SUMMARY: This notice announces receipt of a petition submitted by 24 organizations under section 21 of the Toxic Substances Control Act (TSCA), and requests comments on the petition. The petition asks EPA to issue a rule under section 6 of TSCA, requiring cement manufacturers who burn hazardous wastes as fuel in their kilns to label their product with a notice to that effect. The requested label would: (1) Note that the cement had been made while burning hazardous waste; (2) state that the product contained residuals of that waste, including increased amounts of toxic and carcinogenic metals; and (3) caution users to avoid emitting or breathing dust from the product, and to avoid direct contact. Under TSCA section 21, the Agency must respond by July 18, 1995.

ADDRESSES: Persons wishing to provide comments to the Agency should submit them to: TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G99, 401 M St., SW., Washington, DC 20460, Attention: Docket Number OPPTS-211042. A public version of the record is available in the TSCA Nonconfidential Information Center (NCIC), from noon to 4 p.m., Monday though Friday, except legal holidays. The TSCA NCIC is located in Rm. NE-B607, Northeast Mall, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPPTS-211042." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the SUPPLEMENTARY INFORMATION unit of this document.

DATES: To be of greatest use to EPA in responding to the petition, comments should be received on or before June 23, 1995. However, the Agency will accept comments received after that date.

FOR FURTHER INFORMATION CONTACT: Edward M. Brooks, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–201C, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260–3754, e-mail: brooks.edward@epamail.epa.gov. SUPPLEMENTARY INFORMATION: On April 19, 1995, EPA received a petition under section 21 of TSCA from 24 organizations located in 10 States. Section 21 of TSCA allows citizens to petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8 or an order under section 5(e) or 6(b)(2). A section 21 petition must set forth facts which the petitioner believes establish the need for the action requested. EPA is required to grant or deny the petition within 90 days. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the Federal Register. Within 60 days of denial, petitioners may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking. When reviewing a petition for a new rule, as in this case, the court must provide an opportunity for de novo review of the petition. After hearing the evidence, the court can order EPA to initiate the requested action.

Petitioners' request for a mandatory labeling rule under section 6 of TSCA is based upon assertions that burning hazardous waste fuel in cement kilns concentrates toxic metals in cement and cement products to levels at which they pose an unreasonable risk to human health and the environment. EPA has commenced a review and evaluation of this petition. Anyone with relevant information or interest may submit comments on the petition or on other information in the docket. The Agency will be considering the following issues:

1. Whether or not—and, if so, the extent to which burning hazardous waste fuel in cement kilns elevates concentrations of toxic metals in cement distributed in commerce.

2. The contribution that burning hazardous waste fuel makes to concentrations of toxic metals in cement relative to other factors such as (a) concentrations in the original feedstock, (b) recycling of cement kiln dust (with or without using hazardous waste fuel), and (c) operating equipment and practices.

3. High-end and typical concentrations of toxic metals found in cement produced by facilities that do and do not use hazardous waste fuel.

4. The major source of variations in these concentrations from one facility to another.

5. The populations at greatest risk.

6. The adverse effects most likely to be experienced by these populations.

7. The concentrations of toxic metals in cement at which those effects are likely to occur.

8. Value added by the proposed label to labeling currently required under the Occupational Safety and Health Administration's Hazard Communication regulations.

A record has been established for this section 21 petition under docket number "OPPTS-211042" (including comments and data submitted electronically as described below). The record includes a copy of the petition and supplementary information submitted to the Agency by the petitioner. The Agency will include all comments and information received in response to this notice, as well as other relevant material. 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 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA NCIC, 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 special characters and any form of encryption.

The official record for this document, 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 record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

List of Subjects

Environmental protection.

Dated: June 2, 1995.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics. [FR Doc. 95–14204 Filed 6–8–95; 8:45 am] BILLING CODE 6560–50–F

[FRL-5217-9]

Massachusetts Marine Sanitation Device Standard; Receipt of Petition

Notice is hereby given that a petition has been received from the State of