

B. Effect of Modifying Toxic Release Inventory (TRI) Reporting of Hydrochloric Acid

If the hydrochloric acid listing is qualified to require reporting for only hydrochloric acid aerosols, then facilities would determine their reporting threshold based on how many pounds of hydrochloric acid aerosols they manufactured, processed, or otherwise used during the calendar year.

In 1992, 3,281 facilities reported a total of 77.1 million pounds of hydrochloric acid released to air. EPA estimates that the total number of reports (Form Rs and certification statements) submitted after the modification will be between 333 and 1,514 and that the total amount of releases to air will be between 73.6 and 76.8 million pounds (Ref. 1). Therefore, modifying the list to cover only hydrochloric acid aerosols is not expected to result in any appreciable loss of information on releases of hydrochloric acid to air since, at a minimum, it is estimated that 95.5 percent of the total air emissions reported for 1992 would still be captured.

VI. Request for Public Comment

EPA requests general comments on this proposal to delete non-aerosol forms of hydrochloric acid from the list of toxic chemicals under EPCRA section 313. Comments should be submitted to the address listed under the ADDRESSES unit at the front of this document. All comments must be received by January 16, 1996.

VII. Rulemaking Record

A record, that includes the reference in Unit VIII. below, has been established for this rulemaking under docket number OPPTS-400062 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of any special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

VIII. References

USEPA. 1995. Technical Support Document for the Petition to Delist Non-aerosol Forms of Hydrochloric Acid from EPCRA Section 313.

IX. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this proposed rule is not "significant" and therefore not subject to OMB review.

The cost savings to industry from the modification of the hydrochloric acid listing is estimated to be between \$4.9 and \$7.6 million per year. The cost savings to EPA is estimated at \$135,000 to \$201,000 per year. The lower bound estimate of the total annual savings for industry and EPA from the partial delisting of hydrochloric acid is \$5,035,000. The upper bound estimate is \$7,801,000 in savings annually.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the proposed rule. Because this proposed rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which

the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local or tribal governments, and the private sector. This action does not result in the expenditure of \$100 million or more by any State, local or tribal governments, or by anyone in the private sector. The costs associated with this action are described in the Executive Order 12866 unit above.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: November 3, 1995.

Lynn R. Goldman,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended as follows:

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. Sections 372.65(a) and (b) are amended by changing the entry for hydrochloric acid to read "Hydrochloric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)" under paragraph (a) and under paragraph (b) for CAS number entry 7647-01-0.

[FR Doc. 95-28183 Filed 11-14-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 10, 13 and 17

RIN 1018-AC57

Fish and Wildlife Service, General Provisions and General Permit Procedures

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule notice of reopening of comment period.

SUMMARY: On September 5, 1995 regulations providing for uniform rules and procedures for general permit procedures, as published in the Federal Register (60 FR 46087) the Fish and Wildlife Service (Service) published a proposed rule to amend regulations providing for general permit procedures. The Service hereby provides notice that the comment period on the proposal is

reopened. All interested parties are invited to submit comments on this proposal.

DATES: Comments must be submitted on or before January 16, 1996.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203-3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, Virginia, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas Striegler, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, Department of Interior, Washington, D.C. 20240, Telephone number (703) 358-1949 or Maggie Tieger, Chief, Branch of Permits, Office of the Management Authority, Telephone Number (703) 358-2104.

SUPPLEMENTARY INFORMATION: The comment period is being extended to allow interested parties time for consideration and review of the proposed rule. Supplementary information and the full text of the proposed rule appears in the Federal Register of September 5, 1995, (60 FR 46087).

George T. Frampton Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-28243 Filed 11-14-95; 8:45 am]

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50 CFR Part 17

RIN 1018-AD29

Endangered and Threatened Wildlife and Plants: Proposed Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Aubrey Valley, Arizona

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service), in cooperation with the Arizona Game and Fish Department (Department), proposes to introduce black-footed ferrets (*Mustela nigripes*) into Aubrey Valley, Arizona. This reintroduction is proposed to implement a primary recovery action for this federally listed endangered species and to evaluate release techniques. Provided conditions are acceptable, captive-raised black-footed ferrets that are surplus to the captive population

will be released in 1995, or later, and surplus animals will be released annually thereafter for several years or until a self-sustaining population is established. Releases will utilize and refine reintroduction techniques used at other reintroduction areas. If the Aubrey Valley program is successful, it is expected that a wild population will be established within about 5 years. The Aubrey Valley ferret population is proposed to be designated as a nonessential experimental population in accordance with section 10(j) of the Endangered Species Act of 1973, as amended (Act). This population will be managed in accordance with the provisions of the accompanying proposed special rule.

DATES: Comments from all interested parties must be received by: January 2, 1996.

A public hearing on this proposal will be held from 7:00 P.M. to 10:00 P.M., on December 12, 1995, at Seligman, Arizona.

ADDRESSES: Comments and materials concerning this proposal should be sent to the State Supervisor, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: William Austin, at the above address, or telephone 602/640-2720.

SUPPLEMENTARY INFORMATION:

Background

1. *Legislative:* Among the significant changes made in the Endangered Species Act (Act) by the Amendments of 1982 (Public Law No. 97-304) was the creation of a new section 10(j), which provides for the designation of specific populations of listed species as "experimental populations." Under previous authorities in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service (Service) was authorized to reintroduce populations into unoccupied portions of a listed species' historical range when it would foster the conservation and recovery of the species. However, opposition to reintroduction efforts by local citizens, concerned about the restrictions and prohibitions on Federal and private activities contained in sections 7 and 9 of the Act, severely handicapped the effectiveness of reintroductions as a management tool. Under section 10(j), reintroduced populations established

outside the species' current range but within its historical range may be designated, at the discretion of the Service, as "experimental." This designation increases the Service's flexibility to manage reintroduced populations of endangered species because experimental populations are treated as threatened species under the Act, thereby permitting the Service greater discretion in devising management programs and special regulations. Per section 4(d) of the Act, such programs and regulations may be necessary and advisable to provide for the conservation of the species. In addition, per section 4(d) of the Act, these regulations may be less restrictive than those for endangered species, and more compatible with current or planned human activities in the reintroduction area. For example, for the purposes of the proposed Aubrey Valley reintroduction, a person may take a ferret in the wild within the Aubrey Valley Experimental Population Area provided such take is incidental as defined under the Act, and if any resulting injury or mortality was unintentional, and not due to negligent conduct. The Act defines "incidental take" as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Such conduct will not be considered "intentional take" and the Service will not take legal action for such conduct. However, the knowing take of a black-footed ferret will result in the referral of the incident to the appropriate authorities for prosecution.

Experimental populations can be determined to be "essential" or "nonessential." Nonessential populations are not essential to the continued existence of the species. The proposed Aubrey Valley population of black-footed ferrets, if reintroduction is undertaken, will be designated as a nonessential experimental population according to the provisions of section 10(j) of the Act.

Nonessential experimental populations located outside of the National Wildlife Refuge System or National Park System lands are treated, under section 7 of the Act, as if they were species proposed for listing. Thus, only two provisions of section 7 would apply to an experimental population outside of National Wildlife Refuge System and National Park System lands: Section 7(a)(1), which requires all Federal agencies to use their authority to conserve listed species; and section 7(a)(4), which requires Federal agencies to confer with the Service on actions that are likely to jeopardize the continued existence of a proposed