

Program in 1989, EPA has required secondary organizations to submit applications and be listed separately for each business location they operate. In the 1994 user fee billing cycle, EPA invoiced and collected fees for organizations listed for or seeking listing for secondary measurement services based on separate business locations. To clarify this aspect of the program's operation, EPA has added the phrase, "a fee for each business location listed" at appropriate places in Section 195.20(a)(2) of the final rule.

B. Individual Measurement Proficiency

The total costs of the individual proficiency component of the RMP program in Fiscal Year 1994 were about \$459,400. As of October 1, 1994, approximately 2,075 individuals were listed or in the process of being listed in the individual proficiency program. If the individual component of the RMP Program fees had been set at a full cost recovery level (100%) the annual fee for 1995 would be about \$220 per individual.

C. National Radon Contractor Proficiency Program

The total costs for the RCP program were about \$305,400 in fiscal year 1994. Approximately 686 individuals were listed or in the process of being listed in the RCP Program as of October 1, 1994. If the RCP Program fee had been set at a full cost recovery level (100%) the annual fee for 1995 would be about \$445 per individual.

D. Fee Schedule—1995

1. Fee Amounts

The 1995 user fee schedule for applicants to and participants in the RMP and RCP programs is, apart from some minor editorial changes, essentially unchanged from 1994. That schedule appears as a revised 40 CFR section 195.20, which follows this preamble.

Organizations or individuals whose proficiency program application has not yet been accepted by EPA on the effective date of this technical amendment (i.e., 30 days after the date of its publication in the **Federal Register**) become subject to the fees described above once their application has been accepted. Their user fees will be prorated quarterly, based on the acceptance date of the application. New applicants will be assessed an annual user fee based on the acceptance date of their application.

2. Exemptions

State and local governments, including educational entities, are exempted from these fees under section 305(e)(2) of the IRAA. EPA has determined that exempted organizations or individuals include:

State or local governments (or employees thereof acting in their official capacities) who are listed, or applying to be listed, in the EPA proficiency programs who wish to perform radon measurements and/or mitigations. Specific exempted entities include the following classifications:

- Indian Tribes,
- State and local educational entities, that is, schools and school districts (this includes public universities, colleges and educational agencies), and
- State and local medical institutions and hospitals.

EPA has determined that IRAA does not exempt Federal employees from paying a fee to participate in the EPA proficiency programs.

3. Determination of Fees

Participants listed in the RMP and RCP programs on the effective date of this technical amendment will be sent, by EPA, a payment invoice with its fee calculation at least 30 days before the payment is due. Fees will be assessed based on the current information in EPA's proficiency data bases.

Participants who intend to pay the invoiced fee amount must send their payment to EPA following the procedures stated in the invoice. Organizations or individuals who wish to notify EPA of any errors or corrections they wish to make to their listing status must do so by following the instructions on the payment invoice. Corrected payment invoices for both the RMP Program and the RCP Program shall be sent to: Radon Proficiency Programs User Fees, c/o Sanford Cohen and Associates, Inc. (SC&A), 1418 I-85 Parkway, Montgomery, Alabama, 36106. EPA will review any corrections noted on the payment invoice, adjust the payment invoice amount (as appropriate) and issue a new invoice. Participants must pay the amount in the corrected payment invoice within 30 days of the date listed on the corrected invoice.

If the appropriate fee or a revised payment invoice for an individual or organization participating in the RMP or RCP program has not been received by EPA on or before the payment due date, EPA will send, by certified mail, notice that the individual or organization will be delisted from the proficiency program unless he/she pays the fee within 30 days of this second certified notification. If payment still has not been received by EPA on or before 30 days or after of the second certified notification, the organization's or individual's listing will be removed from the proficiency program.

New or initial applicants to the RMP or RCP programs will be assessed a fee at the time of their initial application. EPA will send a payment invoice to the new applicant upon acceptance of the initial application. The applicant will be given at least 30 days from the date on the payment invoice to remit payment. The fee assessed will be prorated quarterly, based on the acceptance date of the application. The prorated fee schedule for 1995 is as follows:

Quarter	1st Jan 1– Mar 31	2nd Apr 1– Jun 30	3rd Jul 1– Sep 30	4th Oct 1– Dec 31
RMP Program:				
Per Primary measurement device	1\$390	\$295	\$195	\$95
Per Organization listed for secondary services	50	40	25	10
Per Individual listed for measurement services	105	80	55	25
RCP Program:				
Per Individual listed for mitigation services	210	160	105	50

If the appropriate fee has not been received by EPA on or before the payment due date, the application will be placed in an inactive file with no further action taken by EPA.

4. Payment Procedures

Each remittance to EPA under this technical amendment must be in United States currency and must be paid by either certified check, personal or

business check, or money order made payable to the order of the "U.S. ENVIRONMENTAL PROTECTION AGENCY" and sent to: U.S. EPA, Washington Financial Management