

information on the “reasonably ascertainable economic consequences” that would occur as a result of enacting the proposed regulation (Ref. 4).

The petition states that “proteins inherent in *Hevea brasiliensis* baled natural-rubber can be substantially eliminated” and that “ultra low-protein natural-rubber latex (e.g., Vytex-NRL) that can be used to make *Hevea brasiliensis* baled natural-rubber that satisfies ASTM D 1076-06 (Category 5)” is available, but provides little other information on the availability and suitability of substitutes. In “Allergies and Autism,” the petitioner reports that non-*Hevea brasiliensis* latex does not provide a suitable substitute. According to the petitioner: “Efforts have been made to commercialize alternative latex having inherently lower antigenic protein content (i.e., guayule rubber latex and the Russian dandelion), but such materials are reported to be higher in cost and presently are available only in limited quantities” and “both of these materials have their own unique set of proteins with potential allergenic behavior not yet clearly understood.” With respect to Vytex, the petitioner reports that it “can be used for making surgical and examination gloves, condoms, foam, tubing, breather bags, balloons, adhesives as well as many other natural-latex based products across a wide range of industries” (Ref. 4). Vytex does not appear to be a viable substitute for use in tires, however, at this time. Vytex was developed and is produced by the Vystar Corp. According to the Vystar Corp. website, Vytex is Vystar Corp.’s first commercial product and is presently used only in Envoy condoms, which were introduced commercially only in October of 2009. In addition, Vystar Corp.’s webpage focuses on Vytex’s suitability for the specialty use of medical devices. See <http://www.vytex.com>, last visited January 11, 2010.

Nor does the petition provide evidence showing that prohibiting the use of “*Hevea brasiliensis* baled natural-rubber” that does not have a “total protein content less than 200 µg/dm<sup>2</sup> and an antigenic Hev-b protein content less than 10 µg/dm<sup>2</sup>” in the manufacture of tires would be the least burdensome requirement to address the potential risks the petition identifies.

Finally, the petition has not demonstrated that a regulation prohibiting the use of “*Hevea brasiliensis* baled natural-rubber” that does not have a “total protein content less than 200 µg/dm<sup>2</sup> and an antigenic Hev-b protein content less than 10 µg/dm<sup>2</sup>” in the manufacture of tires is

likely to be successful in reducing the incidence of latex allergy or autism.

#### IV. References

The following is a list of the documents that are specifically referenced in this notice and placed in the docket that was established under docket ID number EPA-HQ-OPPT-2010-0015. For information on accessing the docket, refer to Unit I.B.

1. Dochniak, M. “Citizen Petition under TSCA to prohibit the use of *Hevea brasiliensis* baled natural-rubber for the manufacture of tires, wherein said baled natural-rubber fails to satisfy *The American Society for Testing and Materials method* ASTM D1076-06 (Category 5).” November 19, 2009.
2. EPA. Letter from OPPT, to Michael Dochniak, acknowledging receipt of his petition under TSCA section 21: “Citizen Petition under TSCA to prohibit the use of *Hevea brasiliensis* baled natural-rubber for the manufacture of tires, wherein said baled natural-rubber fails to satisfy *The American Society for Testing and Materials method* ASTM D1076-06 (Category 5).” December 8, 2009.
3. EPA. Natural Rubber Latex Adhesives; Disposition of TSCA Section 21 Petition; Notice. **Federal Register** (73 FR 32573, June 9, 2008) (FRL-8368-4). Docket ID number EPA-HQ-OPPT-2008-0273. Available on-line at <http://www.regulations.gov>.
4. Dochniak, M. and Dunn, D. Allergies and Autism. Nova Science Publishers, Inc. 2008.
5. Mostafa, G. A.; Hamza, R. T.; and El-Shahawi, H. H. Allergic manifestations in autistic children: Relation to disease severity. *Journal of Pediatric Neurology*. 2008. 6(2):115–123.
6. Buie, T., et al., Evaluation, Diagnosis, and Treatment of Gastrointestinal Disorders in Individuals With ASDs: A Consensus Report. *Pediatrics*. 2010. 125:S1–S18.
7. Williams, P. B.; Buhr, M. P.; Weber, R. W.; Volz, M. A.; Koepke, J. W.; and Selner, J. C. Latex Allergen in Respirable Particulate Air Pollution. *Journal of Allergy and Clinical Immunology*. 1995. 95:88–95.
8. Miguel, A. G.; Cass, G. R.; Weiss, J.; and Glovsky, M. M. Latex Allergens in Tire Dust and Airborne Particles. *Environmental Health Perspectives*. November 1996. 104(11):1180–1186.
9. Miguel, A. G., Cass, G. R., Weiss, J., and Glovsky, M. M. Allergens in Paved Road Dust and Airborne Particles. *Environmental Science Technology*. 1999. 33:4159–4168.
10. Hirsch, T.; Neumeister, V.; Weiland, S. K.; von Mutius, E.; Hirsch,

D.; Grafe, H.; Duhme, H.; and Leupold, W. Traffic exposure and allergic sensitization against latex in children. *Journal of Allergy and Clinical Immunology*. 2000. 106:573–8.

11. Vermeulen, R.; Doekes, G.; and Kromhout, H. Latex Allergy Risk among the General Population due to Traffic-Related Airborne Dust? *Epidemiology*. Cambridge, MA. 2000. 11(1):92.

12. Rubber Manufacturers Association Letter to EPA (Docket ID number EPA-HQ-OPPT-2008-0273), Comments on Mr. Michael Dochniak TSCA Section 21 Petition. May 12, 2008.

#### List of Subjects

Environmental protection, Antigenic proteins, Autism, Health, *Hevea brasiliensis* baled natural rubber, Latex, Tires.

Dated: February 16, 2010.

**Stephen A. Owens,**

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9114-9]

#### North Carolina Waters Along the Entire Length of New Hanover County; Final No Discharge Zone Determination

On August 24, 2009, the Environmental Protection Agency (EPA) published a notice that the North Carolina Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) had petitioned the Region 4 Regional Administrator to determine that adequate and reasonably available pumpout facilities exist for the designation of New Hanover County, North Carolina, Coastal Waters as a No Discharge Zone (NDZ). One comment in favor of this designation was received.

Specifically, these waters extend three nautical miles (nm) into the Atlantic Ocean along the entire length of New Hanover County, including Futch Creek, Pages Creek, Bradley Creek, Hewlett’s Creek, Howe Creek, Whiskey Creek, Snow’s Cut, as well as unnamed tributaries and all unnamed tidal creeks to those waters.

The geographic description including latitudes and longitudes are as follows: northern border of New Hanover County with southern border of Pender County (34°17’53.5” N 77°42’32.2” W), to a point 3 nm off the coast at the intersection of New Hanover and Pender Counties (34°16’01.9” N 77°40’20.5” W).

Intersection of the southern tip of New Hanover County with Brunswick County at the Cape Fear River (33°55'43.0" N 77°56'13.6" W), southeastward along the extended intersection of the two counties, 3 nm into the Atlantic Ocean (33°53'07.5" N 77°55'34.5" W).

This petition was filed pursuant to the Clean Water Act, Section 312(f)(3), Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4. A NDZ is defined as a body of water in which the discharge of vessel sewage, both treated and untreated, is prohibited.

Section 312(f)(3) states:

"After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply."

According to DENR DWQ the following facilities are located in New Hanover County for pumping out vessel holding tanks:

(1) Carolina Beach Municipal Marina, Carolina Beach, 910-458-2540, open 24 hours per day, 7 days per week, 6' draft at mean low tide.

(2) Carolina Beach State Park Marina, Carolina Beach State Park, Carolina Beach, 910-458-7770, 8 AM-5:45 PM, 7 days/week, 6' draft at mean low tide.

(3) Federal Point Yacht Club, 910 Basin Road, Carolina Beach, 910-458-4511, only available to club members, 5' draft at mean low tide.

(4) Mona Black Marina, Carolina Beach, 910-458-0575, open 24/7, 20' draft at mean low tide.

(5) Joyner Marina, Carolina Beach, 910-458-5053, open 7 AM-6 PM, 7 days per week, 6' draft at mean low tide.

(6) Bridge Tender Marina, City of Wilmington, 910-256-6550, 7 AM-8 PM, 7 days/week, 10' draft at mean low tide.

(7) Creekside Yacht Club, City of Wilmington, 910-350-0023, Operational December 2009, 4' draft at mean low tide.

(8) Sea Path Yacht Club, Town of Wrightsville Beach, 910-256-3747, 7 AM-7 PM, 7 days/week, 10' draft at mean low tide.

(9) Wrightsville Beach Marina & Transient Dock, Town of Wrightsville

Beach, 910-256-6666, 7 AM-7 PM, 7 days/week, 12' draft at mean low tide.

Two Marinas that are located within 7 nautical miles of the proposed NDZ are:

(A) Wilmington Marine Center, 910-395-5055, 8 AM-5 PM 7 days/week, 7' draft at mean low tide.

(B) Bald Head Island Marina, 910-457-7380, 8:30 AM-5:30 PM 7 days/week, 8' draft at mean low tide.

The total vessel population for New Hanover County as of August 5, 2008, was 13,940. This number reflects active vessel registrations and was obtained from the North Carolina Wildlife Resources Commission. During the period of 2006 to 2008, the total number of active registered vessels increased nearly 15%. The result is that there are nearly 1,800 more pleasure boats in the area waters today than just two years ago, with the largest increase occurring in boats between 16' and 25' in length. It is recognized that only a percentage of the vessels in the coastal waters of New Hanover County are equipped with a Marine Sanitation Device (MSD). To estimate the number of MSDs in use, percentages obtained from EPA (Region 2) were applied, and are listed below:

Boat length	Percent with MSDs
<16' .....	8.3
16'-25' .....	10.6
26'-40' .....	78.5
>40' .....	82.6

This yields an estimated 2,046 MSDs in use by registered boats within New Hanover County.

Through the use of a marina survey, the number of transient boats serviced by marinas in New Hanover County was calculated to be approximately 180 per month. This figure was arrived at by using the peak season transient boat figures from each marina. Using the figures for both county and transient boats, the total number of MSDs in the New Hanover County waters is estimated to be 2,194. There are 9 marinas within New Hanover County and this yields a ratio of about 244 boats per pumpout facility. This figure does not include the two marinas that are located within 7 nautical miles of this proposed NDZ area.

All vessel pumpout facilities that are described either discharge into State approved and regulated septic tanks or State approved on-site waste treatment plant, or the waste is collected into a large holding tank for transport to a sewage treatment plant. Thus all vessel sewage will be treated to meet existing standards for secondary treatment. Based on the examination of this

petition, its supporting documentation, and public response, EPA concurs with the State of North Carolina's determination that adequate and reasonably available facilities for the safe and sanitary removal and treatment of sewage from all vessels are present in New Hanover County North Carolina, and therefore this area is designated as a NDZ.

Dated: January 29, 2010.

**J. Scott Gordon,**

*Acting Regional Administrator, Region 4.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-SFUND-2009-0907; FRL-9114-6]

**RIN 2050-ZA05**

### Guidance on Recommended Interim Preliminary Remediation Goals for Dioxin in Soil at CERCLA and RCRA Sites; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public comment; extension of comment period.

**SUMMARY:** In response to requests from the public, the Environmental Protection Agency (EPA) is providing an additional 35 days for the public to provide its comments on the draft recommended interim preliminary remediation goals (PRGs) developed in the draft *Guidance on Recommended Interim Preliminary Remediation Goals for Dioxin in Soil at Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) Sites*. In EPA's initial notice, which was published in the **Federal Register** on January 7, 2010 (75 FR 984), the deadline for the public to provide its comments was February 26, 2010. The purpose of this notice is to provide additional time until April 2, 2010.

**DATES:** Comments must be received on or before April 2, 2010.

**ADDRESSES:** Provide your comments, identified by Docket ID No. EPA-HQ-SFUND-2009-0907, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting your views.

- *E-mail: OSWER.Docket@epa.gov*. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the