

which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

#### List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

Accordingly, 39 CFR part 20 is amended to read as follows:

#### PART 20—[AMENDED]

- 1. The authority citation for 39 CFR part 20 is revised to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

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

#### *Mailing Standards of the United States Postal Service*, International Mail Manual (IMM)

##### 1 International Mail Services

\* \* \* \* \*

##### 130 Mailability

\* \* \* \* \*

##### 136 Nonmailable Goods

###### 136.1 Dangerous Goods

*[Revise the introduction to 136.1 and insert a new item i to read as follows:]*

Except as provided in IMM 135, “dangerous goods” as defined by the United Nations Recommendations on the Transport of Dangerous Goods, Model Regulations, are prohibited in outbound international mail, regardless of mail class. Some examples of dangerous goods include:

\* \* \* \* \*

i. Primary lithium metal or lithium alloy (non-rechargeable) cells and batteries, or secondary lithium-ion cells and batteries (rechargeable), regardless of quantity, size, watt hours, and regardless of whether the cells or batteries are packed in the equipment they are intended to operate, with the equipment they are intended to operate, or without equipment (individual batteries). This standard applies to all APO, FPO, or DPO locations.

Additional information can be obtained at <http://www.unece.org/trans/danger/danger.html>.

\* \* \* \* \*

We will publish an amendment to 39 CFR part 20 to reflect these changes.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2012–11483 Filed 5–14–12; 8:45 am]

BILLING CODE 7710–12–P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R03–OAR–2011–0642; FRL–9671–9]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Nitrogen Oxides Emissions From Industrial Boilers and Process Heaters at Petroleum Refineries

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision amends Delaware’s regulation that establishes controls for nitrogen oxides (NO<sub>x</sub>) emissions from industrial boilers and process heaters at petroleum refineries. The revision is a NO<sub>x</sub> emission limit for the fluid catalytic cracking unit carbon monoxide (CO) boiler at the Delaware City Refinery to provide for a facility-wide NO<sub>x</sub> emission cap compliance alternative. EPA is approving this SIP revision in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on June 14, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2011–0642. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 through [www.regulations.gov](http://www.regulations.gov) or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental

Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

**FOR FURTHER INFORMATION CONTACT:** Asrah Khadr, (215) 814–2071, or by email at [khadr.asrah@epa.gov](mailto:khadr.asrah@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On January 23, 2012 (77 FR 3211), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval of amendments to Delaware’s regulation which establishes controls for NO<sub>x</sub> emissions from industrial boilers and process heaters at petroleum refineries. The formal SIP revision was submitted by Delaware on April 27, 2011. Additional background information behind this SIP revision is discussed in detail in the NPR.

##### II. Summary of SIP Revision

This SIP revision consists of providing a facility-wide emissions cap compliance alternative limit for the fluid catalytic cracking unit CO boiler at the Delaware City Refinery. This NO<sub>x</sub> emissions cap starts out at 2,225 tons per year (tpy) and gradually decreases to 1,650 tpy. Additional information regarding the details of the SIP revision is discussed in the NPR. The rationale for EPA’s proposed action is explained in the NPR and will not be restated here. No public comments were received on the NPR.

##### III. Final Action

EPA is approving the Delaware SIP revision to amend the regulation that establishes controls for NO<sub>x</sub> emissions from industrial boilers and process heaters at petroleum refineries. This regulation establishes a facility-wide NO<sub>x</sub> emission cap compliance alternative for the fluid catalytic cracking unit CO boiler at the Delaware City Refinery.

##### IV. Statutory and Executive Order Reviews

###### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

*B. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 16, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of

judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to amendments of Delaware’s regulation regarding the control of NO<sub>x</sub> emissions from industrial boilers and process heaters at petroleum refineries may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 2, 2012.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart I—Delaware**

- 2. In § 52.420, the table in paragraph (c) is amended by revising the entry for Regulation 1142, section 2.0 to read as follows:

**§ 52.420 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS IN THE DELAWARE SIP**

State regulation (7 DNREC 1100)	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
<b>1142 Specific Emission Control Requirements</b>				
*	*	*	*	*
Section 2.0 .....	Control of NO <sub>x</sub> Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries.	4/11/11	5/15/12 [ <i>Insert page number where the document begins</i> ].	Addition of a NO <sub>x</sub> emissions cap compliance alternative for the Delaware City Refinery.
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2012-11656 Filed 5-14-12; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R03-OAR-2012-0292; FRL-9671-7]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permit To Construct Exemptions****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan (SIP). The revisions pertain to sources which are exempt from preconstruction permitting requirements under Maryland's New Source Review (NSR) program. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on July 16, 2012 without further notice, unless EPA receives adverse written comment by June 14, 2012. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2012-0292 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email*: [cox.kathleen@epa.gov](mailto:cox.kathleen@epa.gov).

C. *Mail*: EPA-R03-OAR-2012-0292, Kathleen Cox, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery*: At the previously-listed EPA Region III address. 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-R03-OAR-2012-0292. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *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 *www.regulations.gov* or email. The *www.regulations.gov* Web site 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 email comment directly to EPA without going through *www.regulations.gov*, your email 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, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** David Talley, (215) 814-2117, or by email at [talley.david@epa.gov](mailto:talley.david@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. On December 1, 2003, the Maryland Department of the Environment (MDE) submitted a formal revision (#03-11) to its State Implementation Plan (SIP). The SIP revision consists of two amendments: (A) the repeal of the exemption from

permitting requirements for equipment burning solid fuel at a rate of 350,000 British thermal units per hour (Btu/hr) or less, and (B) the reduction of the cutoff level of the exemption for stationary internal combustion engines.

**II. Summary of SIP Revision**

Regulation .10 under COMAR 26.11.02 (Permits, Approvals, and Registration) contains exemptions for certain sources that are not required to obtain approvals or permits to construct prior to the construction or modification of the affected source. Specifically, COMAR 26.11.02.10D (as it currently exists in the Maryland SIP) provides such an exemption for fuel burning equipment using solid fuel with a heat input rate of less than 350,000 Btu/hr. This exemption led to the mistaken belief on the part of some owners/operators of such sources that this equipment was not subject to any air quality related requirements. However, the exemption from permitting requirements does not provide an exemption from other applicable air pollution requirements. No such relief exists in MDE's regulations. Fuel burning equipment must meet all applicable requirements and emissions limitations, regardless of size. In order to remove any ambiguity, COMAR 26.11.02.10D was repealed.

COMAR 26.11.02.10E provides a similar exemption for stationary combustion engines under 1,000 brake horsepower (bhp) operating under 2,000 hours per year, as well as all stationary internal combustion engines under 500 bhp. Regulation .10E was revised to remove the exemption for the larger engines, and now only applies to engines with an output less than 500 bhp, and which are not used to generate electricity for sale or load shaving (*See* COMAR 26.11.02.10E). The lower threshold allows MDE to establish permit conditions on smaller engines, and thus lower the equipment's potential to emit.

The revisions to COMAR 26.11.02.10D and .10E were effective in Maryland on November 24, 2003. The MDE submitted them to EPA for approval into the SIP on December 1, 2003. EPA's review of the SIP submittal finds the revisions consistent with CAA requirements.

**III. Final Action**

EPA is approving MDE's December 1, 2003 SIP submittal. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules"