

(1) The waters of the Atlantic Intracoastal Waterway from lighted dayboard number 64 at approximately 34°33'59.7" North, 077°16'50.5" West to lighted dayboard 65A at approximately 34°32'40.0" North, 077°19' West.

(b) This section is effective from 8 a.m., March 8, 1996 to 6 a.m., March 14, 1996, unless terminated earlier by the Captain of the Port (COTP), Wilmington, NC.

(c) No person or vessel may enter the safety zone without the permission of the COTP or his designated representative.

(d) The COTP or his designated representative will announce times during which this section will be enforced.

(e) The COTP or his designated representative may be contacted at the Marine Safety Office, Wilmington, NC by telephone at (910) 343-4895 or by radio on VHF-FM channel 16.

Dated: February 12, 1996.

T.L. Rice,
Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 96-4918 Filed 3-1-96; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-5433-8]

RIN 2060-AD55

Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: On February 2, 1996, EPA published a direct final rule (61 FR 3832) revising EPA regulations to reflect the Clean Air Act's statutory prohibition of the introduction into commerce of gasoline containing lead or lead additives for use as a motor vehicle fuel after December 31, 1995. This action was published without prior proposal. Because EPA has received adverse comment with respect to paragraph 40 CFR 80.24(b) of this action, EPA withdraws this paragraph from the direct final rule. The withdrawal of this paragraph does not otherwise affect the February 2, 1996 direct final rule, for which all other actions will become effective March 4, 1996.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Richard Babst, U.S. Environmental Protection Agency, Office of Air and Radiation, (202) 233-9473.

SUPPLEMENTARY INFORMATION: On February 2, 1996, EPA published in the Federal Register a direct final rule revising its regulations in accordance with the Clean Air Act prohibition of the introduction of gasoline containing lead or lead additives into commerce for use as a motor vehicle fuel after December 31, 1995. Among other actions, the direct final rule would have revised paragraph 40 CFR 80.24(b), which contains a specification regarding gasoline tank filler inlets for motor vehicles. The direct final rule was published without prior proposal in the Federal Register with a provision for a 15 day comment period. In addition, EPA published a proposed rule, also on February 2, 1996 (61 FR 3894). EPA announced in both rules that, should EPA receive adverse comment on the direct final rule, the Agency would withdraw the direct final rule and address the comments received in a subsequent final rule based on the related proposed rule. EPA received adverse comment within the prescribed comment period specifically addressing a revision that would have been made to 40 CFR 80.24(b). With this document, EPA is withdrawing revisions to 40 CFR 80.24(b) from the February 2, 1996 direct final rule (61 FR 3832). The withdrawal of this paragraph does not affect the other actions in the February 2, 1996 direct final rule, and all other actions will become effective March 4, 1996 as indicated in the direct final rule. The adverse comment received will be addressed in a subsequent final rule based on the related proposed rule (61 FR 3894).

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Leaded gasoline, Unleaded gasoline, Motor vehicle pollution.

For the reasons set forth in the preamble, the amendment revising 40 CFR 80.24(b) published at 61 FR 3838 (February 2, 1996) is withdrawn.

Dated: February 27, 1996.

Carol M. Browner,
Administrator.

[FR Doc. 96-4958 Filed 3-1-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 167

[OECA; FRL-5433-4]

Pesticide Reports for Pesticide-Producing Establishments; (EPA Form 3540-16); Additional Time To Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Time extension for submission of reports.

SUMMARY: Because of delays in completing and distributing reporting packages, EPA is announcing that it will extend the due date for submission of annual pesticide production reports (EPA Form 3540-16) for calendar year 1995 until two months after reporting packages are mailed by EPA. These reports under Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and supporting regulations at 40 CFR Part 167 would otherwise be due on or before March 1, 1996.

DATES: Annual pesticide production reports for calendar year 1995 will be due May 1, 1996.

FOR FURTHER INFORMATION CONTACT: Carol L. Buckingham, (202) 564-5008, fax (202) 564-0085, Environmental Protection Agency, Mail Code 2225A, 401 M Street, SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

Background

Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the supporting regulations at 40 CFR Part 167 requires certain facilities who manufacture, prepare, propagate, compound, or process any pesticide, including any pesticide produced pursuant to Section 5 of the Act, any active ingredient, or device, or to package, repack, label, relabel, or otherwise change the container of any pesticide or device to report annually on the amounts and types, etc. of pesticides produced.

Each year prior to the reporting deadline (March 1) EPA develops and sends to facilities a reporting package containing the current pesticide reporting forms (EPA Form 3540-16), and instructions for reporting.

Because of delays in development of the reporting package, it will not be distributed to the pesticide-producing establishments in time to meet the March 1 reporting date. Therefore, EPA is extending the reporting deadline to two (2) months after the packages are mailed out.

This allowance of additional time for reporting applies only to the FIFRA section 7 and 40 CFR Part 167 reporting

obligations for pesticide reports otherwise due on March 1, 1996, covering calendar year 1995. Nothing in this Notice shall be construed to apply to any other FIFRA reporting obligations, or to any pesticide reports (EPA Form 3540-16) due for past or future reporting years. Further, this allowance of additional time for reporting applies only to the Federal FIFRA section 7 and 40 CFR Part 167 reporting obligation; it does not apply to independent obligations under State laws which may require pesticide-production type reports.

To the extent that this action might be construed as rulemaking subject to section 553 of the Administrative Procedures Act, for the reasons stated above, EPA has determined that notice and an opportunity for public comment are impracticable and unnecessary. Providing for public comment might further delay reporting, and, because there is no substantive change in the reporting obligation, the public will continue to receive the same information, though slightly delayed.

List of Subjects in 40 CFR Part 167

Registration of pesticide and active ingredient producing establishments, Submission of pesticide reports.

Dated: February 23, 1996.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance.
[FR Doc. 96-4829 Filed 3-1-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067-AC42

National Flood Insurance Program; Insurance Rates

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This final rule increases the National Flood Insurance Program (NFIP) chargeable (subsidized) rates, which apply to all structures located in communities participating in the Emergency Program of the NFIP and to certain structures in communities in the Regular Program of the NFIP. The rule is promulgated in order to bring subsidized premiums more in line with the risk. This rule will help the NFIP increase the capability to build reserves for catastrophic loss years.

EFFECTIVE DATE: April 30, 1996.

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: FEMA published a proposed rule (60 FR 56552, November 9, 1995) to increase the National Flood Insurance Program (NFIP) chargeable (subsidized) rates. Comments were solicited from the public with the comment period ending January 8, 1996. During this period, no comments were received. As a result, this final rule contains no changes from the proposed rule.

This rule increases the NFIP chargeable (subsidized) rates. The increase results from an ongoing review and reappraisal of the NFIP and of continuing efforts to maintain a business-like approach to its administration by emulating successful property insurance programs in the private sector and, at the same time, to achieve greater administrative and fiscal effectiveness in its operations. The amendments in the rates will help the NFIP increase the capability to build reserves for catastrophic loss years. Coverage changes and optional deductibles, in addition to rate increases, are part of the ongoing effort to achieve these goals.

The chargeable (subsidized) rates, to which this rule applies, are the rates applicable to structures located in communities participating in the Emergency Program of the NFIP and to certain structures in communities in the Regular Program of the NFIP.

These rates are countrywide rates for two broad building type classifications which, when applied to the amount of insurance purchased and added to the expense constant and Federal policy fee, produce a premium income less than the expense and loss payments that can be expected on the flood insurance policies issued on that basis. Funds needed to supplement the inadequate premium income are provided by the National Flood Insurance Fund. The subsidized rates are promulgated by the Administrator for use under the Emergency Program (added to the NFIP by the Congress in Section 408 of the Housing and Urban Development Act of 1969) and for use in the Regular Program on construction or substantial improvement started before the effective date of the initial Flood Insurance Rate Map (FIRM) or on or before December 31, 1974 (this additional grandfathering was added to the NFIP by Congress in section 103 of the Flood Disaster

Protection Act of 1973), whichever is later.

It should be noted that over the NFIP's history, the Program has not been subjected to a truly catastrophic flood event. Thus, the historical average is substantially less than could be expected over the long term when the influence of the extremely infrequent, truly catastrophic flood would result in a significant increase in the average historical year's losses. It is because of these fortuitous conditions, the lack of market penetration in areas suffering very large floods, and relatively high market penetration in the southeastern part of the United States, which has not suffered a catastrophic flood event recently, that the Program remained self-supporting since 1986 relying only on policyholder funding. However, the chargeable (subsidized) rates are significantly less than those that would be charged on a full risk basis.

Using current subsidized rates and projected full risk loss costs at 1995 levels, it is expected that the average annual shortfall in the risk portion of premiums needed to fund loss expenses, including the catastrophic potential, is over \$400.00 for each subsidized policyholder.

The statutory mandate to establish chargeable rates requires the Federal Emergency Management Agency (FEMA) to balance the need for providing reasonable rates to encourage potential insureds to purchase flood insurance with the requirement that the NFIP be a flexible program that minimizes cost and distributes burdens equitably among those who will be protected by flood insurance and the general public.

In the past, appropriations were required to replenish the program's borrowing authority when income was not sufficient due to the subsidy. Since 1986, FEMA has not asked Congress to appropriate any taxpayer funds to pay for this subsidy. Recent years have been extremely high loss years starting with Hurricane Hugo in 1989, Hurricanes Andrew and Iniki in 1992, the great Midwest flooding of 1993, and several other major flooding events, including the recent flooding in Louisiana. The Louisiana flooding has resulted in the most losses the Program has ever had and will result in the biggest payout the Program has ever had from a single event. Because of this mounting loss experience, we must reduce the subsidy.

Section 1308(e) of the National Flood Insurance Act of 1968, as amended, contains an annual rate increase limitation of 10 percent. The rates to accomplish the increase are in the following table. It should be noted that