

(d) *Enforcement period.* This section will be enforced from 5 p.m. to 7 p.m. on September 27, 2007.

Dated: September 12, 2007.

**P.E. Wiedenhoef,**

*Captain, U.S. Coast Guard, Captain of the Port, Los Angeles—Long Beach.*

[FR Doc. E7-19675 Filed 10-4-07; 8:45 am]

**BILLING CODE 4910-15-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### New Standards for Mailing Lithium Batteries

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service™ is revising the standards for mailing lithium and lithium-ion batteries. The new standards identify all small consumer-type lithium batteries asailable when properly packaged and labeled.

**DATES:** *Effective Date:* October 5, 2007.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

We published a proposed rule in the *Federal Register* (72 FR 20463, April 25, 2007) to revise the standards for mailing lithium and lithium-ion batteries. The standards published in the proposed rule and adopted in this final rule, are consistent with, yet slightly more restrictive than, Department of Transportation (DOT) and International Air Transportation Association (IATA) regulations for transportation of lithium batteries. The new proposed standards provide clearer guidance to mailers and postal employees regarding the mailability of consumer-type lithium batteries than current standards provide.

##### Comments Received

We received comments from two trade associations which were generally supportive of the proposed standards. Their comments and our responses follow:

1. *Comment:* Do not limit the weight of a mailpiece containing lithium-ion batteries.

Within DOT regulations, the Postal Service agrees not to limit the weight of a mailpiece containing lithium-ion batteries since the proposed rule additionally limits the maximum allowable gram equivalency to 8 grams per battery and the maximum number of batteries per mailpiece to 3. The gram

quantity restriction per cell and battery, and the restriction on the number of batteries per mailpiece, ensures compliance with DOT regulations. Therefore, the final rule does not contain a maximum mailpiece weight limit for packages containing lithium-ion batteries.

2. *Comment:* Do not restrict the number of lithium-ion batteries to the number of batteries needed to operate the device.

Within DOT regulations, the Postal Service agrees not to limit the number of lithium-ion batteries that can be mailed to the number of batteries needed to operate the device since the proposal already limits the number of batteries per mailpiece to 3. Therefore, the final rule does not restrict the number of lithium-ion batteries to the number needed to operate the device but rather limits the number of lithium-ion batteries per mailpiece to 3.

3. *Comment:* Do not restrict the mailing of primary lithium batteries to those only in their original retail packaging.

The Postal Service believes that the requirement to mail primary batteries in the original packaging offers assurance of adequate primary packaging. However, we are changing the final rule to read, “in the originally sealed packaging” regardless of the source of the packaging to allow for originally sealed packaging from sources other than retailers.

4. *Comment:* USPS required labeling: “Surface Mail Only,” in addition to DOT labeling: “Primary Lithium Batteries—Forbidden for Transportation Aboard Passenger Aircraft,” is redundant and will add to the cost of the label.

The Postal Service believes labels that read “Surface Mail Only” are known to postal employees and quickly recognized. Therefore, the final rule adopts the standards to require labeling as published in the proposal.

5. *Comment:* USPS should not require package labeling in excess of current DOT requirements.

DOT has announced their revised labeling requirements will be effective January 1, 2008. Postal labeling requirements will reflect DOT changes. In addition, the Postal Service believes that requiring labeling of mailpieces containing secondary as well as primary batteries and cells is a cautionary measure that identifies the content of the package. Therefore, the final rule adopts the standards to require labeling as published in the proposal.

6. *Comment:* Mailpieces containing primary lithium batteries should not be limited to 5 pounds. The DOT weight

limit is 11 pounds of batteries in a shipping container and the Postal Service should adopt the same requirements.

The Postal Service believes it is not practical for postal personnel to discern the aggregate weight of batteries within a mailpiece. We believe that mailpieces containing individual batteries (batteries not packed with or installed in equipment) should not exceed 5 pounds. However, we recognize that when batteries are packed with or contained in devices, the devices themselves could easily account for the majority of the weight of a mailpiece and easily exceed 5 pounds. Therefore, the final rule adopts a 5 pound maximum mailpiece weight limit when primary batteries are not packed with or installed in the devices they operate and an 11 pound mailpiece weight limit when batteries are packed with or installed in the device they operate.

7. *Comment:* Do not prohibit damaged or recalled batteries from being mailed.

The Postal Service is not prohibiting the mailing of damaged or recalled batteries, but rather we are requiring that these batteries be mailed only with prior approval from the manager, Mailing Standards. Therefore, the final rule adopts the standard for mailing damaged or recalled batteries as published in the proposed rule.

Lithium batteries other than small consumer-type batteries remain nonailable.

We adopt the following amendments 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, 111.4.

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

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR part 111 is 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 originally sealed 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." The mailpiece must not exceed 5 pounds.

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." The mailpiece must not exceed 11 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. 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.

[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	International APO/FPO
Without the equipment they operate (individual batteries).	Mailable .....	Prohibited .....	5 lb .....	Prohibited.
Packed with equipment but not installed in equipment.	Mailable .....	Mailable .....	11 lb .....	Mailable.
Contained (properly installed) in equipment.	Mailable .....	Mailable .....	11 lb .....	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-ion batteries (small rechargeable consumer-type batteries)	Surface transportation	Air transportation	Mailpiece battery limit	International APO/FPO
Without the equipment they operate (individual batteries).	Mailable .....	Mailable .....	no more than 3 batteries ..	Mailable.
Packed with equipment but not installed in equipment.	Mailable .....	Mailable .....	no more than 3 batteries ..	Mailable.

Secondary lithium-ion batteries (small rechargeable consumer-type batteries)	Surface transportation	Air transportation	Mailpiece battery limit	International APO/FPO
Contained (properly installed) in equipment.	Mailable .....	Mailable .....	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:** For secondary batteries (lithium-ion) there is a limit of 3 batteries per mailpiece.

**601.11 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 or devices containing cells or batteries must include an effective means of preventing accidental activation. \* \* \*

**Neva R. Watson,**

Attorney, Legislative.

[FR Doc. E7-19051 Filed 10-4-07; 8:45 am]

BILLING CODE 7710-12-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 9 and 721**

[EPA-HQ-OPPT-2005-0036; FRL-8110-5]

RIN 2070-AJ19

**Mercury Switches in Motor Vehicles; Significant New Use Rule**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is promulgating this significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for elemental mercury (CAS No. 7439-97-6) used in certain convenience light switches, anti-lock braking system (ABS) switches, and active ride control system switches. This action will amend 40 CFR part 721 and require persons who intend to manufacture (defined by statute to include import) or process elemental mercury for a use designated by this rule as a significant new use to notify

EPA at least 90 days before commencing the manufacturing or processing of the chemical substance for such significant new use. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. In addition, in order to display the OMB control number for the information collection requirements contained in this final rule, EPA is amending the table of Office of Management and Budget (OMB) approval numbers for EPA regulations that appears in 40 CFR part 9.

**DATES:** This final rule is effective November 5, 2007.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2005-0036. All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be

provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Thomas Groeneveld, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-1188; e-mail address: [groeneveld.thomas@epa.gov](mailto:groeneveld.thomas@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this Action Apply to Me?**

You may be potentially affected by this action if you manufacture or process elemental mercury for use in certain motor vehicle convenience light switches, ABS switches, and active ride control system switches. This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Persons who import any chemical substance subject to TSCA must comply with the TSCA section 13 (15 U.S.C. 2612) import certification requirements and corresponding regulations codified at 19 CFR 12.118 to 12.127 and 127.28. Such persons must certify that each shipment of the chemical substance complies with applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, TSCA section 12(b) (15 U.S.C. 2611(b)) export notification requirements are triggered by publication of a proposed SNUR. Therefore, any persons who export, intend to export, or have exported elemental mercury on or after August 10, 2006, are subject to the export notification provisions of TSCA section 12(b) (see 40 CFR 721.20). Such persons must comply with the export notification requirements in 40 CFR part 707, subpart D. Potentially affected