Center, Radon Proficiency Program User Fees (IRAA), P.O. Box 952491, St. Louis, Missouri, 63195–2491. The fee payment shall include the original copy of the EPA payment invoice. Collection of fees will begin in the calendar year beginning January 1, 1995. Specific guidance on how and when fees must be

paid can be found in How to Pay Your Radon Proficiency Programs User Fees, U.S. EPA/Office of Radiation and Indoor Air. Copies of this document can be obtained by contacting the RIS at (334) 272–2797 or by FAX at (334) 260–9051.

(e) Adjustment of Fees. (1) EPA shall collect 100 percent of its operating costs

associated with its radon proficiency programs by calendar year 1998. As necessary, EPA shall adjust the fees established by this subpart each year over the next four years to collect the following percentages of program costs:

Year 1	Year 2	Year 3	Year 4	Year 5
30%	47.5%	65%	82.5%	100%

Actual fees for each fiscal year will be calculated based on program costs and participation rates. New fee schedules will be published in the **Federal Register** as a technical amendment final rule to this part to become effective 30 days or more after publication.

(2) EPA will use a three-step process to adjust the fees annually. First, EPA will estimate the costs of providing each of the proficiency programs for the upcoming year. EPA will account for future additional fixed costs (e.g., updating examinations) and increases/ decreases in variable costs due to inflation and other factors. In order to calculate increases/decreases in costs due to inflation, EPA may use one of the three following indices: the Federal General Schedule (GS) pay scale, the Consumer Price Index (CPI), and/or a component of the CPI, such as services. Second, EPA will estimate the number of participants for each program. At a minimum, these participation rates will be based on past and current program participation rates. Third, EPA shall calculate the per capita costs that individuals and organizations should pay to enable it to recover its fixed and variable costs each year for each program. EPA shall also consider potential industry impacts as it adjusts to levels to ultimately achieve full cost recovery over the period of five years.

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40 CFR Part 261

[FRL-5276-3]

Hazardous Waste Management System: Carbamate Production, Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Interpretative rule.

SUMMARY: The Environmental Protection Agency is today announcing a change in the Agency's interpretation of its rule

that lists wastes from carbamate production as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). Under this new interpretation, wastes from the production of non-carbamate intermediates that are used exclusively in the production of carbamates but are not produced at the ultimate site of manufacture of the carbamates will not be subject to the rule. These wastes are among those given the RCRA waste code designations K–156 and K–157 in the rule.

EFFECTIVE DATE: August 8, 1995.

ADDRESSES: The official record for this interpretative rule is identified as Docket number F-95-CPLF-FFFFF and is located in the RCRA Docket, Room M2616 (5305), 401 M Street, SW, Washington, DC, 20460. The public may make an appointment in order to review docket materials by calling (202) 260-9327. The docket is open for inspection from 9 AM to 4 PM, Monday through Friday, excluding Federal holidays. The public may copy material from any regulatory docket at a cost of \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA/Superfund Hotline, toll free, at (800) 424–9346, or at (703) 920–9810. For technical information concerning this notice, contact Mr. John Austin, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, (202) 260–4789.

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 1995 (60 FR 7824), EPA promulgated regulations under RCRA that listed as hazardous wastes six wastes generated during the production of carbamates and 58 commercial chemical products that become hazardous wastes when they are discarded or intended to be discarded. This rule becomes effective on August 9, 1995.

Among the six wastes subject to the rule are those designated by EPA as K-

156 and K–157. The K–156 listing consists of "[o]rganic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes" (60 FR 7849, to be codified at 40 CFR 261.32). This waste was listed because it contains one or more of the following hazardous constituents of concern: formaldehyde, methylene chloride, triethylamine, carbofuran, benomyl, carbendazim, carbaryl, or carbosulfan (60 FR 7853, to be codified in Appendix VII to 40 CFR Part 261).

The K-157 listing consists of "[w]astewaters (including scrubber waters, condenser waters, washwaters and separation waters) from the production of carbamates and carbamoyl oximes" (60 FR 7849, to be codified at 40 CFR 261.32). This waste was listed because it contained one or more of the following hazardous constituents of concern—carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, or triethylamine (60 FR 7853, to be codified in Appendix VII to 40 CFR Part 261).

Public comments on the proposed rule requested that EPA clarify the definition of carbamate "production," principally to ensure that production would not include operations that isolate non-carbamate product for which there is otherwise a commercial market. In response to these comments, EPA set out its interpretation of the definition of production for purposes of the carbamate listing rule in the preamble to the final rule at 60 FR 7830.

After considering the comments and examining the industry, EPA concluded that carbamate production for purposes of the rule begins with the synthesis of non-carbamate chemicals that have no other use except for the production of a carbamate product. These non-carbamate chemicals are known as chemical "intermediates" in the industry. The consequence of this interpretation is that wastes generated from the manufacture of these