

toxic chemicals infers that harnessing energy for the proper destruction of organic chemicals is not recognized by the EPA as a valuable service.

We do not believe this is the Agency's position, only one that is implied by their present guidance on this issue. We believe it is important, both from a philosophical and a business point, that the EPA recognize that their present interpretation of "Energy Recovery" devalues the important service hazardous waste incinerators provide by destroying all forms of toxic organic chemicals, and only shifts the burden for fossil fuels from one type of thermal device to another. In light of the information provided in this petition, we strongly urge the EPA to address this matter by issuing guidance allowing the combustion of energetic toxic organic chemicals in an incinerator to be considered "Energy Recovery"

Endnotes

1. "Emergency Planning and Community Right to Know Act Section 313, Guidance for RCRA Subtitle C TSD Facilities and Solvent Recovery Facilities (Version 1.0)", United States Environmental Protection Agency, October, 1997

2. "The Emergency Planning and Community Right to Know Act of 1986", Public Law 99-499, Title III, Section 11023, Toxic Chemical Release Forms, October 17, 1986

3. "The Pollution Prevention Act of 1990", Public Law 101-508, Title VI, Sections 6601-6610, November 5, 1990

4. "Pollution Prevention Fact Sheet, Pollution Prevention Act of 1990", United States Environmental Protection Agency, September, 1993

5. "Toxic Chemical Release Inventory Reporting Form R and Instructions, Revised 1996 Version" United States Environmental Protection Agency, May 1997

6. "Addition of Facilities in Certain Industry Sectors; Revised Interpretation of Otherwise Use; Toxic Release Inventory Reporting; Community Right to Know; Final Rule" Federal Register, V 62, #84, May 1, 1997 Pages 23834-23892

V. Request for Comment

With regard to this interpretation of combustion for energy recovery and Safety Kleen's petition, EPA is requesting comment on several issues. These issues include:

1. Whether EPA should include incinerators as energy recovery units.
2. Whether EPA should include other types of combustion units under this designation.
3. Whether toxic chemicals with high British thermal units/pound values in wastes should be considered as replacements for fossil fuels in incinerators when the toxic chemical is in waste.
4. Whether EPA should distinguish between toxic chemicals in waste used to start up incinerators and toxic chemicals in waste used for maintaining combustion.

EPA is in the process of repropounding rulemaking pursuant to section 6607 of

the PPA. When reviewing comments relating to a regulatory definition of "combustion for energy recovery," EPA will consider comments submitted in response to this document.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund, Toxic chemicals.

Dated: March 19, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 032299B]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting on April 14 and April 15, 1999, to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Wednesday, April 14, 1999, at 9:30 a.m. and on Thursday, April 15, 1999, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Providence Biltmore Hotel, 11 Dorrance Street, Kennedy Plaza, Providence, RI; telephone (401) 421-0700. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (781) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231-0422.

SUPPLEMENTARY INFORMATION:

Wednesday, April 14, 1999

The meeting will begin with consideration of final action on Framework Adjustment 11 to the Fishery Management Plan (FMP) for the

Atlantic Sea Scallop Fishery in conjunction with Framework Adjustment 29 to the Northeast Multispecies Fishery FMP. Management measures being considered would allow sea scallop dredge vessels in Closed Area II and possibly the Nantucket Lightship Closed Area—areas in which scallop fishing is now prohibited because of an associated groundfish bycatch. The Council will consider decisions/recommendations regarding groundfish and scallop conservation, habitat impacts, gear conflicts, enforceability, and the mandates of the Sustainable Fisheries Act. Measures may include, but are not limited to: A target scallop total allowable catch (TAC) in Closed Area II and the Nantucket Lightship Closed Area; trip allocations; days-at sea (DAS) adjustments for fishing inside versus outside the closed areas; trip limits, with trip declaration and notice of landing requirements; area restrictions on scallop fishing within Closed Area II and the Nantucket Lightship Area; gear restrictions to reduce bycatch, such as dredge twine top regulations; a demarcation line for counting DAS; a TAC set-aside for research and observation of fishing activity; and an adjustment to the 300-lb (136-kg) regulated species possession limit to reduce discards. Once this matter is concluded, the Sea Scallop Committee will identify and the Council will seek approval of issues to be addressed in Amendment 10 to the Sea Scallop FMP. Amendment 10 will be developed later this year and is expected to go into effect on or about March 1, 2000.

Thursday, April 15, 1999

The second session will begin with reports from the Council Chairman; the Executive Director; the Acting Regional Administrator, Northeast Region, NMFS (Acting Regional Administrator); the Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons; and representatives of the Coast Guard, the Atlantic States Marine Fisheries Commission, and the U.S. Fish and Wildlife Service. Following reports, the Chairman of the Groundfish Committee will seek approval of final action on Framework Adjustment 30 to the Northeast Multispecies FMP. Management measures would reduce fishing effort on Georges Bank cod by 22 percent in the 1999 fishing year through any of the following measures: DAS reductions, trip limits, closed areas, reductions in the amount of hook gear and gillnets

allowed, and a minimum size increase for cod to 21 inches (53 cm).

During the afternoon session, the Habitat Annual Review Report will be presented. This will consist of a review of habitat-related activities, on-going research projects, new and additional habitat-related information on the distribution and abundance of fish species, important areas and habitats, and impacts to fish habitat. There will be proposals for revising the Council's Essential Fish Habitat (EFH) designations and Habitat Areas of Particular Concern (HAPC). Options for minimizing fishing-related impacts to EFH and HAPC and a prioritized list of research and information needs will also be included. Following the annual review, the Habitat Committee may recommend action based on the information presented. The meeting will adjourn once any other outstanding Council business has been addressed.

Announcement of Experimental Fishery Application

The Acting Regional Administrator is considering renewal of an experimental fishing proposal that would involve fishing for, retention, and limited landings of various species of fish, including invertebrates and regulated multispecies, using small mesh in the Gulf of Maine/Georges Bank Regulated Mesh Area. The experimental fishery would be conducted by the Mount Desert Oceanarium to collect various species for public display. An exempted fishing permit would be issued to the participating vessel to exempt it from the possession limit, mesh size, minimum fish size, and DAS restrictions of the Northeast Multispecies FMP.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance

with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: March 25, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-7890 Filed 3-30-99; 8:45 am]

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