

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

Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, 508-281-9273.

**SUPPLEMENTARY INFORMATION:**

**Background**

The American lobster fishery is prosecuted primarily in state waters, and is managed under an FMP developed by the New England Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission (ASMFC). The primary objective of the FMP is to serve as a vehicle for coordinated management of the American lobster fishery throughout its range, which encompasses both inshore waters under state jurisdictions and offshore waters under Federal jurisdiction. Because the lobster resource supports important inshore fisheries for States from Maine through New Jersey, these States have developed regulations in compliance with the ASMFC Interstate Management Plan. The Federal FMP and regulations both strengthen and unify the state programs by implementing complementary measures in Federal waters.

In 1993, an assessment of the status of the lobster resource determined that it is overfished. In response, the Council developed Amendment 5 to the FMP, which was implemented on July 20, 1994 (59 FR 31938, June 21, 1994). Amendment 5 established a limited access permit system and an EMT for each of the four management areas. EMTs were made up of industry members, state and Federal government personnel, and Council staff. This approach provided a unique opportunity for members of the industry to participate directly in the development of management measures. Each EMT was required to develop a stock rebuilding program for its area and make recommendations to the Council by January 20, 1995 (50 CFR 649.43(a)). The Council would then determine whether to adopt or modify the EMT's recommendations, provide opportunity for public testimony, and submit management measures sufficient to achieve the objectives of the FMP to the Director, Northeast Region, NMFS (Regional Director), on or before July 20, 1995 (§ 649.43(c)). If the Council failed to submit management measures sufficient to achieve the objectives of the FMP on or before July 20, 1995, NMFS, acting on behalf of the Secretary of Commerce, was to determine whether to prepare an amendment to the FMP (§ 649.42(a)(3)) (Secretarial amendment).

The EMT proposals were submitted on schedule. However, on June 28-29, 1995, the Chair of the Council's Lobster Oversight Committee reported that it would not meet the July 20, 1995, deadline. In addition, several state directors informed the Council that they would be unable to implement the EMT proposals, specifically with reference to achieving the fishing mortality rate reduction rates and administration of a trap-tag system embodied in Amendment 5. Consequently, as called for by Amendment 5, NMFS must now consider whether to prepare a Secretarial amendment or take other action, which could include the option of withdrawal of the FMP.

**Options**

*FMP Withdrawal*

One option available to NMFS is to withdraw the FMP and implement regulations under the ACFCMA. Under ACFCMA, these regulations must be: (1) Necessary to support the effective implementation of an ASMFC Interstate Fishery Management Plan and (2) consistent with the national standards set forth in section 301 of the Magnuson Act. These regulations could include continuation of the limited access permit system as well as implementation of the EMT proposals to the extent that such proposals are consistent with ACFCMA. This option would remove management responsibility for the lobster fishery from the Council's purview.

*Secretarial Amendment*

A second option provided under the Magnuson Act is for NMFS to prepare a Secretarial amendment to the existing FMP, in accordance with the national standards, the other provisions of the Magnuson Act, and any other applicable law. The Magnuson Act provides that such action can be taken if the Council fails to develop and submit, after a reasonable period of time, any necessary amendment to an FMP, if the fishery requires conservation and management.

Under this option, a Secretarial amendment could maintain current regulations, such as the limited access permit system, and implement some or all of the measures proposed by the EMTs as deemed consistent with the objectives of the FMP. However, without the full commitment by the States to implement complementary measures to an FMP amendment, the EMT proposals may no longer be sufficient to achieve the fishing mortality reduction goals. Therefore, additional measures, such as time and/or area closures, for federally permitted

vessels would be considered. Under this option, the Council would have the opportunity to comment on a Secretarial amendment and to amend the FMP in the future.

**Request for Comments**

NMFS is interested in receiving comments on the options explained above. The options discussed are not all-inclusive; suggestions for alternative approaches are encouraged. After consideration of the comments, NMFS will decide whether to proceed with any of the options above or other options, as appropriate.

**Authority:** 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 5101 *et seq.*

Dated: September 13, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

[FR Doc. 95-23120 Filed 9-15-95; 8:45 am]

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**50 CFR Parts 672 and 675**

[Docket No. 950905226-5226-01; I.D. 083095A]

RIN 0648-AH00

**Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Extension of Allocations to Inshore and Offshore Components**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS publishes a proposed rule that would implement through December 31, 1998, allocations of Pacific cod and pollock for processing by the inshore and offshore components in the Gulf of Alaska (GOA) and pollock for processing by the inshore and offshore components in the Bering Sea and Aleutian Islands management area (BSAI). It would also continue the Western Alaska Community Development Quota (CDQ) Program. These provisions are contained in proposed Amendment 40 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska and proposed Amendment 38 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, which the North Pacific Fishery Management Council (Council) has submitted to NMFS for review and approval under the Magnuson Fishery Conservation and Management Act (Magnuson Act). If