

applications, and would yield no environmental benefits.

Because retention of the listing of caprolactam for purposes of determining the applicability of title V operating permit requirements during the rulemaking to delist would be burdensome and costly, and would not effectuate the objectives of the Act, and because it would be impracticable and contrary to the public interest to defer administrative relief until after the rulemaking has been completed, EPA has determined that there is good cause to immediately suspend the listing of caprolactam for this limited purpose. Accordingly, EPA is today suspending the listing of caprolactam, for the duration of the rulemaking to delist caprolactam, for purposes of determining the applicability of title V permitting requirements. This action provides sensible regulatory relief for those facilities which manufacture or utilize Nylon 6 products, and who will not otherwise be subject to title V requirements once the delisting of caprolactam has been completed. Any facilities which emit caprolactam but which are otherwise subject to title V requirements are not affected by this action, and must satisfy the applicable permitting requirements.

While the proposed rule to delist caprolactam is pending, State permitting authorities should make any revisions or adjustments in their title V operating programs necessary to implement today's action suspending caprolactam from the hazardous air pollutant list for purposes of determining the applicability of permitting requirements. In the event that the Agency decides at the conclusion of the rulemaking not to delete caprolactam from the list, the Agency will work with affected facilities and State permitting authorities to assure that any title V requirements resulting solely from that decision are implemented in a fair and orderly manner.

## VII. Miscellaneous

### A. Executive Order 12866

Under Executive Order 12866 (58 FR 57735, October 4, 1993), the Agency must determine whether this regulation, if promulgated, is "significant" and therefore subject to review by the Office of Management and Budget under the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

1. Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the

environment, public health or safety, or State, local or tribal governments or communities;

2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This action will not result in an annual effect on the economy of \$100 million or another adverse economic impact, does not create a serious inconsistency or interfere with another agency's action, and does not materially alter the budgetary impacts of entitlements, grants, user fees, etc. However, since this proposal reflects the Agency's first decision to grant a petition to modify the hazardous air pollutant list, EPA has concluded that it might be construed as raising novel legal or policy issues and has therefore submitted the proposal for OMB review under Executive Order 12866.

### B. Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis" in connection with any rulemaking for which there is a statutory requirement that a general notice of proposed rulemaking be published. The "initial regulatory flexibility analysis" describes the effect of the proposed rule on small business entities. However, section 605(b) of the Act provides that an analysis not be required when the head of an agency certifies that the rule will not, if promulgated, have a significant impact on a substantial number of small entities.

Because adoption of this proposal would reduce regulatory burdens which would otherwise result from retention of caprolactam on the hazardous air pollutant list, EPA believes that this rule will have no adverse effect on small businesses. For the preceding reason, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

### C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a written statement to accompany any rules that have "Federal mandates" that may result in the expenditure by the private sector of \$100 million or more in any one year.

Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective of such a rule and that is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising small governments that may be significantly and uniquely affected by the rule.

The Unfunded Mandates Act defines a "Federal private sector mandate" for regulatory purposes as one that, among other things, "would impose an enforceable duty upon the private sector." This proposal to modify the hazardous air pollutant list to delete caprolactam is deregulatory in nature and does not impose any enforceable duties upon the private sector. Therefore, this rulemaking is not a "Federal private sector mandate" and is not subject to the requirements of section 202 or section 205 of the Unfunded Mandates Act. As to section 203, EPA finds that small governments will not be significantly and uniquely affected by this rulemaking.

Dated: September 8, 1995.

**Carol M. Browner,**  
Administrator.

[FR Doc. 95-22954 Filed 9-15-95; 8:45 am]  
BILLING CODE 6560-50-P

## 40 CFR Part 70

[AD-FRL-5296-8]

### Clean Air Act Proposed Interim Approval of the Operating Permits Program; Arizona Department of Environmental Quality, Maricopa County Environmental Services Department, Pima County Department of Environmental Quality, Pinal County Air Quality Control District, Arizona: Extension of Comment Period

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

**ACTION:** Proposed Rule; Extension of comment period.

**SUMMARY:** The EPA is extending the comment period for a proposed rule published July 13, 1995 (60 FR 36083) in which EPA proposed interim approval of the title V operating permits program submitted by the State of Arizona. The Arizona program is comprised of programs from the Arizona Department of Environmental Quality, the Maricopa County Environmental Services Department, the Pima County Department of Environmental Quality, and the Pinal County Air Quality Control District.

At the request of the Arizona Center for Law in the Public Interest, EPA is

extending the comment period for 30 days.

**DATES:** The comment period on the proposed rule is extended until September 25, 1995.

**ADDRESSES:** Comments should be addressed to Regina Spindler, Mail Code A-5-2, U.S. Environmental Protection Agency, Region IX, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Regina Spindler at (415) 744-1251.

Dated: September 5, 1995.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 95-23108 Filed 9-15-95; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 227

[Docket No. 941084-4284; I.D. 083095C]

#### Endangered and Threatened Species; Proposed Threatened Status for Southern Oregon and Northern California Steelhead

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

**ACTION:** Supplementary proposed rule; request for comments.

**SUMMARY:** NMFS is issuing this supplementary proposed rule to rectify the inadvertent omission of proposed protective regulations from the proposed rule to protect natural steelhead (*Oncorhynchus mykiss*) populations occurring between Cape Blanco, OR, and the Klamath River Basin in Oregon and California inclusive; hereinafter referred to as the Klamath Mountains Province (KMP). The species was proposed for listing as threatened under the Endangered Species Act (ESA) of 1973 on March 16, 1995. Public comments on the supplementary proposed rule are being accepted.

**DATES:** Comments must be received by October 16, 1995.

**ADDRESSES:** Comments on the language in this supplementary proposed rule only should be sent to Environmental and Technical Services Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin, 503-231-2005; R. Craig

Wingert, 310-980-4021; or Marta Nammack, 301-713-1401.

**SUPPLEMENTARY INFORMATION:** The KMP steelhead "species (distinct population segment)" was proposed for listing under the ESA on March 16, 1995 (60 FR 14253). The **Federal Register** document of that proposal should be consulted for all relevant background information.

#### Public Comments Solicited

To ensure that the final action resulting from the KMP steelhead proposed rule will be as accurate and as effective as possible, NMFS is soliciting comments and suggestions from the public, other concerned governmental agencies, the scientific community, industry, and any other interested parties (see **ADDRESSES**) regarding this supplementary proposed rule. The final decision on the KMP steelhead proposal will take into consideration the comments received during the initial comment period, comments on this supplementary proposed rule and any additional information received by NMFS, and may differ from the proposed rule.

#### Classification

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation v.*

*Andrus*, 675 F. 2d 825 (6th Cir., 1981), NMFS has categorically excluded all ESA listing actions from environmental assessment requirements of National Environmental Policy Act (48 FR 4413, February 6, 1984).

This proposed rule is exempt from review under E.O. 12866.

#### List of Subjects in 50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: September 11, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 227 is proposed to be amended as follows:

#### PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation for part 227 continues to read as follows:

**Authority:** 16 U.S.C. 1531 *et seq.*

2. Section 227.21 is revised to read as follows:

#### § 227.21 Threatened Salmon.

(a) *Prohibitions.* The prohibitions of section 9 of the Act (16 U.S.C. 1538) relating to endangered species apply to threatened species of salmon listed in § 227.4(g), except as provided in paragraph (b) of this section.

(b) *Exceptions.* The exceptions of section 10 of the Act (16 U.S.C. 1539) and other exceptions under the Act relating to endangered species, including regulations implementing such exceptions, also apply to the threatened species of salmon listed in § 227.4(g). This section supersedes other restrictions on the applicability of parts 217 and 222 of this chapter, including, but not limited to, the restrictions specified in § 217.2 and 222.22(a) of this chapter with respect to the species identified in § 227.21(a).

[FR Doc. 95-23034 Filed 9-15-95; 8:45 am]

BILLING CODE 3510-22-F

#### 50 CFR Part 649

[Docket No. 950912229-5229-01; I.D. 082895B]

RIN 0648-AF39

#### Management Options for the American Lobster Fishery

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

**ACTION:** Advance notice of proposed rulemaking (ANPR); request for comments.

**SUMMARY:** NMFS is seeking comment on options for improving management of the American lobster fishery. Two options specifically being considered are withdrawing the American Lobster Fishery Management Plan (FMP) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and implementing regulations to govern the lobster fishery under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), or preparing a Secretarial amendment to the FMP under the Magnuson Act.

**DATES:** Written comments on this ANPR must be received on or before November 2, 1995.

**ADDRESSES:** Comments on the ANPR should be sent to Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Dr., Gloucester, MA 01930. Copies of current Effort Management Team (EMT) proposals or Amendment 5 to the American Lobster Fishery Management Plan are available from Douglas