

**List of Subjects**

*40 CFR Part 51*

Environmental protection, Air pollution control, Administrative practice and procedure, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Transportation, Volatile organic compounds.

*40 CFR Part 96*

Environmental protection, Administrative practice and procedure, Air pollution control, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: December 18, 1998.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

40 CFR parts 51 and 96 are amended as follows:

**PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS**

1. The authority citation for part 51 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

**Subpart G—Control Strategy [Amended]**

2. Section 51.121 is amended to revise paragraphs (e)(4) introductory text and (f)(2)(ii) to read as follows:

**§ 51.121 Findings and requirements for submission of State implementation plan revisions relating to emissions of oxides of nitrogen.**

\* \* \* \* \*

(e) \* \* \*

(4) If, no later than February 22, 1999, any member of the public requests revisions to the source-specific data and vehicle miles traveled (VMT) and nonroad mobile growth rates, VMT distribution by vehicle class, average speed by roadway type, inspection and maintenance program parameters, and other input parameters used to establish the State budgets set forth in paragraph (e)(2) of this section or the 2007 baseline sub-inventory information set forth in paragraph (g)(2)(ii) of this section, then EPA will act on that request no later than April 23, 1999 provided:

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(ii) Impose enforceable mechanisms, in accordance with paragraphs (b)(1) (i) and (ii) of this section, to assure that collectively all such sources, including

new or modified units, will not exceed in the 2007 ozone season the total NO<sub>x</sub> emissions projected for such sources by the State pursuant to paragraph (g) of this section.

\* \* \* \* \*

**PART 96—NO<sub>x</sub> BUDGET TRADING PROGRAM FOR STATE IMPLEMENTATION PLANS**

3. The authority citation for part 96 continues to read:

**Authority:** U.S.C. 7401, 7403, 7410, and 7601.

4. Section 96.42 is amended in paragraph (f) to revise the formula immediately preceding the word “Where:” to read as follows:

**§ 96.42 NO<sub>x</sub> allowance allocations.**

\* \* \* \* \*

(f) \* \* \*

Unit’s share of NO<sub>x</sub> allowances remaining in allocation set-aside = Total NO<sub>x</sub> allowances remaining in allocation set-aside × (Unit’s NO<sub>x</sub> allowance allocation ÷ State trading program budget excluding allocation set-aside)

\* \* \* \* \*

[FR Doc. 98–34150 Filed 12–23–98; 8:45 am]  
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 266 and 273**

[FRL–6207–7]

RIN 2050–AD19

**Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program)**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting errors that appeared in the Universal Waste Rule which was published in the **Federal Register** (FR) on May 11, 1995 (60 FR 25492). This final rule creates no new regulatory requirements; rather it: makes three corrections to the regulations governing management of spent lead-acid batteries that are reclaimed; corrects the definition of a small quantity universal waste handler; and clarifies the export requirements which apply to destination facilities when destination facilities act as universal waste handlers.

**EFFECTIVE DATE:** December 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/Superfund Hotline at (800) 424–9346 (toll free) or TDD 800 553–7672 (hearing impaired). Contact the RCRA Hotline in the Washington, D.C. metropolitan area at (703) 412–9810 or TDD 703 412–3323. For specific information concerning the Universal Waste Rule, contact Mr. Bryan Groce at (703) 308–8750, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, mailcode 5304W. This rule is available on the Internet. Please follow these instructions to access the rule electronically: From the World Wide Web (WWW), type://www.epa.gov/epaoswr, then select option for Laws and Regulations. The official record for this action is kept in a paper format.

**SUPPLEMENTARY INFORMATION:**

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15. Has EPA submitted this rule to Congress and the General Accounting Office?

**1. What Is the Statutory Authority for This Rule?**

EPA is issuing this rule under the authority of sections 1006, 2002(a), 3002, 3003, 3004, 3005, 3010 and 3017 as amended by the Resource Conservation and Recovery Act of 1976 (codified as 42 U.S.C. 6905, 6912(a), 6922, 6923, 6924, 6925, 6930, and 6937).

**2. Does This Rule Create Any New Federal Requirements?**

No. This rule is a technical correction and creates no new regulatory requirements. Rather, it corrects certain regulatory provisions that apply to regenerating and storing lead-acid batteries. The lead-acid battery provisions and the provisions for battery regeneration were originally included in a final rule promulgated on January 4, 1985 Final Rule (50 FR 614) and were mistakenly changed, deleted or incorrectly worded in the final Universal Waste Rule of May 11, 1995 (60 FR 25492). This rule also corrects the definition of a small quantity universal waste handler, and clarifies the export requirements which apply to destination facilities when destination facilities act as universal waste handlers.

**3. What Does This Rule Do?**

This rule amends portions in Chapter 40 of the Code of Federal Regulations (CFR) Parts 266 and 273. Specifically, the rule:

- (a) Clarifies the lead-acid battery regeneration exemption (40 CFR 266.80(a)).
- (b) Clarifies that lead-acid batteries that are stored before reclamation other than regeneration must be managed in accordance with the lead-acid battery storage requirements. (See 40 CFR 266.80(b)).
- (c) Reinserts the spent lead-acid battery storage requirements which were mistakenly left out in the May 11, 1995 Universal Waste Rule.
- (d) Corrects the current definition of small quantity universal waste handler found in the regulatory text in order to be consistent with the correct definition in the preamble to the final rule (40 CFR 273.6).
- (e) Corrects preamble statements providing the regulatory references for universal waste export requirements that apply to destination facilities.

**4. Why Are the Clarifications and Corrections in This Rule Necessary?**

The Universal Waste Rule inadvertently:

- (a) Created confusion about requirements for handling spent lead-acid batteries that will be regenerated.
- (b) Deleted management requirements for storing lead-acid batteries before reclaiming them.
- (c) Defined "small quantity handler of universal waste" incorrectly.
- (d) Included in the preamble an incorrect citation for export requirements which apply to

destination facilities that export universal wastes.

**5. What Other Changes Have Been Made as a Result of This Rule?**

EPA has chosen to rewrite and reorganize § 266.80, which covers requirements for lead-acid batteries that are to be reclaimed so that they are clearer and easier to use. These changes are made as part of the Agency's ongoing efforts at regulatory reinvention. Although the format has changed as a result of rewriting the regulatory text in "plain language," this final rule creates no new regulatory requirements. EPA is not intending to revise, reopen or reconsider the merits of any other aspects of the existing regulatory requirements at 40 CFR 266.80.

It is important to understand that all of the requirements found in today's final regulations, including those set forth in table format, constitute binding, enforceable legal requirements. The plain language format used in today's final regulation for lead-acid batteries may appear different from other rules, but it establishes binding, enforceable legal requirements like those in the existing regulations at 40 CFR part 266.

**6. What Federal Requirements Apply to Spent Lead-Acid Batteries?**

The federal regulations that apply to spent lead-acid batteries have changed over time. The following table summarizes how the requirements have evolved:

Date	Rule	Legal requirements
1-4-85 .....	40 CFR 266.30 (subsequently changed to 40 CFR 266.80).	(1) Exempts spent lead-acid batteries from hazardous waste management requirements when they are: (a) Handled by anyone (i.e., retailers, wholesalers, local service stations) other than reclaimers (i.e., a battery cracker or secondary lead smelter); (b) Collected and stored at intermediate facilities (i.e., collection facilities) before being sent to reclaimers; and (c) Transported. (2) Requires battery crackers or secondary lead smelters to manage spent lead-acid batteries as hazardous waste when storing the batteries before reclaiming them.
1-4-85 .....	40 CFR 261.6(a)(3)(ii) .....	Exempts spent lead-acid and other batteries from hazardous waste management requirements if they are returned to a battery manufacturer for regeneration.
5-11-95 .....	Universal Waste Rule 40 CFR Part 273 ..	(1) Removed the provision (40 CFR 261.6(a)(3)(ii)) that exempted batteries from hazardous waste management requirements if they are to be regenerated. (2) Non-lead acid batteries (except as provided in Public Law 104-142, entitled the "Mercury-containing and Rechargeable Battery Management Act") may be managed in accordance with requirements in either: (a) Universal Waste Rule (40 CFR Part 273); or (b) Full Subtitle C regulation (40 CFR Parts 260 through 272). (3) Spent lead-acid batteries may be managed according with requirements of either: (a) Universal Waste Rule (40 CFR Part 273); or (b) Special requirements in 40 CFR 266 Subpart G.

Date	Rule	Legal requirements
5-13-96 .....	<p>Mercury-Containing and Rechargeable Battery Management Act (PL 104-142) Section 104(a), to be codified in a future EPA action, but directly enforceable as a matter of law on the date of passage.</p> <p>Section 104(a)(2) of the Mercury-Containing and Rechargeable Battery Management Act.</p>	<p>(1) Requires that the collection, storage, and transportation of the following types of batteries be regulated under the May 11, 1995 Universal Waste Rule:</p> <ul style="list-style-type: none"> <li>(a) Used rechargeable batteries</li> <li>(b) Certain lead-acid batteries not managed under 40 CFR 266 Subpart G</li> <li>(c) Rechargeable alkaline batteries</li> <li>(d) Certain mercury-containing batteries banned for domestic sale</li> <li>(e) Used consumer products containing rechargeable batteries that aren't easily removable.</li> </ul> <p>(2) Stipulates that section 104(a) does not apply to any lead-acid battery that is managed in accordance with requirements in 40 CFR 266 Subpart G or equivalent requirements in an approved state program.</p>

**7. Why Are There Two Options for Managing Lead-Acid Batteries?**

EPA included lead-acid batteries in the Universal Waste Rule as a convenience to generators and handlers that accumulate different types of spent hazardous waste batteries. In some cases, it may be easier to manage all spent batteries in the same way under the Universal Waste Rule, rather than separating out the lead-acid batteries for handling under 40 CFR Part 266. EPA retained the requirements for lead-acid batteries in 40 CFR 266.80 because they have resulted in a very successful recycling program for automotive batteries. Ninety percent of all used automotive lead-acid batteries are recycled.

**8. Is Lead-Acid Battery Regeneration A Type of Reclamation? If Yes, Why Did EPA Decide to Regulate It Differently From Other Lead-Acid Battery Reclamation?**

Yes, regeneration is a type of reclamation that EPA has authority to regulate. However, in 1985 EPA chose to exempt it from regulation because battery regeneration posed low environmental risks and resembled recycling activities that EPA did not regulate. (See 48 FR at 14496; 50 FR at 649.) Exempt "regeneration" includes only replacing drained electrolyte fluids and replacing "bad" battery cells. (See 48 FR at 14496.)

EPA felt that the recycling of lead-acid batteries to recover lead posed different environmental risks. (See 48 FR at 14496, note 50.) The lead recovery process involves cracking battery casings and smelting the lead plates. EPA chose to regulate storage by battery reclaimers prior to this type of reclamation. EPA also noted that wastes from the reclamation process would continue to be regulated. (See 48 FR at 14496.) EPA chose not to regulate storage by other persons and chose not to regulate transportation, finding that a number of factors made regulation unnecessary. (See 48 FR 14498-99.) Today's clarification of the lead-acid

battery rules does not change any requirements and does not provide new opportunity under section 7006 of RCRA to challenge the earlier actions that put the rules in place.

**9. How Does Today's Technical Correction Clarify Requirements for Handling Spent Lead-Acid Batteries That Will Be Regenerated?**

As currently drafted, 40 CFR 266.80(a), reads: "Persons who generate, transport, or collect spent batteries, who regenerate spent batteries, or who store spent batteries but do not reclaim them (other than spent batteries that are to be regenerated) are not subject to regulation under parts 262 through 266 or part 270 or 124 of this chapter \* \* \*". We are concerned that the meaning of the phrase within the parentheses isn't clear. Today's technical correction changes 40 CFR 266.80(a) by replacing it with a table that more fully explains when lead-acid batteries are exempt from hazardous waste management requirements. The table reflects EPA's original intent (as expressed in the Universal Waste Rule published on May 11, 1995) for the amendment made to 40 CFR 266.80.

**10. How Does Today's Technical Correction Affect Management Requirements for Storing Lead-Acid Batteries Before Reclaiming Them?**

Today's action does not change any management requirements for storage of lead-acid batteries. When EPA amended 40 CFR 266.80 in the final Universal Waste Rule, the management requirements for storing spent lead-acid batteries before reclamation were mistakenly deleted. (Compare 40 CFR 266.80(b)(1)-(4)(1994 edition) with §266.80(b) at 60 FR 25542.) Today's technical correction restores to 40 CFR 266.80(b) the deleted storage requirements for spent lead-acid batteries when the batteries aren't regenerated. In addition, for the sake of clarity, the restored requirements have been reorganized by separating the requirements for interim status facilities

and permitted facilities. Further, the restored requirements have been reorganized so that they are presented in a more readable format. Although the requirements have been separated and reformatted, they are substantively the same as those mistakenly deleted. In other words, there are no new requirements as a result of these modifications.

Specifically, the restored provisions list the applicable requirements for interim status facilities, which include: (1) Notification requirements under section 3010 of RCRA; (2) All applicable provisions in subpart A of 40 CFR part 265; (3) All applicable provisions in subpart B of 40 CFR part 265 (but not §265.13, dealing with waste analysis); (4) All applicable provisions in subparts C and D of 40 CFR part 265; (5) All applicable provisions in subpart E of 40 CFR part 265 (but not §§265.71 and 265.72, dealing with the use of the manifest and manifest discrepancies); (6) All applicable provisions in subparts F through L of 40 CFR part 265 of this chapter; and (7) All applicable provisions in 40 CFR parts 270 and 124.

Likewise, the restored provisions list the applicable requirements for permitted facilities which include: (1) Notification requirements under section 3010 of RCRA; (2) All applicable provisions in subpart A of 40 CFR part 264; (3) All applicable provisions in subpart B of 40 CFR part 264 (but not §264.13, dealing with waste analysis); (4) All applicable provisions in subparts C and D of 40 CFR part 264; (5) All applicable provisions in subpart E of 40 CFR part 264 (but not §264.71 or §264.72, dealing with the use of the manifest and manifest discrepancies); (6) All applicable provisions in subparts F through L of 40 CFR part 264; and (7) All applicable provisions in 40 CFR parts 270 and 124. Again, EPA takes the position that this clarification of existing provisions does not provide new opportunity to challenge them.

**11. How Does Today's Technical Correction Change the Definition of "Small Quantity Handler of Universal Waste?"**

Today's technical correction changes the current definition of "small quantity

handler of universal waste" by making it consistent with the definition in the preamble to the May 11, 1995 Universal Waste Final rule. The correction clearly distinguishes the difference between a small quantity handler of universal waste and a large quantity handler of

universal waste. Without today's technical correction, there is the potential for confusion when distinguishing small quantity handlers from large quantity handlers since the current regulatory definitions are not mutually exclusive.

Current definition of small quantity handler of universal waste	Newly corrected definition of small quantity handler of universal waste
"A small quantity handler of universal waste means a universal waste handler (as defined in this section) who does not accumulate more than 5000 kilograms total of universal waste* * *."	"A small quantity handler of universal waste means a universal waste handler (as defined in this section) who does not accumulate 5000 kilograms or more total of universal waste* * *."

**12. How Is EPA Correcting Requirements Related to Exports of Universal Wastes?**

The discussion of destination facility requirements in the preamble to the final Universal Waste Rule (60 FR 25533-34) states that the export requirements for destination facilities are included in the final rule as "subpart E, § 273.63." This citation is incorrect; § 273.63 does not exist. A destination facility that sends universal waste to a foreign destination (i.e., outside the United States) is subject to either:

- (a) Section § 273.20 or § 273.40 depending on their universal waste handler classification, or
- (b) Section § 273.56 if the destination facility actually transports universal waste to a foreign destination.

In addition, on page 25534 of the preamble to the final universal waste rule, there is a parenthetical statement at the end of the first paragraph referring the reader to section III.F.10 of the preamble for a discussion of issues related to exports of universal waste. The citation is incorrect. The discussion of issues related to exports of universal waste is in section IV.E.10 of the preamble to the final rule. Since the errors mentioned above were made in the preamble of the Universal Waste Rule, the export requirements for universal wastes are unaffected by today's rule.

**13. Why Isn't EPA Proposing These Changes for Public Comment and Establishing an Effective Date Later Than the Promulgation Date?**

Today's technical correction creates no new regulatory requirements. It reinstates regulatory language that was mistakenly changed in a previous EPA rule, and clarifies existing regulatory requirements. For these reasons, EPA finds that good cause exists under 5 U.S.C. 553(b)(3)(B) to issue these corrections as a final rule without notice and opportunity for comment. For the same reasons, EPA finds that there is good cause under 5 U.S.C. 553(d)(3) and

42 U.S.C. 6930(b)(3) (section 3010(b)(3) of RCRA) to make this regulation immediately effective upon promulgation.

**14. Does This Technical Correction Meet Conditions Described in the Executive Order 12866, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act of 1995, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act of 1995, and Executive Orders 13045, 12875, and 13084?**

*Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866, (58 FR 51.735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review."

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), as amended by the Small Business Enforcement and Fairness Act, 5 U.S.C.

601-612, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. EPA has determined that today's rule will not have a significant economic impact on a substantial number of small entities. The rule does not impose any additional burdens on small entities because it does not create any new regulatory requirements. Therefore, EPA has determined that it is appropriate to certify that this rule will not have a significant economic impact on a substantial number of small entities.

*The Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. For the reason described above, that the rule does not create any new requirements, it does not contain a Federal mandate that may result in annual expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or for the private sector. The rule likewise contains no regulatory requirements that might significantly or uniquely affect small governments under section 203 of the UMRA and imposes no burdens that may result in annual expenditures of \$100 million or more. Accordingly, the requirements of UMRA do not apply.

*Paperwork Reduction Act*

Since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it does not affect requirements under the Paperwork Reduction Act.

*The National Technology Transfer and Advancement Act of 1995*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub L. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies.

The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This technical correction action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary standards in this rulemaking.

*Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

This technical correction is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because this action is not an economically significant rule, and it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

*Executive Order 12875: Enhancing Intergovernmental Partnerships*

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal

governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's technical correction does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Today's rule corrects errors to existing regulations governing management of spent lead-acid batteries that are reclaimed and corrects the definition of small quantity universal waste handlers. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

*Executive Order 13084: Consultation and Coordination With Indian Tribal Governments*

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's technical correction does not significantly or uniquely affect the communities of Indian tribal governments. Today's rule corrects errors to existing regulations governing management of spent lead-acid batteries that are reclaimed and corrects the definition of small quantity universal waste handlers. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

**15. Has EPA Submitted This Rule to Congress and the General Accounting Office?**

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory

Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) as amended.

**List of Subjects***40 CFR Part 266*

Environmental protection, Energy, Hazardous waste, Petroleum, Recycling, Reporting and recordkeeping requirements.

*40 CFR Part 273*

Hazardous materials transportation, Hazardous waste.

Dated: December 8, 1998.

**Timothy Fields, Jr.,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

40 CFR parts 266 and 273 is amended as follows:

**PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

1. The authority citation for part 266 continues to read as follows:

**Authority:** 42 U.S.C. 1006, 2002(a), 3004, and 3014, 6905, 6906, 6912, 6922, 6923, 6924, 6925, and 6937.

**Subpart G—Spent Lead-Acid Batteries Being Reclaimed**

2. Section 266.80 is revised to read as follows:

**§ 266.80 Applicability and requirements.**

(a) Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the "Universal Waste" rule in 40 CFR part 273.

If your batteries * * *	And if you * * *	Then you * * *	And you * * *
(1) Will be reclaimed through regeneration (such as by electrolyte replacement).		are exempt from 40 CFR Parts 262 (except for § 262.11) 263, 264, 265, 266, 268, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.	are subject to 40 CFR Parts 261 and 262.11 of this chapter.
(2) Will be reclaimed other than through regeneration.	generate, collect, and/or transport these batteries.	are exempt from 40 CFR Parts 262 (except for § 262.11) 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.	are subject to 40 CFR Parts 261 and 262.11, and applicable provisions under Part 268.
(3) Will be reclaimed other than through regeneration.	store these batteries but you aren't the reclaimer.	are exempt from 40 CFR Parts 262 (except for § 262.11) 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.	are subject to 40 CFR Parts 261, 262.11, and applicable provisions under Part 268.
(4) Will be reclaimed other than through regeneration.	store these batteries before you reclaim them.	must comply with 40 CFR 266.80(b) and as appropriate other regulatory provisions described in 266.80(b).	are subject to 40 CFR Parts 261, 262.11, and applicable provisions under Part 268.
(5) Will be reclaimed other than through regeneration.	don't store these batteries before you reclaim them.	are exempt from 40 CFR Parts 262 (except for § 262.11) 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.	are subject to 40 CFR Parts 261, 262.11, and applicable provisions under Part 268.

(b) If I store spent lead-acid batteries before I reclaim them but not through regeneration, which requirements apply? The requirements of paragraph (b) of this section apply to you if you store spent lead-acid batteries before you reclaim them, but you don't reclaim them through regeneration. The requirements are slightly different depending on your RCRA permit status.

(1) For Interim Status Facilities, you must comply with:

(i) Notification requirements under section 3010 of RCRA.

(ii) All applicable provisions in subpart A of part 265 of this chapter.

(iii) All applicable provisions in subpart B of part 265 of this chapter except § 265.13 (waste analysis).

(iv) All applicable provisions in subparts C and D of part 265 of this chapter.

(v) All applicable provisions in subpart E of part 265 of this chapter except §§ 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies).

(vi) All applicable provisions in subparts F through L of part 265 of this chapter.

(vii) All applicable provisions in parts 270 and 124 of this chapter.

(2) For Permitted Facilities.

(i) Notification requirements under section 3010 of RCRA.

(ii) All applicable provisions in subpart A of part 264 of this chapter.

(iii) All applicable provisions in subpart B of part 264 of this chapter (but not § 264.13 (waste analysis)).

(iv) All applicable provisions in subparts C and D of part 264 of this chapter.

(v) All applicable provisions in subpart E of part 264 of this chapter (but not § 264.71 or § 264.72 (dealing with the use of the manifest and manifest discrepancies)).

(vi) All applicable provisions in subparts F through L of part 264 of this chapter.

(vii) All applicable provisions in parts 270 and 124 of this chapter.

**PART 273—STANDARDS FOR UNIVERSAL WASTE MANAGEMENT**

3. The authority citation for part 273 continues to read as follows:

**Authority:** 42 U.S.C. 6922, 6923, 6924, 6925, 6930, and 6937.

4. Section 273.6 is amended by revising the definition of "Small Quantity Handler of Universal Waste" to read as follows:

**§ 273.6 Definitions.**

\* \* \* \* \*

*Small Quantity Handler of Universal Waste* means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, or thermostats, calculated collectively) at any time.

\* \* \* \* \*

[FR Doc. 98-34044 Filed 12-23-98; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**48 CFR Chapter 2**

**Defense Federal Acquisition Regulation Supplement; Technical Amendments to Update Activity Names and Addresses**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement to update names and addresses of DoD activities.

**EFFECTIVE DATE:** December 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350.

**List of Subjects in 48 CFR Chapter 2**

Government procurement.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Appendix G to Chapter 2 is amended as follows:

1. The authority citation for 48 CFR Appendix G to subchapter I continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

**Appendix G To Chapter II—Activity Address Numbers**

2. Appendix G to Chapter 2 is amended in Part 5 by adding a new entry at the end to read as follows: