

appear to harmonize clearly with Federal law. As discussed in more detail below, this final rule is intended to remedy those shortcomings, as well as make certain minor editorial revisions to the COPP regulations set forth in 39 CFR 232.1.

1. *Paragraph (f) Gambling:* The prohibition of lottery ticket sales contains an exception for Randolph-Sheppard vendors. This exception is amended to replace obsolete citations to Postal Service regulations with the statutory basis for the exception contained in the Randolph-Sheppard Act Amendments of 1974. Subsection (a)(5) of 20 U.S.C. 107a requires that blind vendors licensed to conduct vending operations on federal property be permitted to sell tickets “for any lottery authorized by State law and conducted by an agency of a State”. This amendment harmonizes Postal Service regulations with the Randolph-Sheppard Act by citing 20 U.S.C. 107a (a)(5) as the statutory basis for the exception.

2. *Paragraph (m) Nondiscrimination:* The nondiscrimination provision is amended to remove inappropriate references to employment policy. The Postal Service has determined that facilities regulations governing public access to and use of Postal Service property are not the appropriate venue for articulating employment policy. This amendment is necessary to eliminate potential conflict or redundancy with regard to employment regulations, and to correct the scope of the nondiscrimination provision of the COPP regulations, which governs the use of Postal Service facilities “of a public nature”.

3. *Paragraph (o) Depositing Literature:* The exception to the prohibition against depositing literature for posting of notices by U.S. Government-related organizations is amended to correct an outdated citation to title 36 of the United States Code. This amendment is necessary for consistency with title 36, which was revised in 1998 without substantive change (Pub. L. 105–225, section 501, 112 Stat. 1253). The amended regulation updates the statutory definition for U.S. Government-related organizations such as the Inaugural Committee, which is currently defined in 36 U.S.C. 501.

4. *Paragraph (p) Penalties and other law:* The penalty provision is amended to incorporate the procedures for a sentence of a fine under title 18 of the United States Code. This amendment is necessary for consistency with title 18, which authorizes the Postal Service to promulgate regulations for the administration and protection of

property under its charge and control and of any persons on such property. 18 U.S.C. 3061. The Postal Accountability and Enhancement Act (Pub. L. 109–435, section 1001, 120 Stat. 3198) contains a penalty provision for violations of such regulations, codified at 18 U.S.C. 3061(c). This penalty provision provides that “a person violating a regulation prescribed under this subsection [authorizing Postal Service promulgation of regulations for the protection of its property and persons on such property] shall be fined under [title 18].” 18 U.S.C. 3061(c)(4)(B). Title 18 sets forth procedures for sentences of a fine for defendants found guilty of a criminal offense. 18 U.S.C. 3571. This amendment harmonizes Postal Service regulations with the Postal Accountability and Enhancement Act by citing 18 U.S.C. 3571 as the statutory basis for the penalty provision of the regulations.

**List of Subjects in 39 CFR Part 232**

Authority designations (Government agencies), Crime, Federal buildings and facilities, Government property, Law enforcement officers, Postal Service, Security measures.

■ In view of the considerations discussed above, the Postal Service adopts the following amendments to 39 CFR Part 232:

**PART 232—[Amended]**

■ 1. The authority citation for Part 232 is revised to read as follows:

**Authority:** 18 U.S.C. 13, 3061, 3571; 21 U.S.C. 802, 844; 39 U.S.C. 401, 403(b)(3), 404(a)(7), 1201(2).

■ 2. In § 232.1, paragraphs (f), (m), (o)(3), and (p)(2) are revised to read as follows:

**§ 232.1 Conduct on postal property.**

\* \* \* \* \*

(f) *Gambling.* Participating in games for money or other personal property, the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of lottery tickets, is prohibited on postal premises. In accordance with 20 U.S.C. 107a(a)(5), this prohibition does not apply to the vending or exchange of State Lottery tickets at vending facilities operated by licensed blind persons where such lotteries are authorized by state law.

\* \* \* \* \*

(m) *Nondiscrimination.* There must be no discrimination by segregation or otherwise against any person or persons because of race, color, religion, national origin, sex, or disability, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a

public nature, including all services, privileges, accommodations, and activities provided on postal property.

\* \* \* \* \*

(o) \* \* \*

(3) Posting of notices by U.S. Government-related organizations, such as the Inaugural Committee as defined in 36 U.S.C. 501.

(p) \* \* \*

(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to a fine as provided in 18 U.S.C. 3571 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.

\* \* \* \* \*

Stanley F. Mires,  
Chief Counsel, Legislative.

[FR Doc. 2010–31775 Filed 12–16–10; 8:45 am]

**BILLING CODE 7710–12–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[EPA–R03–OAR–2010–0859; FRL -9240–2]

**Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) Units, Negative Declaration and Withdrawal of EPA Plan Approval**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve the Commonwealth of Virginia’s negative declaration and request for EPA withdrawal of its section 111(d)/129 plan (the plan) approval for HMIWI units.

**DATES:** This rule is effective February 15, 2011 without further notice, unless EPA receives adverse written comment by January 18, 2011. 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–2010–0859 by one of the following methods:

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

B. *E-mail*: E-mail: [wilkie.walter@epa.gov](mailto:wilkie.walter@epa.gov).

C. *Mail*: EPA-R03-OAR-2010-0859, Walter K. Wilkie, Associate Director, Air Protection Division, Office of Air Monitoring and Analysis, Mailcode 3AP40, 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-2010-0859. 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> 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 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, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the electronic docket are listed in the <http://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 <http://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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** James B. Topsale, P.E., at (215) 814-2190, or by e-mail at [topsale.jim@epa.gov](mailto:topsale.jim@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Commonwealth of Virginia HMIWI plan and related State rule were approved by EPA in the September 10, 2004 edition of the **Federal Register** and codified in 40 CFR Part 62, subpart VV. (69 FR 54756). An EPA correction notice, relating to the original notice **SUMMARY**, was published in the November 16, 2005 edition of the **Federal Register**. Since that time, all three designated incinerator facilities in the plan inventory have been dismantled, according to the Commonwealth of Virginia, Department of Environmental Quality (VADEQ). On October 6, 2009, EPA promulgated revised HMIWI emission guidelines under 40 CFR Part 60, subpart Ce, that triggered the need for revised State plans. As a result, on September 13, 2010, the VADEQ requested EPA's approval of its negative declaration and plan withdrawal request. The submitted negative declaration contains the name of each designated facility that permanently shutdown, and the year it was dismantled.

##### **II. Final Action**

EPA is approving the Commonwealth of Virginia's negative declaration and request for EPA withdrawal of its plan approval for HMIWI units. VADEQ has determined that there are now no designated facilities, subject to subpart Ce requirements, in its air pollution control jurisdiction. EPA accepts that determination. Accordingly, EPA is amending part 62 to reflect approval of the VADEQ September 13, 2010 negative declaration and request for EPA withdrawal of the HMIWI plan approval. However, if an affected Virginia HMIWI unit is discovered in the future, all the requirements of the Federal Plan (including revisions or amendments), part 62, subpart HHH, will be applicable to the affected unit.

##### **III. Statutory and Executive Order Reviews**

###### *A. General Requirements*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it 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). This rule also does not have Tribal implications because it will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a State rule implementing a Federal standard.

In reviewing section 111(d)/129 plan submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS),

EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### 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 rule 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**. This rule 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 15, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 approving the Commonwealth of Virginia section 111(d)/129 negative declaration and request for EPA withdrawal of the HMIWI plan approval may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur

oxides, Sulfur acid plants, Waste treatment and disposal.

Dated: December 2, 2010.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

■ 40 CFR Part 62, Subpart VV, is amended as follows:

#### PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

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

#### Subpart VV—Virginia

■ 2. Section 62.11625 is amended by revising the section heading, designating the existing paragraph as (a) and adding paragraph (b) to read as follows:

##### § 62.11625 Identification of plan—negative declaration.

\* \* \* \* \*

(b) On September 13, 2010, the Commonwealth of Virginia, Department of Environmental Protection, submitted a negative declaration, and request for withdrawal of EPA's plan approval under paragraph (a).

■ 3. Section 62.11626 is removed.

■ 4. Section 62.11627 is revised to read as follows:

##### § 62.11627 Effective date.

The effective date of the negative declaration and EPA withdrawal of the plan approval is February 15, 2011.

[FR Doc. 2010-31741 Filed 12-16-10; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 261, 268, and 302

[EPA-HQ-RCRA-2009-0310, FRL-9239-8]

RIN 2050-AG55

#### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances

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

**ACTION:** Final Rule.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is amending its regulations under the Resource Conservation and Recovery Act (RCRA) to remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes

when discarded or intended to be discarded. EPA is also amending the regulations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to remove saccharin and its salts from the list of hazardous substances. This final rule is in response to a petition submitted to EPA by the Calorie Control Council (CCC) to remove saccharin and its salts from the above lists. EPA is granting CCC's petition based on a review of the evaluations conducted by key public health agencies concerning the carcinogenic and other potential toxicological effects of saccharin and its salts, as well as EPA's own assessment of the waste generation and management information for saccharin and its salts. This review/assessment demonstrates that saccharin and its salts do not meet the criteria in the hazardous waste regulations for remaining on EPA's lists of hazardous constituents, hazardous wastes, and hazardous substances.

**DATES:** This final rule is effective on January 18, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-RCRA-2009-0310. All documents in the docket are listed in the <http://www.regulations.gov> index. Certain material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the OSWER Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. The Public Meeting Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the OSWER Docket and the Public Reading Room is (202) 566-1744. **FOR FURTHER INFORMATION CONTACT:** For general information, review our Web site at <http://www.epa.gov/epaoswer/hazwaste>. For information on specific aspects of the rule, contact Narendra Chaudhari of the Office of Resource Conservation and Recovery (5304P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 703-308-0454; e-mail address: [chaudhari.narendra@epa.gov](mailto:chaudhari.narendra@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

A. *Who is potentially affected by this final rule?*

This final rule could directly affect businesses that generate or manage