

**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 through 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](mailto: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](mailto: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](mailto: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

Massachusetts requesting a determination of the Regional Administrator, U.S. Environmental Protection Agency, pursuant to Section 312(f)(3) of Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Wellfleet Harbor, in the Town of Wellfleet, County of Barnstable, State of Massachusetts, to qualify as a "No Discharge Area" (NDA). The areas covered under this petition include all the waters and tributaries of Wellfleet Harbor enclosed by a line drawn between Jeremy Point (latitude 41° 52' 40" Longitude 70° 04' 00") eastward to the Wellfleet-Eastham town line at the mouth of Hatches Creek.

The State of Massachusetts has certified that there will be three disposal facilities available to service vessels in Wellfleet Harbor. The facilities will be operated by the Town of Wellfleet through the Office of the Harbormaster. These facilities are available between the hours of 6:00 am and 8:00 pm, seven days a week, from mid-May to mid-November. Outside of these hours appointments can be made by calling the Harbormaster's office at (508) 349-0320 or by radio on Channel 9. There is no fee for pump-out services.

Two of the disposal services are rolling pump-out facilities located on the town dock. Each pump is capable of evacuating and discharging to head differences of 15 feet. One rolling facility has a capacity of 25 gallons and the other has a capacity of 40 gallons. The third pump-out facility is a 22-foot pump-out boat with a holding capacity of 300 gallons. In addition, there is a restroom facility located on the town dock and will be used for emptying of portable toilet devices. All three pump-out facilities are expected to be operational by mid June.

All sanitary wastes removed from boats are transferred to a 3500 gallon tight tank storage facility located near the Harbormaster's office. These tanks are fitted with alarms that activate in time to ensure waste removal long before the capacity is reached. The Town of Wellfleet has an annual agreement with a septage pumper to service the holding tanks at the town marina. The septage is transported to the Tri-Town Septage Treatment Facility in Orlean, and occasionally, to the Upper Blackstone Septage Treatment Facility. Trucks used by the septage pumpers are inspected annually by the town to ensure tightness.

The approximate number of boats using the harbor at present is 200 slips,

250 moorings in the primary mooring basin, 12 transient moorings, and approximately 100 moorings in scattered satellite areas throughout the harbor. There are an estimated 640 boats that use the harbor per season.

In 1988 the State of Massachusetts designated the Wellfleet Harbor as an Area of Critical Environmental Concern (ACEC). The Cape Cod National Seashore and the Wellfleet Audubon Bird Sanctuary border the waters of Wellfleet Harbor. The harbor supports year-round commercial fishing and shellfishing activities. Additionally, recreational swimming and boating draws tens of thousands of daily visitors to the area.

Comments and reviews regarding this request for action may be filed on or before July 10, 1995. Such communications, or requests for information or a copy of the applicant's petition, should be addressed to Ann Rodney, U.S. Environmental Protection Agency—New England Region, Marine and Estuarine Protection Section (WQE), JFK Federal Building, Boston, MA 02203. Telephone: 617-565-4424.

Dated: May 30, 1995.

**John P. DeVillars,**

*Regional Administrator.*

[FR Doc. 95-14229 Filed 6-8-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1050-DR]

### North Dakota; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of North Dakota, (FEMA-1050-DR), dated May 16, 1995, and related determinations.

**EFFECTIVE DATE:** May 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of North Dakota dated May 16, 1995, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 1995:

The counties of Barnes, Burleigh, Dickey, Eddy, Foster, Kidder, LaMoure, Logan,

McHenry, McIntosh, McLean, Pembina, Pierce, Ransom, Sheridan, Sioux, Stutsman, Traill, and Wells for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Richard W. Krimm,**

*Associate Director, Response and Recovery Directorate.*

[FR Doc. 95-14188 Filed 6-8-95; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-1052-DR]

### South Dakota; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of South Dakota, (FEMA-1052-DR), dated June 2, 1995, and related determinations.

**EFFECTIVE DATE:** June 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of South Dakota dated June 2, 1995, is hereby amended to include Disaster Unemployment Assistance in the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 2, 1995.

Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Gregory, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Jones, Kingsbury, Lawrence, Lyman, McPherson, Marshall, Meade, Pennington, Potter, Roberts, Sanborn, Spink, Stanley, Sully, and Tripp Disaster Unemployment Assistance under the Individual Assistance program. (Already designated for Public Assistance.)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**William C. Tidball,**

*Chief of Staff.*

[FR Doc. 95-14187 Filed 6-18-95; 8:45 am]

BILLING CODE 6718-02-M

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the