\$5,000.01 to \$7,000.00	425.00.
\$7,000.01 to \$10,000.00	500.00.
\$10,000.01 to \$15,000.00	550.00.
\$15,000.01 to \$25,000.00	600.00.
\$25,000.01 to \$35,000.00	675.00.
\$35,000.01 to \$50,000.00	750.00.
\$50,000.01 to \$100,000.00	3.0%.
\$100,000.01 to \$250,000.00	2.3% but not less than \$3,000.
\$250,000.01 and up	2.1% but not less than \$5,750.

Note: Based on Gross Loss.

- (1) "Gross loss" shall mean the agreed cost to repair or replace before application of depreciation, deductible, or other limiting clauses or condition.
- (2) For the purpose of this schedule, should the loss exceed the available coverage, "gross loss" shall mean the total amount of coverage.
- (3) If the claim involves a salvage "buy-back," "gross loss" shall mean the amount of the claim before the salvage value is deducted.
- (4) If the insured qualifies for replacement cost coverage, "gross loss" is determined on the basis of the entire replacement cost claim (including depreciation holdback).

National Environmental Policy Act

This interim final rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Executive Order 12866, Regulatory Planning and Review

This interim final rule is not a significant regulatory action as defined under Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735, October 4, 1993. To the extent possible, this interim final rule adheres to the principles of regulation set forth in Executive Order 12866. This interim final rule has not been reviewed by the Office of Management and Budget under the provisions of Executive Order 12866.

Paperwork Reduction Act

This interim final rule does not contain a collection of information and is therefore not subject to the provisions of the Paperwork Reduction Act of 1995.

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

This interim final 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, 44 CFR part 62, Exhibit A, is amended 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. Exhibit A of Appendix A to part 62 is revised to read as follows:

Appendix A to Part 62—Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement

* * * * *

EXHIBIT A.—FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous Assignment	\$40.00.
Closed Without Payment	125.00.
Minimum for Upton-Jones Claims	800.00.
\$0.01 to \$600.00	150.00.
\$600.01 to \$1,000.00	175.00.
\$1,000.01 to \$2,000.00	225.00.
\$2,000.01 to \$3,500.00	275.00.
\$3,500.01 to \$5,000.00	350.00.
\$5,000.01 to \$7,000.00	425.00.
\$7,000.01 to \$10,000.00	500.00.
\$10,000.01 to \$15,000.00	550.00.
\$15,000.01 to \$25,000.00	600.00.
\$25,000.01 to \$35,000.00	675.00.
\$35,000.01 to \$50,000.00	750.00.
\$50,000.01 to \$100,000.00	3.0%.
\$100,000.01 to \$250,000.00	2.3% but not less than \$3,000.

EXHIBIT A.—FEE SCHEDULE—Continued

Range (by covered loss)	Fee
\$250,000.01 and up	2.1% but not less than \$5,750.

Note: Based on Gross Loss.

- (1) "Gross loss" shall mean the agreed cost to repair or replace before application of depreciation, deductible, or other limiting clauses or condition.
- (2) For the purpose of this schedule, should the loss exceed the available coverage, "gross loss" shall mean the total amount of coverage.
- (3) If the claim involves a salvage "buy-back," "gross loss" shall mean the amount of the claim before the salvage value is deducted.
- (4) If the insured qualifies for replacement cost coverage, "gross loss" is determined on the basis of the entire replacement cost claim (including depreciation holdback).

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

Dated: May 8, 1996.

Elaine A. McReynolds,
Administrator.

[FR Doc. 96-12019 Filed 5-14-96; 8:45 am]

BILLING CODE 6718-03-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 170, 171 and 173 and Chapter I, Subchapter K and T

[CGD 85-080]

RIN 2115-AC22

Small Passenger Vessel Inspection and Certification; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim final rule.

SUMMARY: This document contains corrections to the interim final rule in CGD 85-080, published on Wednesday, January 10, 1996, at 61 FR 864. The regulations relate to the inspection and certification of small passenger vessels (less than 100 gross tons).

EFFECTIVE DATE: These amendments are effective on May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric P. Christensen Marine Safety and Environmental Protection Directorate (G-MOS-2), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1181 or fax (202) 267-4570.

SUPPLEMENTARY INFORMATION: The interim final rule that is the subject of these corrections regulates small passenger vessels (less than 100 gross tons).

Need for Correction

As published, the IFR contains typographical errors and omissions that may prove to be misleading and that therefore need correction.

Correction of Publication

Accordingly, the IFR published on January 10, 1996 [CGD 85-080], which

was the subject of FR Doc. 96-213, is corrected as follows:

§ 116.202 [Corrected]

1. Page 901, in the second column, in paragraph (b)(6)(x) of § 116.202, fourth line, remove "cognizant OCMI" and add, in its place, "Commanding Officer, Marine Safety Center".

2. Page 903, in footnote 1 of Table 116.415(b) BULKHEADS, remove ".025 kPa" and add, in its place, "2.5 kg/m²".

3. On the same page, in footnote 1 of Table 116.415(c) DECKS, remove ".025 kPa" and add, in its place, "2.5 kg/m²".

§ 117.15 [Corrected]

4. Page 912, at the top of the first column, § 117.15, paragraph (d) is corrected to read as follows:

* * * * *

(d) New installations of lifesaving equipment on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection, (OCMI) on or after March 11, 1996, must comply with the regulations in this part. Replacement of existing lifesaving equipment installed before March 11, 1996, must meet the requirements of paragraph (a) of this section.

* * * * *

§ 118.320 [Corrected]

5. Page 918, at the top of the first column, in paragraph (c)(1) of § 118.320, "§ 160.027" is corrected to read "§ 162.027".

§ 122.115 [Corrected]

6. Page 936, in the second column, in paragraph (a) of § 122.115, "§ 122.602(b)" is corrected to read "§ 122.602(c)".

§ 175.540 [Corrected]

7. Page 951, in the second column, in paragraph (b) of § 175.540, remove the word "pending" before International Maritime Organization.

§ 177.410 [Corrected]

8. Page 963, in the third column, in paragraph (c)(3) of § 177.410, remove the word "of" after § 76.27.

9. Page 964, in the first column, in paragraph (d)(1) of § 177.410, add the words "for more than 12 persons" after the word "accommodations" and before the word "must".

§ 180.15 [Corrected]

10. Page 976, in the second column, in paragraph (e) of § 180.15, paragraph (e) is corrected to read as follows:

* * * * *

(e) New installations of lifesaving equipment on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection, (OCMI) on or after March 11, 1996, must comply with the regulations in this part. Replacement of existing lifesaving equipment installed before March 11, 1996, must meet the requirements of paragraph (a) of this section.

* * * * *

§ 180.71 [Corrected]

11. Page 977, in the third column, in paragraph (d) of § 180.71, remove the words "of the interim rules" after the words "March 11, 1999," and before the word "provided".

§ 180.207 [Corrected]

12. Page 981, in the second column, in paragraph (b) of § 180.207, remove the words "buoyant apparatus" and add, in its place, "life floats".

§ 181.320 [Corrected]

13. Page 983, in the first column, in paragraph (d)(1) of § 181.320, "§ 160.027" is corrected to read "§ 162.027".

§ 181.500 [Corrected]

14. Page 986, in the first column, in paragraph (d) of § 181.500, "paragraph (d)" is corrected to read "paragraph (c)".

§ 182.430 [Corrected]

15. Page 989, in the third column, in paragraph (k) of § 182.430, remove "135 kPa (5 psig)" and add, in its place, "105 kPa (15 psig)".