

(5) The regulations in this section shall be enforced by the Commanding Officer, Marine Corps Air Station Cherry Point, North Carolina, and/or persons or agencies as he/she may designate.

**Lawrence A. Lang,**

*Acting Chief, Operations Directorate of Civil Works.*

[FR Doc. E7-7901 Filed 4-24-07; 8:45 am]

BILLING CODE 3710-92-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Revised Standards for Mailing Sharps Waste and Other Regulated Medical Waste

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service™ is proposing to revise the mailing standards for medical waste so that medical professionals can more easily use the mail to ship waste to disposal sites. For over 15 years we have safely permitted approved vendors to use the mail for return of sharps and other regulated medical waste for disposal.

Under our current standards, mail-back medical waste containers are most often used by individuals who self-inject medications to control diseases such as diabetes and arthritis. By increasing the maximum allowable weight of medical waste mail-back containers and at the same time requiring additional packaging safeguards, we intend to provide small medical offices the option of using the mail for sending medical waste for disposal. This proposal would allow medical professionals a safe, easy, and cost-effective means of disposing of sharps and other regulated medical waste.

**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 the 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:** This proposal would increase the use of the mail for shipping medical waste while improving packaging requirements so that these items continue to be safe

while transported in the mail. Currently, mailing standards require that primary sharps receptacles not exceed 3 gallons and that primary receptacles for other regulated medical waste not exceed 5 gallons. This proposal would allow for a single larger primary receptacle that could accommodate several pre-primary sharps receptacles (sharps receptacles normally used in doctors' offices) as well as several tie-closed bags of other regulated medical waste. This change would add additional receptacles (pre-primary) to the currently required triple-packaging system and therefore would increase protection of the contents.

The pre-primary receptacles may be different in size and design. The primary receptacle that holds the pre-primary receptacles and the bags of other regulated medical waste must be capable of passing all current package tests. The new standards would set the total mailpiece weight limit to 35 pounds for packages approved as "Medical Professional Packaging." All other medical waste mailpieces would be required to conform to the current 25-pound weight limit.

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.

#### 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; chapter 36 of Title 39: Pub. L. No 109-435, 120 Stat. 3198 (2006).

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

\* \* \* \* \*

#### 10.0 Hazardous Materials

\* \* \* \* \*

#### 10.17 Infectious Substances (Hazard Class 6, Division 6.2)

\* \* \* \* \*

##### 10.17.6 Sharps Waste and Other Mailable Regulated Medical Waste

\* \* \* \* \*

[Add a new second sentence to item b5 as follows:]

\* \* \* Except for Medical Professional Packages as identified in 10.17.6c, which may not weigh more than 35 pounds.\* \* \*

\* \* \* \* \*

[Renumber items 6c through 6f as new 6d through 6g. Add new item 6c as follows:]

c. Medical Professional Packaging. One primary receptacle larger than 5 gallons in volume may be used for mailing pre-primary sharps receptacles (sharps receptacles normally used in doctors' offices) and other regulated medical waste under the following conditions:

1. The mailpiece must meet all the requirements in 10.17.6, except for the primary receptacle capacity limits in 10.17.6b1.

2. Only rigid, securely closed, puncture- and leak-resistant pre-primary sharps receptacles that meet or exceed Occupational Safety and Health Administration standards may be placed inside the primary receptacle. Each pre-primary sharps container may contain no more than 50 ml (1.66 ounces) of residual waste liquid. Several pre-primary sharps receptacles may be enclosed in the single primary receptacle.

3. Multiple tie-closed plastic bags of regulated medical waste may be placed inside the single primary receptacle.

4. The primary receptacle must be lined with a plastic bag at least 4 mil in thickness and include sufficient absorbent material within the liner to absorb all residual liquid in the primary receptacle.

5. The mailpiece must not weigh more than 35 pounds.

\* \* \* \* \*

[Renumber items d1 through d7 as new d2 through d8. Add new number d1 as follows:]

1. For Medical Professional Packages, the additional marking, "Medical Professional Packaging," must be clearly printed in lettering at least 2 inches high on the address side of the outer shipping container.

\* \* \* \* \*

[Add two new sentences to the introductory text renumbered item f as follows:]

f. *Testing Criteria.* Packages tested for approval as Medical Professional

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. \* \* \*

\* \* \* \* \*

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. E7-7816 Filed 4-24-07; 8:45 am]

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