intermediates would be considered to be within the scope of the listing.

In its preamble interpretation, the Agency stated that processes that produce non-carbamate products which may be used in carbamate production, but have other uses, are not included in the definition of carbamate production. These latter processes would include production of phosgene and methyl isocyanate.

However, EPA also interpreted carbamate production to include manufacture of the non-carbamate intermediates used exclusively in carbamate production regardless of whether the manufacture occurred at the ultimate site of manufacture of the carbamate chemical. EPA specifically cited, as examples of these off-site intermediates—bendiocarb phenol, A– 2213 (an intermediate in oxamyl production), and carbofuran phenol. 60 FR 7830.

A number of petitions for review challenging the carbamate listing have been filed in the United States Court of Appeals for the District of Columbia Circuit. These cases have been consolidated under the name, *Dithiocarbamate Task Force* v. *EPA*, Docket No. 95–1249.

As a result of settlement discussions EPA has reexamined the rulemaking record and determined that it lacks support for the interpretation of "production" as including manufacture of non-carbamate intermediates not produced at the ultimate site of carbamate production. In particular, information submitted by the producers of these non-carbamate intermediates shows that their wastes generated from manufacture of these intermediates do not contain any of the hazardous constituents of concern for which the K-156 and K-157 wastes have been listed. EPA has no other information to indicate that these waste streams contain any of these constituents.

Thus, EPA believes it has interpreted the definition of carbamate production in an overly broad manner to include wastes that should not be subject to the rule. Accordingly, EPA hereby changes its interpretation of carbamate "production" not to include noncarbamate intermediates that are produced at a site other than the ultimate site of carbamate production. Wastes from the production of such intermediates will not be covered by the listing.

II. Justification for Making the Interpretation Immediately Effective

EPA considers this change to its regulatory interpretation to be an interpretative rule exempt from the requirement for public notice and opportunity for comment procedures under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), because it informs the public of the Agency's views of how the term, "production," in its own regulations will apply to carbamate waste listings. Also, EPA does not consider that this interpretation is subject to the requirements of the APA (5 U.S.C. 553(d)) or RCRA (section 3010(b); 42 U.S.C. 6930(d)) to delay the effective date of regulations after they are promulgated.

To the extent it may be argued that EPA is required to provide public notice and opportunity to comment or delay in the effective date, the Agency finds that good cause exists not to apply these procedures. If either notice and comment or delayed effective date procedures were applied, the off-site non-carbamate waste streams would become subject to the requirements of RCRA Subtitle as of August 9. The Agency has determined that this would be unfair, since EPA's rulemaking record indicates that the risks from these wastes are not significant and that the record does not support regulating them. Given the likelihood that the risks appear to be insignificant, at least to the extent they are examined in the rulemaking record, the wastes should not be subjected to the extensive requirements of the RCRA waste management regulations.

Dated: August 8, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95–20002 Filed 8–11–95; 8:45 am] BILLING CODE 6560–50–M

40 CFR Part 271

[FRL-5276-5]

Alabama; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of the "Burning of Hazardous Waste in Boilers and Industrial Furnaces" (BIF) provision and provisions contained in RCRA Cluster III. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Alabama's applications and has made a decision, subject to public review and comment, that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

DATES: Final authorization for Alabama's program revisions shall be effective October 13, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Alabama's program revision applications must be received by the close of business, September 13, 1995.

ADDRESSES: Copies of Alabama's program revision applications are available during 8:00 am to 4:30 pm at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W. L. Dickinson Drive, Montgomery, Alabama 36109-2608. (334) 271-7700; U.S. EPA, Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below. FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, U.S. EPA

Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most