

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.

Specifically, NMFS is interested in receiving comments and information on: (1) The proposed tiered approach to the description and identification of EFH; (2) the proposed approach to the identification of adverse impacts to EFH; (3) the use of geographic information systems to display EFH; (4) potential impacts of fishing on EFH and conservation and management measures to minimize or mitigate those impacts; (5) the proposed process for NMFS to provide EFH recommendations to the Councils; (6) the proposed process for Federal and state agencies to consult

with NMFS on activities that may adversely impact EFH; (7) the proposed procedures for NMFS to provide EFH conservation recommendations to Federal and state agencies; (8) the proposed process for Councils to comment on Federal and state activities that may adversely affect EFH; and (9) the proposed process for NMFS and the Councils to coordinate consultations and recommendations. NMFS also invites comments on which portions of the framework should be adopted by regulation.

Background and rationale were provided in the previous advance notice of proposed rulemaking (61 FR 57843, November 8, 1996) and are not repeated here.

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

Dated: January 3, 1997.

Charles Karnella,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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