Center, Radon Proficiency Program User Fees (IRAA), P.O. Box 952491, St. Louis, Missouri, 63195–2491. The fee payment must 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.

5. Failing the RMP Measurement Test

Organizations that fail the initial measurement device performance test or the re-test for a particular device must re-apply to the RMP program if they want to be listed or remain listed for that device. When the organization reapplies, EPA will send a payment invoice for the device(s) to be tested/retested. The appropriate user fee must be paid prior the scheduling of the test/retest. EPA will send written notification of the measurement performance test results and listing status. Any fee paid to EPA in the process of attaining a listing of a particular device will not be refunded if the device fails to meet the RMP program criteria as stated in the Radon Measurement Proficiency (RMP) Program Handbook, EPA 402-B-94-003. Should the organization elect to reapply to test the failed device, EPA will assess a new fee based on the information provided in the organization's application.

6. Failing the RMP Individual Proficiency and RCP Exams

a. Biennial Reexamination. To maintain their listing in the RCP program and/or the individual proficiency component of the RMP program, individuals must take and pass a biennial re-examination. EPA will notify listed participants of this requirement within 120 days of their exam expiration date. If an individual fails the exam, he/she may take the examination as often as he/she wishes during the same calendar year and not have to pay additional processing fees. This is a change from the 1994 final rule. In the final rule each application for retest also required that a \$50.00 processing fee be paid. EPA has determined that it was not cost effective to assess and administer the \$50.00 processing fee for retests.

Fees will not be refunded in the event that a participant fails the re-exam and/ or chooses not to re-take the exam. If the same individual wishes to re-enter the program by re-taking the exam, the individual must re-apply. At the time that the application is submitted, EPA will determine whether a user fee will be assessed. Since user fees are paid for an entire year, so long as the original user fee was paid, an individual wishing to re-enter the proficiency programs within the same calendar year that he/ she was delisted or failed the exam requirement, will not be assessed an additional user fee.

b. *New Applicants and the Exams.* New applicants to the RCP Program

and/or the individual component of the RMP Program will be assessed a user fee when their application has been accepted. A user fee must be paid whether the individual passes or fails the exam. If an applicant decides not to re-take a failed individual RMP program proficiency exam or RCP exam, no further action is taken by EPA on the individual's application. Fees will not be refunded in the event that an applicant fails the exam and/or chooses not to re-take the exam. If the same individual wishes to re-apply to the program by re-taking the exam, at the time that the application is received, EPA will determine whether a user fee will be assessed. Since user fees are paid for an entire year, so long as the original user fee was paid, an individual wishing to re-enter the proficiency programs by meeting the examination requirement, will not be assessed an additional user fee.

7. Adjustment of Fees

EPA shall adjust the fees over the next three years to a level that will ultimately be sufficient to recover the full annual costs of the radon proficiency programs. Assuming that the Agency's cost of running the proficiency programs remains the same over the next three years and assuming that the level of participation in the proficiency programs remains constant, the fee schedule for the next three years would be as follows:

Program element	Fee year 3	Fee year 4	Fee year 5
RMP Program: Per Primary measurement device Per Organization listed for secondary services Per Individual listed for measurement services RCP Program:	\$540 65 145	\$680 80 185	\$825 100 220
Per Individual listed for mitigation services	290	365	445

The above table should only be considered as a guide. Actual fees for each fiscal year will be adjusted based on program costs and participation rates. EPA may also use the three-step process outlined in the 1994 final rule to adjust the fees for years after 1995. If future fee adjustments are made, the Agency will publish new fee schedules in the **Federal Register** as a technical amendment final rule to become effective 30 days or more after publication, as specified in the 1994 final rule.

VI. Rulemaking Record

EPA has established a public record for this rulemaking (docket control

number A–90–09). The record for this rulemaking is available to the public in the Clean Air Act Docket, located on the first floor Waterside Mall, room M1500, U.S. Environmental Protection Agency, 401 M St., SW, Mail Stop 6102, Washington, DC, 20460, open from 8:30 a.m. to 12 p.m. and 1:30 p.m. to 3:30 p.m., Monday through Friday, excluding legal holidays, (202) 260–7548.

The record includes information considered by EPA in developing this technical amendment. The record contains the following categories of information: (1) **Federal Register** notices: "Fees for Radon Proficiency Programs and Training," Proposed Rule, FR vol. 55, No. 235, Thursday,

December 6, 1990; "User Fees for Radon Proficiency Program," Final Rule, FR vol. 59, No. 53, Friday, March 18, 1994; (2) Support Documents: "Economic Impact Analysis of Radon Proficiency Program User Fee Rule—Final Report." U.S. EPA/Office of Radiation and Indoor Air, November 17, 1993; "Technical Support Document for the 1995 User Fee Calculation in Support of the Radon Proficiency Programs User Fee Final Rule," U.S. EPA/Office of Radiation and Indoor Air, January 24, 1995; and, "Operating Policies and Procedures for the User Fees for Radon Proficiency Programs Final Rule—Fee Collection Process," U.S. EPA/Office of Radiation and Indoor Air, June 19, 1995; (3) Public