

§ 800.71

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(2) *Exceptions.* For good cause shown by an agency, the Administrator may grant case-by-case exceptions to the requirements in this section, provided that a determination is made that the agency fees would be reasonable and nondiscriminatory.

(c) *Reasonable fees.* In determining if an agency's fees are reasonable, the Service will consider whether the fees: (1) Cover the estimated total cost to the agency of (i) official inspection services, (ii) Class X or Class Y weighing services, (iii) inspection equipment testing services, and (iv) related supervision and monitoring activities performed by the agency; (2) Are reasonably consistent with fees assessed by adjacent agencies for similar services; (3) Are assessed on the basis of the average cost of performing the same or similar services at all locations served by the agency; and (4) Are supported by sufficient information which shows how the fees were developed.

(d) *Nondiscriminatory fees.* In determining if fees are nondiscriminatory, the Service will consider whether the fees are collected from all applicants for official service in accordance with the approved fee schedule. Charges for time and travel incurred in providing service at a location away from a specified service point shall be assessed in accordance with the approved fee schedule.

(e) *Schedule of fees to be established.* (1) Each agency shall establish a schedule of fees for official services which the agency is delegated or designated the authority to perform. The schedule shall be in a standard format in accordance with the instructions. Such schedules may include fees for nonofficial services provided by the agency, but they shall be clearly identified and will not be subject to approval by the Service.

(2) The schedule shall be published and made available by the agency to all users of its services.

(f) *Request for approval of fees.* (1) *Time requirement.* A request for approval of a new or revised fee shall be submitted to the Service not less than 60 days in advance of the proposed effective date for the fee. Failure to submit a request within the prescribed time period may

be considered grounds for postponement or denial of the request.

(2) *Contents of request.* Each request shall show (i) the present fee, if any, and the proposed fee, together with data showing in detail how the fee was developed, and (ii) the proposed effective date.

(g) *Review of request.* (1) *Approval action.* If upon review the Service finds that the request and supporting data justify the new or revised fee, the request will be marked "approved" and returned to the agency.

(2) *Denial action.* If the Service finds that the request and supporting data do not justify the new or revised fee, approval of the request will be withheld pending receipt of any additional supporting data which the agency has to offer. If the data are not submitted within a reasonable period, the request shall be denied. In the case of a denial of a request, the agency shall be notified of the reason for denial.

(Approved by the Office of Management and Budget under control numbers 0580-0003 and 0580-0012)

[45 FR 15810, Mar. 11, 1980; 45 FR 55119, Aug. 18, 1980, as amended at 48 FR 44453, Sept. 29, 1983; 50 FR 30131, July 24, 1985]

§ 800.71 Fees assessed by the Service.

(a) *Official inspection and weighing services.* The fees shown in schedules A and B apply to official inspection and weighing services performed by FGIS in the United States and Canada. The fees shown in schedule C apply to official inspection and weighing services performed by delegated States and designated agencies in the United States, except for those State agencies that have been delegated additional responsibilities by FGIS. These States shall be assessed fees as set forth in the State's Delegation of Authority document. Failure of a delegated State or designated agency to pay prescribed fees within 30 days after being due, shall result in automatic termination of the delegation or designation. The delegation or designation shall be reinstated if fees currently due, plus interest and any further expenses incurred by the Service because of the termination are paid within 60 days of the termination.

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SCHEDULE A—FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICES PERFORMED IN THE UNITED STATES

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT’S FACILITY IN AN ONSITE FGIS LABORATORY ¹

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and over-time ²	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative):				
1-year contract (\$ per hour)	36.00	37.60	43.00	64.00
Noncontract (\$ per hour)	64.00	64.00	64.00	64.00
(2) Additional Tests (cost per test, assessed in addition to the hourly rate):³				
(i) Aflatoxin (rapid test kit method)				\$10.00
(ii) Corn oil, protein, and starch (one or any combination)				2.25
(iii) Soybean protein and oil (one or both)				2.25
(iv) Wheat protein (per test)				2.25
(v) Sunflower oil (per test)				2.25
(vi) Vomitoxin (qualitative)				12.50
(vii) Vomitoxin (quantitative)				18.50
(viii) Waxy corn (per test)				2.25
(ix) Fees for other tests not listed above will be based on the lowest noncontract hourly rate				
(x) Other services				
(a) Class Y Weighing (per carrier):				
(1) Truck/container30
(2) Railcar				1.25
(3) Barge				2.50
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier):				
(i) All outbound carriers serviced by the specific field office (per-metric ton):				
(a) League City				0.167
(b) New Orleans				0.067
(c) Portland				0.136
(d) Toledo				0.184

¹Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee’s assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in §800.72 (a).

²Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

³Appeal and reinspection services will be assessed the same fee as the original inspection service.

TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT’S FACILITY IN AN FGIS LABORATORY ^{1 2}

(1) Original Inspection and Weighing (Class X) Services	
(i) Sampling only (use hourly rates from Table 1)	
(ii) Stationary lots (sampling, grade/factor, & checkloading):	
(a) Truck/trailer/container (per carrier)	\$20.00
(b) Railcar (per carrier)	29.70
(c) Barge (per carrier)	187.50
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.04
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	12.00
(b) Railcar (per carrier)	25.00

TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT’S FACILITY IN AN FGIS LABORATORY ^{1 2}—Continued

(c) Barge (per carrier)	128.10
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.04
(iv) Other services	
(a) Submitted sample (per sample—grade and factor)	12.00
(b) Warehouseman inspection (per sample)	21.00
(c) Factor only (per factor—maximum 2 factors)	5.70
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.04
(e) Reinspection (grade and factor only. Sampling service additional, item (i) above)	13.00
(f) Class X Weighing (per hour pre service representative)	64.00
(v) Additional tests (excludes sampling):	
(a) Aflatoxin (rapid test kit method)	30.00
(b) Corn oil, protein, and starch (one or any combination)	10.00
(c) Soybean protein and oil (one or both)	10.00
(d) Wheat protein (per test)	10.00
(e) Sunflower oil (per test)	10.00
(f) Vomitoxin (qualitative)	31.00
(g) Vomitoxin (quantitative)	38.50
(h) Waxy corn (per test)	10.00
(i) Canola (per test—00 dip test)	10.00
(j) Pesticide Residue Testing: ³	
(1) Routine Compounds (per sample)	216.00
(2) Special Compounds (per hour per service representative)	115.00
(k) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1	
(2) Appeal inspection and review of weighing service: ⁴	
(i) Board Appeals and Appeals (grade and factor)	82.00
(a) Factor only (per factor—max 2 factors)	43.00
(b) Sampling service for Appeals additional (hourly rates from Table 1)	
(ii) Additional tests (assessed in addition to all other applicable fees):	
(a) Aflatoxin (rapid test kit method)	30.00
(b) Corn oil, protein, and starch (one or any combination)	17.70
(c) Soybean protein and oil (one or both)	17.70
(d) Wheat protein (per test)	17.70
(e) Sunflower oil (per test)	17.70
(f) Vomitoxin (per test—qualitative)	41.00
(g) Vomitoxin (per test—quantitative)	47.00
(h) Vomitoxin per test—HPLC Board Appeal)	141.00
(i) Pesticide Residue Testing: ³	
(1) Routine Compounds (per sample)	216.00
(2) Special Compounds (per hour per service representative)	115.00
(j) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1	
(iii) Review of weighing (per hour per service representative)	82.60
(3) Stowage examination (service-on-request): ³	
(i) Ship (per stowage space) (minimum \$255.00 per ship)	51.00
(ii) Subsequent ship examinations (same as original) (minimum \$153.00 per ship).	
(iii) Barge (per examination)	41.00

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TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY^{1,2}—Continued

(iv) All other carriers (per examination)	16.00
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¹Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in §800.72(a).

²An additional charge will be assessed when the revenue from the services in Schedule A, Table 2, does not cover what would have been collected at the applicable hourly rate as provided in §800.72(b).

³If performed outside of normal business, 1½ times the applicable unit fee will be charged.

⁴If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$2.65 per sample by the Service.

TABLE 3—MISCELLANEOUS SERVICES¹

(1) Grain grading seminars (per hour per service representative) ²	\$64.00
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	64.00
(3) Special weighing services (per hour per service representative): ²	
(i) Scale testing and certification	83.20
(ii) Scale testing and certification of railroad track scales	83.20
(iii) Evaluation of weighing and material handling systems	83.20
(iv) NTEP Prototype evaluation (other than Railroad Track Scales)	83.20
(v) NTEP Prototype evaluation of Railroad Track Scale	83.20
(vi) Use of GIPSA railroad track scale test equipment per facility for each requested service. (Track scales tested under the Association of American Railroads agreement are exempt.)	500.00
(vii) Mass standards calibration and reverification	83.20
(viii) Special projects	83.20
(4) Foreign travel (per day per service representative)	510.00
(5) Online customized data EGIS service:	
(i) One data file per week for 1 year	500.00
(ii) One data file per month for 1 year	300.00
(6) Samples provided to interested parties (per sample)	3.00
(7) Divided-lot certificates (per certificate)	1.75
(8) Extra copies of certificates (per certificate)	1.75
(9) Faxing (per page)	1.75
(10) Special mailing (actual cost).	
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

¹Any requested service that is not listed will be performed at \$64.00 per hour.

²Regular business hours—Monday through Friday—service provided at other than regular hours charged at the applicable overtime hourly rate.

SCHEDULE B—FEES FOR OFFICIAL INSPECTION, WEIGHING, AND APPEAL INSPECTION SERVICES PERFORMED IN CANADA¹

Inspection and weighing service (bulk or sacked grain)	Regular workday (Monday thru Saturday)	Nonregular workday (Sunday and holiday)
(1) Original inspection services and official weighing services: ^{2,3}		
(i) Contract services (per hour per service representative)	\$103.00	\$130.00
(ii) Noncontract service (per hour per service representative)	137.00	172.00

Inspection and weighing service (bulk or sacked grain)	Regular workday (Monday thru Saturday)	Nonregular workday (Sunday and holiday)
(2) Extra copies of certificates (per copy)	3.00	3.00

¹Official inspection and weighing services include, but are not limited to grading, weighing, sampling, stowage examination, equipment testing, scale testing and certification, test weight reverification, evaluation of inspection and weighing equipment demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying inspection and weighing results.

²Fees for reinspection and appeal inspection services shall be assessed at the applicable contract or noncontract hourly rate as the original inspection. However, if additional personnel are required to perform the reinspection or appeal inspection service, the applicant will be assessed the noncontract original inspection hourly fee.

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³Board appeal inspections are based on file samples. See § 800.71, schedule A for Board Appeal fees.

SCHEDULE C—FEES FOR FGIS SUPERVISION OF OFFICIAL INSPECTION AND WEIGHING SERVICES PERFORMED BY DELEGATED STATES AND/OR DESIGNATED AGENCIES IN THE UNITED STATES ¹

TABLE 1

Inspection services (bulk or sacked grain)	Official inspection or reinspection services
(1) Official sample lot inspection service:	
(i) For official grade and official factor determinations:	
(a) Truck or trailer (per inspection) ²	\$0.30
(b) Boxcar or hopper car (per inspection) ²	0.95
(c) Barge (per inspection) ²	6.15
(d) Ship (per metric ton) ³	0.016
(e) All other lots (per inspection) ^{2,4}	0.30
(ii) For official factor or official criteria determinations:	
(a) Factor determination (per inspection) (maximum 2 factors) ⁵	0.20
(b) Official criteria ^{2,6}	0.20
(2) Stowage examination certificates:	
(i) Ship (per stowage certificate)	3.00
(ii) Other carriers (per stowage certificate)	0.20
(3) Warehouseman's sample-lot inspection service or submitted sample inspection service:	
(i) For official grade and official factor determination (per inspection)	0.30
(ii) For official factor or official factor determinations:	
(a) Factor determination (per inspection) (maximum 2 factors) ⁵	0.20
(b) Official criteria ^{2,6}	0.20
(4) Reinspection services:	
(i) Truck, boxcar, hopper car, barge, ship, warehouseman's sample-lot, submitted sample, factor determination, and all other lots (per sample inspected)	0.30
(ii) Official criteria ^{2,6}	0.20

Note: The footnotes for table 1 are shown at the end of table 2.

TABLE 2

Official services (bulk or sacked grain)	Official weighing services	
	(Class X)	(Class Y)
Official weighing services:		
(i) Truck or trailer (per carrier)	\$0.30	\$0.20.
(ii) Boxcar or hopper car (per carrier)	0.95	0.25.
(iii) Barge (per carrier)	6.15	1.55.
(iv) Ship ^{3,7}	0.016/metric ton	12.30/ship.
(v) All other lots (per lot or part lot) ⁴	0.30	0.20.

¹The fees include the cost of supervision functions performed by the Service for official inspection and weighing services performed by delegated States and/or designated agencies.

²A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.

³A fee shall be assessed per ship regardless of the number of lots or sublots loaded at a specific service point. A fee shall not be assessed for divided-lot certificates. Only one fee is assessed when inspection and weighing services are performed on the same ship at the same time.

⁴Inspection services for all other lots include, but are not limited to, sampling service, condition examinations, and examination of grain in bins and containers. For weighing services, all other lots include, but are not limited to, seavans, and inhouse bin transfers.

⁵Fees shall be assessed for a maximum of two factors. If more than two factors are determined, fees are assessed at rates in table 1 (1)(i) or (3)(i) above, as applicable, based on carrier or type sample represented.

⁶Official criteria includes, but is not limited to, protein and oil analyses. A fee shall be assessed for each sample tested.

⁷A Class Y ship fee shall be assessed for shipments destined for domestic markets only.

(b) *Registration certificates and renewals.* (1) Fees for registration certificates and renewals will be based on the nature of the business:

(i) Firms engaged in the business of buying grain for sale in foreign commerce or the business of handling, weighing, or transporting of

grain for sale in foreign commerce\$135.00

(ii) Firms engaged in the business of buying grain for sale in foreign commerce or the business of handling, weighing, or transporting of grain for sale in foreign commerce

who also are in a control relationship, as defined in Section 17A(b)(2) of the Act, with respect to a business engaged in the business of buying, handling, weighing, or transporting grain for sale in interstate commerce270.00

(2) Requests for extra copies of registration certificates shall be accompanied by a fee of \$2.50 for each copy.

(c) *Designation amendments.* An application for an amendment to a designation shall be accompanied by a fee of \$75.00.

(d) Each application for approval to operate as a scale testing organization shall be accompanied by a fee of \$250.

(Secs. 8 and 9, Pub. L. 94-582, 90 Stat. 2873, 2877 (7 U.S.C. 79(j), 79a(1)); secs. 9, 18, Pub. L. 94-582, 90 Stat. 2875 and 2884 (7 U.S.C. 79a and 87e); secs. 8 and 9, Pub. L. 94-582, 90 Stat. 2873, 2877 (7 U.S.C. 79(j), 79a(1)), as amended by Pub. L. 97-35, 95 Stat. 371, 372)

[45 FR 15810, Mar. 11, 1980; 45 FR 55119, Aug. 18, 1980, as amended at 49 FR 26563, June 28, 1984; 50 FR 38504, Sept. 23, 1985; 51 FR 43724, Dec. 4, 1986; 53 FR 21792, June 10, 1988; 59 FR 52656, Oct. 19, 1994; 63 FR 32714, June 16, 1998; 63 FR 35504, June 30, 1998; 63 FR 70992, Dec. 23, 1998; 64 FR 6783, Feb. 11, 1999; 65 FR 16785, Mar. 30, 2000; 66 FR 35753, July 9, 2001; 66 FR 36834, July 13, 2001; 67 FR 13086, Mar. 21, 2002; 68 FR 32625, June 2, 2003; 68 FR 35490, June 13, 2003; 69 FR 26487, May 13, 2004]

§ 800.72 Explanation of additional service fees for services performed in the United States only.

(a) When transportation of the service representative to the service location (at other than a specified duty point) is more than 25 miles from an FGIS office, the actual transportation cost in addition to the applicable hourly rate for each service representative will be assessed from the FGIS office to the service point and return. When commercial modes of transportation (e.g., airplanes) are required, the actual expense incurred for the round-trip travel will be assessed. When services are provided to more than one applicant, the travel and other related charges will be prorated between applicants.

(b) In addition to a 2-hour minimum charge for service on Saturdays, Sundays, and holidays, an additional charge will be assessed when the revenue from the services in § 800.71, schedule A, table 2, does not equal or

exceed what would have been collected at the applicable hourly rate. The additional charge will be the difference between the actual unit fee revenue and the hourly fee revenue. Hours accrued for travel and standby time shall apply in determining the hours for the minimum fee.

[61 FR 43305, Aug. 22, 1996]

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* The applicable hourly rate will be assessed in quarter hour increments for:

(1) Travel from the FGIS field office or assigned duty station to the service point and return;

(2) The performance of the requested service, less mealtime.

(b) *Application of fees when service is delayed or dismissed by the applicant.* The applicable hourly rate will be assessed for the entire period of scheduled service when:

(1) Service has been requested at a specified location;

(2) A service representative is on duty and ready to provide service but is unable to do so because of a delay not caused by the Service; and

(3) FGIS officials determine that the service representative cannot be utilized to provide service elsewhere without cost to the Service.

(c) *Application of fees when an application for service is withdrawn or dismissed.* The applicable hourly rate will be assessed to the applicant for the entire period of scheduled service if the request is withdrawn or dismissed after the service representative departs for the service point, or if the service request is not canceled by 2 p.m., local time, the business day preceding the date of scheduled service. However, the applicable hourly rate will not be assessed to the applicant if FGIS officials determine that the service representative can be utilized elsewhere or released without cost to the Service.

(d) *To whom fees are assessed.* Fees for inspection, weighing, and related services performed by service representatives, including additional fees as provided in § 800.72, shall be assessed to and paid by the applicant for the service.