

applied in such a manner that parts of the mark appear on different sides of the mailpiece. See 325.1.

b. The mark must be a DOT-approved lithium battery mark, as specified in 49 CFR 173.183(c)(3)(i) and Exhibit 325.2a.

c. The mark must include a telephone number for those who need to obtain additional information.

d. Lithium metal cells or batteries must be marked with UN3090.

e. Lithium metal cells or batteries installed in or packed with the equipment they intend to operate must indicate UN3091.

f. Lithium-ion cells or batteries must be marked UN3480.

g. Lithium-ion cells or batteries installed in or packed with the equipment they intend to operate must indicate UN3481.

6. Lithium battery marks are not required on packages containing only lithium button cell batteries, no more than 4 lithium cells or 2 lithium batteries installed in the equipment they operate.

7. All used, damaged, or defective electronic devices with lithium cells or batteries contained in or packed with device (excluding electronic devices that are new in original packaging, and manufacturer-certified new or refurbished devices) must be marked with the text "Restricted Electronic Device" and "Surface Transportation Only" on the address side of the mailpiece.

* * * * *

[Renumber existing section 349.221 to 349.222]

349.222 Lithium Metal (Nonrechargeable) Cells and Batteries—Domestic

[Revise item a. as follows:]

a. General. The following restrictions apply to the mailability of all lithium metal (or lithium alloy) cells and batteries:

1. Each cell must contain no more than 1.0 gram (g) of lithium content per cell.

2. Each battery must contain no more than 2.0 g aggregate lithium content per battery.

* * * * *

[Renumber existing section 349.222 to 349.223]

349.223 Lithium-Ion (Rechargeable) Cells and Batteries—Domestic

[Revise item a. as follows:]

a. General. The following additional restrictions apply to the mailability of all secondary lithium-ion or lithium polymer cells and batteries:

1. The watt-hour rating must not exceed 20 Wh per cell.

2. The watt-hour rating must not exceed 100 Wh per battery.

3. Each battery must bear the "Watt-hour" or "Wh" marking on the battery to determine if it is within the limits defined in items 1 and 2.

* * * * *

62 Hazardous Materials: International Mail

621 General Requirements

* * * * *

[Insert new section 621.2 and renumber existing 621.2 through 621.4 as 621.3 through 621.5]

621.2 Outer Packaging Requirements

Except as otherwise specified, rigid outer packaging must be used for shipments containing dangerous goods following the instructions in 131.

* * * * *

Appendix C

USPS Packaging Instruction 9D

[Revise third bullet in the Required Packaging section to read as follows:]

Required Packaging

Lithium Metal and Lithium-Ion Batteries

■ Lithium batteries permitted to be mailed under section 349 that are installed in the device they operate, are afforded adequate protection by that equipment, and do not display hazardous text, markings or labels as permitted in 349.221a6, 622.51f and 622.52g may utilize padded and poly bags as outer packaging provided the device is within a secondary container that can withstand a 1.7-meter drop test. Button cell batteries, meeting the classification criteria in 349.11d, installed in the device they operate are not required to be within a secondary container that can withstand a 1.2-meter drop test prior to utilizing a padded or poly bag as outer packaging.

* * * * *

USPS Packaging Instruction 9E

[Insert new second bullet in the Required Packaging section to read as follows:]

Required Packaging

Lithium Metal and Lithium-Ion Batteries

■ Lithium batteries installed in the device they operate that are permitted to be mailed under section 622.5, may utilize padded and poly bags as outer packaging provided the device is within a secondary container that can withstand a 1.7-meter drop test. Button cell batteries, meeting the classification

criteria in 349.11d, installed in the device they operate are not required to be within a secondary container that can withstand a 1.7-meter drop test prior to utilizing a padded or poly bag as outer packaging.

* * * * *

Appendix D

Hazardous Materials Definitions

* * * * *

[Revise definition of Rigid to read as follows:]

Rigid means unable to bend or be forced out of shape; not flexible. Rigid outer packaging is generally interpreted to mean a fiberboard (cardboard) box or outer packaging of equivalent strength, durability, and rigidity. See 131.

* * * * *

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2023-27643 Filed 12-14-23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2023-0588; FRL-11585-01-R9]

Air Plan Revisions; California; Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Sacramento Metropolitan Air Quality Management District (SMAQMD) portion of the California State Implementation Plan (SIP) concerning a rule submitted to address section 185 of the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before January 16, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2023-0588 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI)

or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/>

commenting-epa-dockets. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Mae Wang, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4137 or by email at wang.mae@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. The State’s Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was amended by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule #	Rule title	Amended	Submitted
SMAQMD	307	Clean Air Act Penalty Fees	03/23/2023	05/11/2023

On November 6, 2023, the EPA determined that the submittal for SMAQMD Rule 307 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 307 into the SIP on August 26, 2003 (68 FR 51184). The SMAQMD adopted revisions to the SIP-approved version on March 23, 2023, and CARB submitted them to us on May 11, 2023. If we take final action to approve the March 23, 2023 version of Rule 307, this version will replace the previously approved version of this rule in the SIP.

C. What is the purpose of the submitted rule?

Under sections 182(d)(3), (e), (f) and 185 of the Act, states with ozone nonattainment areas classified as “Severe” or “Extreme” are required to submit a SIP revision that requires major stationary sources of volatile organic compounds (VOC) or oxides of nitrogen (NO_x) emissions in the area to pay a fee if the area fails to attain the standard by the attainment date. The required SIP revision must provide for annual payment of the fees, computed in accordance with CAA section 185(b).

The Sacramento Metro ozone nonattainment area has been classified as Severe for the 1-hour, 1997, and 2008 ozone National Ambient Air Quality Standards (NAAQS). Additionally, on January 17, 2023 (88 FR 2541), the EPA issued a finding that the State of

California failed to submit CAA section 185 fee programs for the 2008 ozone NAAQS for portions of the Sacramento Metro nonattainment area, including the portion under the jurisdiction of the SMAQMD. The SMAQMD submitted Rule 307 to satisfy the requirement to submit a CAA section 185 fee program for each federal ozone NAAQS for which the Sacramento Metro area is classified as Severe or Extreme.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). The EPA is also evaluating the rule for consistency with the statutory requirements of CAA section 185.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

This rule meets CAA requirements and is consistent with relevant guidance regarding enforceability and SIP revisions. The EPA’s technical support document (TSD) has more information on our evaluation.

C. The EPA’s Recommendations to Further Improve the Rule

The TSD includes recommendations for the next time the local agency modifies the rule.

D. Proposed Action and Public Comment

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve submitted Rule 307 because it fulfills all relevant requirements. We will accept comments from the public on this proposal until January 16, 2024. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP. Our final action to approve SMAQMD Rule 307 will also remove the EPA’s obligation to promulgate a FIP associated with the January 17, 2023 action.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with

requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference SMAQMD Rule 307, Clean Air Act Penalty Fees, amended on March 23, 2023, which addresses the CAA section 185 fee program requirements. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a state program;
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
 - 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 Clean Air Act.
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and

permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 8, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023-27514 Filed 12-14-23; 8:45 am]

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