

surviving spouse's extended period of eligibility shall be for the length of time that the individual was prevented from initiating or completing his or her chosen program of education. This shall be determined as follows:

(1) If the eligible spouse or surviving spouse is in training in a course organized on a term, quarter, or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the eligible spouse's or surviving spouse's original period of eligibility that his or her training became medically infeasible to the earliest of the following dates:

(i) The commencing date of the ordinary term, quarter, or semester following the day the eligible spouse's or surviving spouse's training became medically feasible;

(ii) The ending date of the eligible spouse's or surviving spouse's period of eligibility as determined by § 21.3046(c); or

(iii) The date the eligible spouse or surviving spouse resumed training.

(2) If the eligible spouse or surviving spouse is training in a course not organized on a term, quarter, or semester basis, his or her extended period of eligibility shall contain the same number of days from the date during the eligible spouse's or surviving spouse's original period of eligibility that his or her training became medically infeasible to the earlier of the following dates:

(i) The date the eligible spouse's or surviving spouse's training became medically feasible; or

(ii) The ending date of the eligible spouse's or surviving spouse's period of eligibility as determined by § 21.3046.

(Authority: 38 U.S.C. 3512(b))

#### Subpart F—Education Loans

5. The authority citation for subpart F continues to read as follows:

Authority: 38 U.S.C. 501, 3537, 3698, 3699.

#### § 21.4501 [Amended]

6. In § 21.4501, paragraphs (b)(1), (b)(2)(iv), (b)(2)(v)(A), (b)(2)(v)(B), (c)(1), and (c)(3) are each amended by removing "(d)" and adding, in its place, "(d), or § 21.3047".

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[OPPTS-50610C; FRL-5578-6]

### Certain Acrylate Esters; Withdrawal of Proposed Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

**SUMMARY:** EPA is withdrawing a proposed significant new use rule (SNUR) for certain acrylate substances based on receipt of new toxicity data. The data, which were generated through a voluntary industry testing program, resulted in a significant lowering of hazard concerns for acrylate substances such that EPA can no longer support a finding that activities designated by the proposed SNUR are significant new uses under section 5(a) of TSCA.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW., Washington, DC 20460; telephone: (202) 554-1404; TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of November 22, 1993 (58 FR 61649) (FRL-4186-2), EPA proposed a SNUR to be codified at 40 CFR 721.340 establishing significant new uses for certain acrylate esters. EPA is withdrawing this proposal in light of additional toxicity data received for acrylate substances

#### I. Rulemaking Record

The rulemaking record for the proposed rule which is being withdrawn by today's rule was designated as OPPTS-50610. That record includes information considered by the Agency in developing the proposed rule and includes the test data to which the Agency has responded with this notice of withdrawal.

#### II. Background

EPA is withdrawing the significant new use and recordkeeping requirements proposed for certain acrylate esters under 40 CFR part 721, subpart E. Further background information for the substances is contained in the rulemaking record referenced in Unit I of this preamble.

EPA proposed a SNUR which was to be codified at 40 CFR 721.340, establishing certain significant new uses for all acrylate substances falling within

the "acrylate category" description, based on EPA's systematic regulation of this category of chemicals. The proposed SNUR was intended to serve as a chemical category-wide substitute for the Agency's current practice of regulating individual acrylate substances one-at-a-time as those substances underwent premanufacture notice review pursuant to section 5(e) of TSCA. The proposed SNUR would have saved time and resources for both EPA and PMN submitters. The Agency believed that available data were sufficient to warrant regulation, including the promulgation of a category SNUR, based on the potential unreasonable risk of cancer from uncontrolled exposure to acrylates.

While the final rule was being developed, a voluntary testing program was being developed jointly by EPA and industry and was subsequently conducted by a group of acrylate manufacturers affected by acrylate regulation, the Specialty Acrylates Manufacturers (SAM). EPA and SAM negotiated this voluntary testing program for this category of chemicals based on SAM's commitment to conduct toxicity testing for acrylate and methacrylate substances. The purpose of the testing program was to cooperatively supply test data to address EPA's health concerns for the acrylate category. SAM conducted several short term studies on a series of acrylates and two long-term dermal bioassays on Triethylene Glycol Diacrylate (TREGDA) and Triethylene Glycol Dimethacrylate (TREGDMA). This testing was intended to correlate activity in certain short term assays with longer-term carcinogenic potential, as well as to better characterize the toxicity of the acrylate chemical category generally.

After reviewing the test data generated by the voluntary testing program, including the long term bioassays, EPA found that neither TREGDA nor TREGDMA were carcinogenic under the conditions of the studies. Based on the TREGDMA bioassay and data for other methacrylates, EPA no longer supports the carcinogenicity concern for methacrylates. However, in the case of TREGDA, the maximum tolerated dose (MTD) may not have been attained because skin irritation noted in the range finding studies was not present over the entire term of the bioassay. Therefore, because the MTD may not have been attained in the TREGDA study, and based on available data for other acrylates, EPA still has concerns that some acrylates may be carcinogenic after repeated application at higher doses.

Based on these findings EPA's regulation of the acrylates category under TSCA section 5(e) has changed. EPA no longer regulates these chemicals as a category for health concerns. However, if an acrylate or methacrylate substance is structurally similar to a substance for which EPA has positive toxicity data, EPA may regulate that substance under section 5(e) of TSCA based on its potential unreasonable risk. Henceforth this will be done on a case-by-case basis and is expected to effectively eliminate regulation of most acrylates and methacrylates for health concerns, especially higher molecular weight and polymeric substances. EPA will continue to evaluate the acrylate category for ecotoxicity; although these substances typically have low environmental releases during their manufacture, processing, and use which will continue to limit unreasonable risk findings under section 5(e) of TSCA for the environmental toxicity of this class of chemicals.

Despite the fact that EPA no longer expects to make a potential unreasonable risk finding under TSCA section 5(e) for most new acrylates and methacrylates, EPA still recommends the use of personal protective equipment for workers exposed to new or existing chemical acrylates and methacrylates. In the case of dermal exposure, impervious gloves and protective clothing are recommended, and in the case of inhalation exposure, an appropriate National Institute of Occupational Safety and Health (NIOSH)-approved respirator or engineering controls to reduce or eliminate workplace exposures.

### III. Objectives and Rationale of Withdrawing the Proposed Rule

Based on the review of acrylate esters that are the subject of this withdrawal of a proposed SNUR, EPA concluded that for these substances, regulation was warranted under section 5(a) of TSCA pending the development of information sufficient to make reasoned evaluations of the health effects of the substance, and EPA identified the tests considered necessary to evaluate the risks of the substances. The basis for such findings is referenced in Unit II of this preamble. Based on these findings, a SNUR was proposed pending certain toxicity testing.

EPA reviewed the toxicity testing conducted for certain acrylate substances, that were the result of a voluntary acrylates testing program and determined that it could no longer support a finding that activities designated by the proposed SNUR are

significant new uses under section 5(a) of TSCA.

In light of the above, EPA is withdrawing the proposed SNUR provisions for acrylate esters.

### IV. Regulatory Assessment Requirements

EPA is revoking the requirements of this rule. Any costs or burdens associated with this rule will also be eliminated when the rule is revoked. Therefore, EPA finds that no costs or burdens must be assessed under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 605(b)), or the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

For the reasons set forth in the preamble, the proposed rule published at 58 FR 61649, November 22, 1993, is withdrawn.

Dated: December 26, 1996.

Paul J. Campanella,

*Acting Director, Chemical Control Division,  
Office of Pollution Prevention and Toxics.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 961030300-6369-02; I.D. 120996A]

RIN 0648-AJ30

#### Magnuson Act Provisions; Essential Fish Habitat (EFH)

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

**ACTION:** Advance notice of proposed rulemaking; notice of availability; request for comments.

**SUMMARY:** NMFS has developed a framework for guidelines to implement the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as mandated by the Sustainable Fisheries Act. This framework will be expanded into guidelines, by regulation, that will assist Fishery Management Councils (Councils) in the description and identification of essential fish habitat (EFH), including adverse

impacts on EFH, in fishery management plans (FMPs) and in the consideration of actions to conserve and enhance EFH. An advance notice of proposed rulemaking was published on November 8, 1996, soliciting comments to assist NMFS in developing this framework and eventually the guidelines by regulation. NMFS now announces the availability of this framework and invites interested persons to submit written comments, information, and suggestions.

**DATES:** Written comments must be received on or before February 12, 1997.

**ADDRESSES:** Comments should be sent to the Director, Office of Habitat Conservation, Attention: EFH, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282. A copy of the framework is available (see **SUPPLEMENTARY INFORMATION**).

**FOR FURTHER INFORMATION CONTACT:** Lee Crockett, NMFS, 301/713-2325.

#### SUPPLEMENTARY INFORMATION:

A copy of the framework is available via the Internet at: <http://kingfish.ssp.nmfs.gov/rschreib/html/anpr2.htm>, or by contacting one of the following NMFS Offices:

Office of Habitat Conservation, Attention: EFH, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282; 301/713-2325.

Northeast Regional Office, Attention: Habitat and Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930; 508/281-9328.

Southeast Regional Office, Attention: Habitat Conservation Division, 9721 Executive Center Drive North, St. Petersburg, FL 33702; 813/570-5317.

Southwest Regional Office, Attention: Habitat Conservation Division, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802; 310/980-4041.

Northwest Regional Office, Attention: Habitat Conservation Branch, 911 NE. 11th Avenue, Room 620, Portland, OR 97232; 503/230-7235.

Alaska Regional Office, Attention: Protected Resources Management Division, 9109 Mendenhall Road, P.O. Box 21668, Juneau, AK 99801; 907/586-7235.

NMFS invites comments and information to support efforts to implement the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) mandate to develop guidelines by regulation to describe and identify EFH, including adverse impacts and conservation and enhancement actions, for fisheries managed by any Council or NMFS.