Comments received during the proposed rule notice and comment period and those received by the Agency following publication of the 1994 final rule.

List of Subjects

40 CFR Part 195

Environmental protection, Radon, Proficiency programs, User fees.

40 CFR Part 700

Environmental protection, Radon, Proficiency programs, User fees.

Dated: August 7, 1995.

Carol M. Browner,

Administrator.

Therefore, 40 CFR part 195 is amended as follows:

PART 195—RADON PROFICIENCY PROGRAMS

1. The authority citation for part 195 continues to read as follows:

Authority: 15 U.S.C. 2665.

Subpart B—Fees

2. Section 195.20 is revised to read as follows:

§195.20 Fee payments.

(a) *Fee Amounts*. Applicants to and participants in the RMP and RCP programs shall pay fees according to the following fee schedule:

(1) Organizations Listed for or Seeking Listing for Primary Measurement Services in the RMP Program.

(i) In order to remain a listed participant, each organization that is listed for primary measurement services in the RMP program on the effective date of this section shall pay an annual fee of \$390 for each device.

(ii) Each organization seeking listing for primary measurement services that submits an initial application after the effective date of this section shall pay an annual fee of \$390 per device. This fee will be prorated quarterly, based on the acceptance date of an organization's application.

(iii) Organizations that have or are seeking a listing for secondary measurement services for their primary devices will not be required to pay the additional \$50 fee applicable to secondary organizations.

(2) Organizations Listed for or Seeking Listing for Secondary Measurement Services in the RMP Program.

(i) In order to remain a listed participant, each organization that is listed for secondary measurement services in the RMP program on the effective date of this section shall pay an annual fee of \$50 for each business location listed. (ii) Each organization seeking listing for secondary measurement services that submits an initial application after the effective date of this section shall pay an annual fee of \$50 for each business location listed. This fee will be prorated quarterly, based on the acceptance date of an organization's application.

(iii) Primary organizations that have or are seeking secondary listings for methods other than those for which they are listed as a primary, are subject to the fees.

(3) Individual Proficiency Component of the RMP Program.

(i) In order to remain a listed participant, each individual listed in the RMP individual proficiency program on the effective date of this section shall pay an annual fee of \$105.

(ii) Each individual who submits an initial application after the effective date of this section shall pay an annual fee of \$105. This fee will be prorated quarterly, based on the acceptance date of an individual's application.

(iii) Individuals who have or are seeking listing status as an RMP primary or secondary organization are subject to the applicable fees under paragraphs
(a) (1) and (2) of this section.

(4) RCP Program.

(i)(A) In order to remain a listed participant, each individual listed in the RCP program on the effective date of this section shall pay an annual fee of \$210.

(B) Each individual who is not a listed participant in the RCP program on the effective date of this section and submits an initial application after the effective date of this section shall pay an annual fee of \$210. This fee will be prorated quarterly, based on the acceptance date of an individual's application.

(ii) An organization or individual who is not a listed participant in EPA's radon proficiency programs on the effective date of this section and/or whose proficiency program application has not yet been accepted by EPA becomes subject to the fees described above once its application has been accepted by EPA. Fees for such organizations or individuals will be prorated quarterly, based on the acceptance date of the application. To remain listed, each participant in the RMP or RCP programs, whether individual or organization, shall submit the appropriate annual fee to EPA each year.

(b) *Exemptions*. State and local governments are exempted from these fees under section 305(e)(2) of TSCA, 15 U.S.C. 2665.

(c) *Determination of Fees.* (1) Participants listed in the RMP and RCP

programs on the effective date of this section 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 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 the 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.

(2) 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 after 30 days of the second certified notification, the organization's or individual's listing shall be removed from the proficiency program.

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

(d) Payment Procedures. Each remittance to EPA under this section shall be in United States currency and shall be paid by 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