

Packaging containers may not be tested using pre-primary containers that are currently or have previously been approved as USPS primary containers. In addition, test reports must identify by brand name the pre-primary containers that were used during testing. \* \* \*

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We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

Neva R. Watson,

Attorney, Legislative.

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BILLING CODE 7710-12-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Revised Standards for Mailing Lithium Batteries

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is proposing to revise our mailing standards for lithium batteries. Currently, our standards limit customers and battery manufacturers from using the mail to send consumer-type lithium batteries, and prohibit the mailing of devices powered by lithium batteries when the batteries are in the device.

These standards are excessively restrictive because they obstruct the mailing of commonly used consumer-type batteries that are permitted to be transported by air under Department of Transportation (DOT) and International Air Transportation Association (IATA) regulations. In addition, under our current standards, it is difficult to determine which lithium batteries meet mailing standards and which do not. Therefore, by identifying all small consumer-type lithium batteries as mailable when properly labeled and packaged, this proposal would increase the safety of the mail. Our proposed standards are based on, yet more restrictive than, DOT shipping regulations for lithium batteries.

**DATES:** We must receive your comments on or before May 25, 2007.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, Postal Service, 475 L'Enfant Plaza, SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at Postal Service Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Bert Olsen, 202-268-7276.

**SUPPLEMENTARY INFORMATION:** Current mailing standards are inconsistent with Department of Transportation (DOT) regulations and prohibit most lithium batteries from being mailed via air transportation services—Express Mail, First-Class Mail, or Priority Mail—even though commercial air carriers currently carry these items under DOT regulations. This proposal would allow the Postal Service to accept lithium batteries and battery-powered devices for mailing in a manner similar to that of other commercial shippers. Commercial shippers follow DOT and International Air Transportation Association (IATA) regulations, which generally allow lithium batteries containing up to 8 grams of equivalent lithium content, while we accept only batteries having no more than 0.5 grams of equivalent lithium content. Many small consumer-type batteries contain more than 0.5 grams of equivalent lithium content.

In addition, our standards prohibit acceptance of devices that have the batteries installed in them, while DOT and IATA regulations permit shipment of electronic devices when small consumer-type batteries are installed. DOT regulations suggest that the device itself offers protection of the batteries, and batteries contained in equipment are less likely to externally short-circuit.

Consumer devices such as personal digital assistants, cameras, flashlights, laptop computers, cell phones, handheld electronic games, and portable media players such as iPods and MP3 players contain lithium batteries. Many popular consumer products now contain lithium batteries, and some batteries cannot be easily removed from the device they power, and some batteries easily exceed our allowable equivalent lithium content requirement. Therefore, we propose to adopt mailing standards that are in line with industry standards and that are more easily understood and complied with by mailers.

Our proposed revision is more restrictive than the shipping regulations required by DOT and IATA in the following ways:

- We would impose a 5-pound weight limit on mailpieces containing primary lithium batteries.
- We would impose a 10-pound weight limit on mailpieces containing secondary lithium batteries and a limit of no more than 3 batteries per mailpiece.
- We would require all primary and secondary lithium batteries to be of the

type proven (by testing) to be nondangerous in accordance with *UN Manual of Tests and Criteria*.

- We would require all mailpieces containing lithium batteries to be marked on the outside to identify the contents.

Our proposal mirrors DOT and IATA allowable gram quantity limits for small consumer-type lithium batteries. Devices containing batteries must be packaged in such a way as to prevent activation while they are in the mailstream. Lithium batteries other than small consumer-type batteries remain nonmailable.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. of 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comment on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1.

We provide the proposed mailing standards below. We propose to implement these standards on June 1, 2007.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

#### PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. Revise the following sections of the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), as follows:

#### 600 Basic Standards for All Mailing Services

##### 601 Mailability

\* \* \* \* \*

##### 601.10 Hazardous Materials

\* \* \* \* \*

##### 10.20 Miscellaneous Hazardous Materials (Hazard Class 9)

\* \* \* \* \*

[Add new 10.20.5 to read as follows:]

##### 10.20.5 Primary Lithium (Non-Rechargeable) Cells and Batteries

Small consumer-type primary lithium cells or batteries (lithium metal or lithium alloy) like those used to power cameras and flashlights are mailable

with the following restrictions: Each cell must contain no more than 1.0 gram (g) of lithium content per cell. Each battery must contain no more than 2.0 g aggregate lithium content per battery. Additionally, each cell or battery must meet the requirements of each test in the *UN Manual of Tests and Criteria*, part III, and subsection 38.3 as referenced in DOT's hazardous materials regulation at 49 CFR 171.7. All primary lithium cells and batteries must be mailed within a firmly sealed package separated and cushioned to prevent short circuit, movement, or damage. Except for batteries installed in equipment, they must be in a strong outer package. All outer packages must have a complete delivery and return address. Primary lithium cells and batteries are mailable as follows:

a. Via surface transportation when the cells or batteries (not packed with or installed in equipment) are "in the original retail packaging." They are forbidden aboard passenger aircraft. The outside of the package must be marked on the address side "Surface Mail Only, Primary Lithium Batteries—Forbidden for Transportation Aboard Passenger Aircraft."

b. Via surface or air transportation when the cells or batteries are properly packed with or properly installed in the equipment they operate and the mailpiece has no more than the number

of batteries needed to operate the device. Cells or batteries properly installed in the device they operate must be protected from damage and short circuit, and the device must be equipped with an effective means of preventing accidental activation. The outside of the package must be marked on the address side "Package Contains Primary Lithium Batteries."

c. The mailpiece must not exceed 5 pounds.

[Add new 10.20.6 to read as follows:]

#### 10.20.6 Secondary Lithium-Ion (Rechargeable) Cells and Batteries

Small consumer-type lithium-ion cells and batteries like those used to power cell phones and laptop computers are mailable with the following restrictions: Each cell must contain no more than 1.5 g of equivalent lithium content per cell. Each battery must contain no more than 8.0 g aggregate quantity of equivalent lithium content per battery. Additionally, each cell or battery must meet the requirements of each test in the *UN Manual of Tests and Criteria*, Part III, and subsection 38.3 as referenced in the DOT's hazardous materials regulation at 49 CFR 171.7. All secondary lithium-ion cells and batteries must be mailed in a firmly sealed package separated and cushioned to prevent short circuit, movement, or damage. Except for

batteries installed in equipment, they must be in a strong outer package. All outer packages must have a complete delivery and return address. These cells and batteries are mailable as follows:

a. Via surface or air transportation when individual cells or batteries are mailed or when properly packed with or properly installed in the equipment they operate and the mailpiece has no more than the number of batteries needed to operate the device. Cells or batteries properly installed in the device they operate must be protected from damage and short circuit, and the device must be equipped with an effective means of preventing accidental activation. The outside of the package must be marked on the address side "Package Contains Lithium-ion Batteries (no lithium metal)."

b. The mailpiece must not contain more than 3 batteries or exceed 10 pounds.

[Add new 10.20.7 to read as follows:]

#### 10.20.7 Damaged or Recalled Batteries

Damaged or recalled batteries are prohibited from mailing unless approved by the manager, Mailing Standards.

[Add new Exhibit 10.20.7 as follows:]

Exhibit 10.20.7 Lithium Battery Mailability Chart

Primary lithium batteries (small non-rechargeable consumer-type batteries)	Surface transportation	Air transportation	Mailpiece weight limit (lb)	International APO/FPO
Without the equipment they operate (individual batteries) .....	Mailable .....	Prohibited .....	5	Prohibited.
Packed with equipment but not installed in equipment .....	Mailable .....	Mailable .....	5	Mailable.
Contained (properly installed) in equipment .....	Mailable .....	Mailable .....	5	Mailable.

**Note 1:** Each primary cell must not contain more than 1g lithium content.

**Note 2:** Each primary battery must not contain more than 2 g lithium content.

Secondary lithium batteries (small rechargeable consumer-type batteries)	Surface transpor- tation	Air transportation	Mailpiece weight limit and battery limit	International APO/FPO
Without the equipment they operate (individual batteries).	Mailable .....	Mailable .....	10 lb (no more than 3 batteries) .....	Mailable.
Packed with equipment but not in- stalled in equipment.	Mailable .....	Mailable .....	10 lb (no more than 3 batteries) .....	Mailable.
Contained (properly installed) in equipment.	Mailable .....	Mailable .....	10 lb (no more than 3 batteries) .....	Mailable.

**Note 3:** Each secondary cell must not contain more than 1.5 g equivalent lithium content.

**Note 4:** Each secondary battery must not contain more than 8 g equivalent lithium content.

**Note 5:** In addition to the 10 pound weight limit for secondary batteries, there is a limit of 3 batteries.

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#### 11.0 Other Restricted and Nonmailable Matter

\* \* \* \* \*

#### 11.17 Battery-Powered Devices

[Revise the first sentence in 11.17 to read as follows:]

Cells or batteries properly installed in equipment must be protected from damage and short circuit, and equipment containing cells or batteries must be equipped with an effective

means of preventing accidental activation. \* \* \*

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E7-7817 Filed 4-24-07; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51, 60, 62, 63, 72, 78, 96, and 97

[EPA-HQ-OAR-2007-0012; FRL-8302-4]

RIN 2060-A033

#### Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (CAIR), CAIR Federal Implementation Plan, Clean Air Mercury Rule (CAMR), and CAMR Proposed Federal Plan; Revision to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters; and Technical Corrections to CAIR and Acid Rain Program Rules

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

**ACTION:** Proposed rule.

**SUMMARY:** In 2005, EPA finalized the Clean Air Interstate Rule (CAIR) to address emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) and the Clean Air Mercury Rule (CAMR) to establish standards of performance for mercury (Hg) for coal-fired electric utility steam generating units. Both CAIR and CAMR include model cap-and-trade rules that states may adopt to meet the applicable requirements. In 2006, EPA finalized the Federal Implementation Plan (FIP) for CAIR and also proposed a Federal Plan for CAMR. All four rules include an exemption for certain cogeneration units. To qualify for this exemption, a unit must, among other things, meet an efficiency standard included in the cogeneration unit definition. Today, in light of information concerning existing biomass-fired cogeneration units that may not qualify for the exemption, EPA is proposing a change in the cogeneration unit definition in CAIR, the CAIR model cap-and-trade rules, the CAIR FIP, CAMR, and the CAMR model cap-and-trade rule, and the proposed

CAMR Federal Plan. Specifically, EPA is proposing to revise the efficiency standard in the cogeneration unit definition so that the standard would apply, with regard to certain units, only to the fossil fuel portion of a unit's energy input. This change to the CAIR model cap-and-trade rules, CAIR FIP, CAMR, and proposed CAMR Federal Plan would likely make it possible for some additional units to qualify for the cogeneration unit exemption in these rules. Because it would only affect a small number of relatively low emitting units, this would have little effect on the projected emissions reductions and the environmental benefits of these rules. EPA is also considering revisions to the definition of "total energy input," a term used in the efficiency standard. This action also proposes minor technical corrections to CAIR and the Acid Rain Program rules. Finally, this action proposes minor revisions to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters ("boiler MACT").

**DATES:** *Comments.* Comments must be received on or before June 11, 2007. If requested by May 7, 2007, a public hearing will be held on May 10, 2007 in Washington, DC. For additional information on a public hearing, see the **SUPPLEMENTARY INFORMATION** section of this preamble.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-HQ-OAR-2007-0012, by one of the following methods:

A. *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:* A-AND-R-Docket@epa.gov

C. *Mail:* Air Docket, ATTN: Docket Number EPA-HQ-OAR-2007-0012, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

D. *Hand Delivery:* EPA Docket Center, 1301 Constitution Avenue, NW., Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2007-0012. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, and any form of encryption, and should be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the proposed changes, contact Elyse Steiner, Program Development Branch, Clean Air Markets Division (MC 6204J), EPA, Washington, DC 20460; telephone number (202) 343-9141; fax number (202) 343-2359; electronic mail address: [Steiner.elyse@epa.gov](mailto:Steiner.elyse@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Categories and entities potentially regulated by this action include the following: