

health and environmental effects under section 4(a) of the Toxic Substances Control Act (TSCA). The chemicals and their chemical-specific docket numbers are: acetophenone, 42150A/42151A; phenol, 42150A/42152A; N,N-dimethylaniline, 42150A/42153A; ethyl acetate, 42150A/42141B; and 2,6-dimethylphenol, 42150A/42154A. EPA has received requests from the Chemical Manufacturers Association for a 30-day extension of the comment period and from the General Electric Company for a 90-day extension. EPA believes that providing an additional 30-day period to prepare written comments is reasonable, and EPA is extending the written comment period for the proposed test rule until February 22, 1994.

II. Corrections

In addition, EPA is making the following corrections in the proposed rule:

1. On page 61657, in Table 1, third column ("Guideline"), third entry from the bottom (opposite "River die-away testing" in second column), change "(incorporated by reference) ????" to "ASTM E-1279-89."
2. On page 61659, third column, first full paragraph, which is headed "3. Substantial human exposure finding," in the thirteenth line of the paragraph, change "341,516" to "320,914".
3. On page 61670, in § 799.4450, second column, paragraph (d)(2)(i)(A), delete the phrase "and 2,6-dimethylphenol."

List of Subjects in 40 CFR Part 799

Chemicals, Chemical exports, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Testing.

Dated: January 14, 1994.

Charles M. Auer,

Director, Chemical Control Division.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition To List Coho Salmon Throughout Its Range in Washington, Oregon, Idaho, and California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration, Commerce.

ACTION: Notice of petition finding and request for information.

SUMMARY: NMFS has received a petition to list, either on an emergency basis or through normal listing procedures, coho salmon (*Oncorhynchus kisutch*) throughout its range in Washington, Oregon, Idaho, and California, and to designate critical habitat under the Endangered Species Act of 1973 (ESA). The petition presents substantial scientific information indicating that the request for a non-emergency listing may be warranted. Therefore, NMFS is initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, NMFS is soliciting information and data regarding this action. Information received during the comment period for this status review will be used in NMFS' ongoing review of coho salmon populations in California, Oregon, and Washington (including Puget Sound).

DATES: Comments and information must be received on March 28, 1994.

ADDRESSES: Copies of the petition are available from, and comments should be submitted to, Merritt Tuttle, Chief, Environmental and Technical Services Division, NMFS, 911 NE 11th Avenue, room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region (503) 230-5430; Jim Lecky, NMFS, Southwest Region, (310) 980-4015; or Marta Nammack, NMFS, Office of Protected Resources, (301) 713-2322.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. Section 4(b)(3)(A) of the ESA (16 U.S.C. 1531-1544) requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary make a finding whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted.

Petition Received

On October 20, 1993, the Secretary of Commerce received a petition from The Pacific Rivers Council (PRC) and 22 co-petitioners to list, either on an emergency basis or through normal

listing procedures, coho salmon throughout its range in Washington, Oregon, Idaho, and California, and to designate critical habitat under the ESA. The Assistant Administrator for Fisheries, NOAA (AA), has determined that there is insufficient evidence demonstrating the existence of an emergency posing a significant risk to the well-being of the species and, thus, the request for an emergency rule is denied. The AA makes a finding that the petition presents substantial scientific information indicating that a non-emergency listing may be warranted based on the criteria specified in 50 CFR 424.14(b)(2), and based on evidence presented in the petition that the petitioned populations may qualify as "species" under the ESA, in accordance with NMFS' "Policy on Applying the Definition of Species under the Endangered Species Act to Pacific Salmon" (56 FR 58612, November 20, 1991). Under section 4(b)(3)(A) of the ESA, this finding requires that a review of the status of coho salmon populations in Washington, Oregon, Idaho, and California be conducted to determine if the petitioned action is warranted. In keeping with section 4(b)(3)(B) of the ESA, the Secretary will make his determination on the PRC *et al.* petition within 12 months of the date it was received (October 12, 1993). Information received during this status review will be used in NMFS' ongoing review of coho salmon populations in California, Oregon, and Washington (58 FR 57770, October 27, 1993).

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. In addition, under section 4(b)(7) of the ESA, the Secretary of Commerce may at any time issue an emergency regulation if there exists a significant risk to the well-being of the species. In such a case, the Secretary must publish a Federal Register notice detailing the reasons for an emergency listing. Listing determinations are made solely on the best scientific and commercial data available.

Biological Information Solicited

To ensure that the coho salmon status review is complete and is based on the best available scientific and commercial data, NMFS is soliciting information and comments concerning: (1) Whether or not the populations qualify as "species" under the ESA in accordance with NMFS' "Policy on Applying the Definition of Species Under the Endangered Species Act to Pacific Salmon" (56 FR 58612, November 20, 1991); and (2) whether or not the populations are endangered or threatened based on the above listing criteria. Specifically, NMFS is soliciting information in the following areas: Influence of historical and present hatchery fish releases on naturally spawning populations of coho salmon, separation of hatchery and natural coho salmon escapement, alteration of coho salmon freshwater and marine habitats, disease epizootiology of coho salmon, age structure of coho salmon populations, migration timing and behavior of juvenile and adult coho salmon, and interactions of coho salmon with other salmonids. This information should address all coho salmon populations in California, Oregon, Idaho, and Washington (including Puget Sound). Because a very similar request for information was published in the Federal Register (58 FR 57770, October 27, 1993) announcing NMFS' decision

to conduct a review of West Coast coho salmon populations, it is not necessary for parties to submit the same information for this request. Copies of the petition are available (see ADDRESSES).

Critical Habitat

NMFS is also requesting information on areas that may qualify as critical habitat for California, Oregon, Idaho, and Washington populations of coho salmon. Areas that include the physical and biological features essential to the recovery of the species should be identified. Areas outside the present range should also be identified if such areas are essential to the recovery of the species. Essential features should include, but are not limited to: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS is requesting information describing: (1) The activities that affect the area or could be affected by the designation, and (2) the economic costs and benefits of additional requirements of management

measures likely to result from the designation.

The economic cost to be considered in the critical habitat designation under the ESA is the probable economic impact "of the [critical habitat] designation upon proposed or ongoing activities" (50 CFR 424.19). NMFS must consider the incremental costs specifically resulting from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

Data, information, and comments should include: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications, and (2) the person's name, address, and association, institution, or business.

Dated: January 18, 1994.

Herbert W. Kaufman,
Deputy Director, Office of Protected Resources.

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