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spectrophotometers; and the appropriate assay materials; or the appropriate equipment to use field ready test kits.

(vi) *DNA probes.* To conduct these tests, a laboratory must be equipped with polymerase chain reaction (PCR) equipment, including thermal cyclers, electrophoresis and gel blotting equipment, and the reagents and DNA polymerases necessary to conduct the PCR.

(3) *Methods of testing and inspection.* The facility must conduct its laboratory seed health testing and seed crop phytosanitary inspection procedures in accordance with Reference Manual B. The facility must have a quality manual documenting its quality system for laboratory seed health testing and seed crop phytosanitary inspection procedures. The quality system must follow the general guidelines described in ANSI/ASQC Q9001–1994, *American National Standard: Quality Systems-Model for Quality Assurance in Design, Development, Production, Installation and Servicing.* Acceptable models for quality systems for accredited facilities are also described in detail in Reference Manual A, which is incorporated by reference at §300.3 of this chapter. The personnel who perform the testing and inspection services must comply with the quality manual, and management must enforce this compliance. The facility must maintain documented procedures for identification, collection, indexing, access, filing, storage, maintenance, and disposition of quality system records. The facility must maintain quality system records to demonstrate conformance to the quality manual and the effective operation of the quality system.

(4) *Personnel.* There must be a selection procedure and a training system to ensure technical competence of all staff members. The education, technical knowledge, and experience required to perform assigned test and inspection functions must be documented and clearly defined. In addition:

(i) Evaluation of plant or tissue samples must be undertaken by a plant pathologist or by laboratory technicians under the supervision of a plant pathologist, who may provide such supervision either on-site, or from a remote location. Where personnel are required to be trained at a facility to evaluate the particular types of plants or tissue samples handled by the facility, the training program must be evaluated by APHIS and determined to be effective.

(ii) All staff must have access to and be familiar with the reference materials, guides, and manuals required for the routine performance of the tests and inspections they conduct.

(Approved by the Office of Management and Budget under control number 0579–0130)

[66 FR 37400, July 18, 2001, as amended at 67 FR 8466, Feb. 25, 2002]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

Sec.

354.1 Overtime work at border ports, sea ports, and airports.
354.2 Administrative instructions prescribing commuted traveltime.
354.3 User fees for certain international services.
354.4 User fees for certain domestic services.
354.5 Penalties for nonpayment or late payment of user fees.

AUTHORITY: 7 U.S.C. 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

§354.1 Overtime work at border ports, sea ports, and airports.

(a)(1) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and subchapter D of chapter I, title 9 CFR, who requires the services of an employee of the Animal and Plant Health Inspection Service on a Sunday or holiday, or at any other time outside the regular tour of duty of that employee, shall sufficiently in advance of the period of Sunday, holiday, or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service during the overtime or Sunday or holiday period, and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1)(i), (ii), and (iii) of this section:

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF PLANT, PLANT PRODUCTS, ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	$48.00	$49.00	$51.00
Sundays	63.00	65.00	67.00

(i) For any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrivals in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspection services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture;

(ii) Owners and operators of aircraft will be provided service without reimbursement during regularly established hours of service on a Sunday or holiday; and

(iii) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service is listed in the following table:

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES [1]

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	$39.00	$40.00	$41.00
Sundays	51.00	53.00	55.00

[1] These charges exclude administrative overhead costs.

(2) A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or her, or which is performed by an employee on his or her regular workday beginning either at least 1 hour before his or her scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies may include a commuted traveltime period (CTT) the amount of which shall be prescribed in administrative instructions to be issued by the Administrator, Animal and Plant Health Inspection Service for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty. With respect to places of duty within the metropolitan area of the employee's headquarters, such CTT period shall not exceed 3 hours. It shall be administratively determined from time to time which days constitute holidays. The circumstances under which such CTT periods shall be charged and the percentage applicable in each circumstance are as reflected in the following table:

	Actual time[1] charge—no minimum	2-hour guarantee charge	Commuted[2] traveltime (CTT) charge
CHARGES FOR INSPECTION WITHIN METROPOLITAN AREA OF EMPLOYEE'S HEADQUARTERS			
Work beginning before daily tour begins:			
8 to 59 minutes	Yes	No	None.
60 to 119 minutes.		Yes	½ CTT.

	Actual time[1] charge—no minimum	2-hour guarantee charge	Commuted[2] traveltime (CTT) charge
120 minutes or more.	.....	Yes	Full CTT.
Work beginning after daily tour ends:			
Direct continuation.	Yes	No	None.
Break-in-service of:			
2–29 minutes	.....	Yes	None.
30–60 minutes.	.....	Yes	½ CTT.
61 minutes or more.	.....	Yes	Full CTT.
CHARGES FOR INSPECTION SERVICES PERFORMED OUTSIDE METROPOLITAN AREA OF EMPLOYEE'S HEADQUARTERS			
Work beginning before daily tour begins:			
8 to 59 minutes	Yes	No	½ CTT.
60 minutes or more.	.....	Yes	Full CTT.
Work beginning after daily tour ends:			
Direct continuations.	Yes	No	½ CTT.
2–59 minutes	No	Yes	½ CTT.
60 minutes or more.	No	Yes	Full CTT.
CHARGES FOR CALL OUT INSPECTION SERVICE ON HOLIDAY OR NONWORKDAY			
Work beginning at any time.	No	Yes	Full CTT.

[1] Actual time charged when work is contiguous with the daily tour will be in quarter hour multiples, with service time of 8 minutes or more rounded up to the next quarter hour and any time of less than 8 minutes will be disregarded.

[2] The full CTT allowance will be the amount of commuted traveltime prescribed for the place at which the inspections are performed. See § 354.2. One-half CTT is ½ of the full CTT period.

(b) The Animal and Plant Health Inspection Service inspector in charge of honoring a request to furnish inspection, laboratory testing, quarantine or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term *private aircraft* means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term *private vessel* means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(d)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity acting as an agent or broker by requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector on behalf of any other person, firm, partnership, corporation, or other legal entity (principal), and who has not previously requested such service from an Animal and Plant Health Inspection Service inspector, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the Animal and Plant Health Inspection Service determines that the agent, broker, or principal has established an acceptable credit history.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(e)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector, and who has a debt to the Animal and Plant Health Inspection Service more than 60 days delinquent, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal

and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(f) Reimbursable Sunday, holiday, or overtime services will be denied to any principal, or any person, firm, partnership, corporation, or other legal entity who has a debt to the Animal and Plant Health Inspection Service more than 90 days delinquent. Services will be denied until the delinquent debt is paid.

[49 FR 1173, Jan. 10, 1984, as amended at 49 FR 12186, Mar. 29, 1984; 49 FR 19441, May 8, 1984; 52 FR 16822, May 6, 1987; 53 FR 52975, Dec. 30, 1988; 54 FR 13506, Apr. 4, 1989; 55 FR 3198, Jan. 31, 1990; 55 FR 41059, Oct. 9, 1990; 56 FR 1082, Jan. 11, 1991; 58 FR 32434, June 10, 1993; 67 FR 48523, July 25, 2002; 68 FR 51882, Aug. 29, 2003]

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime period for the respective ports, stations, and areas in which employees are located. The prescribed commuted traveltime periods are set forth below:

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Alabama:			
Birmingham (including Birmingham Municipal Airport)	Alabaster		2
Birmingham (including Birmingham Municipal Airport)	Pelham		2
Chickasaw	Mobile		2
Huntsville		1	
Mobile		2	
Montgomery		1	
Undesignated ports			3
Alaska:			
Anchorage		1	
Seward	Anchorage		6
Undesignated ports			3
Arizona:			
Davis-Monthan AFB, Tucson	Nogales		4
Douglas		1	
Douglas	Nogales		6
Fort Huachuca Army Base, Sierra Vista	Douglas or Nogales		3
Fort Huachuca Army Base, Sierra Vista	Tucson		4
Nogales		2	
Phoenix		2	
Phoenix	Nogales		6
Phoenix	Tucson		5
San Luis		2	
Sasabe	Nogales		4
Tucson		1	
Tucson	Nogales		3
Yuma International airport		1	
Undesignated ports			3
Arkansas:			
Dardanelle	Conway		3
Dardanelle	Little Rock		3
Eaker AFB	Blytheville		1
Fort Smith	Conway		5
Fort Smith	Little Rock		6
Helena	Blytheville		5
Helena	Little Rock		5
Little Rock		1	
Little Rock	Conway		2
Little Rock AFB		2	

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Little Rock AFB	Conway		2
Osceola	Blytheville		2
Pine Bluff	Conway		4
Pine Bluff	Little Rock	2	
Undesignated ports			3
West Memphis	Blytheville		3
Bahamas:			
Nassau		1	
Freeport		1	
Bermuda:			
Ferry Reach		1	
California:			
Andrade	Calexico		2
Antioch	San Francisco		4
Bakersfield	Shafter	1	
Beale AFB	Sacramento		4
Burbank	Los Angeles		3
Calexico		1	
Camp Pendleton, USMC, Oceanside	San Diego		3
Castle AFB	Merced		1
Edwards AFB	Ontario		4
El Segundo	Los Angeles		2
El Toro MCAS	Los Angeles		3
Fairfield	Stockton		4
Fresno	Shafter		5
Fresno	Stockton		5
Hanford	Shafter		5
Lemoore	Shafter		5
George AFB	Los Angeles		4
Hamilton AFB, Novato	Travis AFB		3
Los Angeles (including San Pedro, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport).		2	
March AFB	Los Angeles		4
March AFB	Ontario		3
Martinez	San Francisco		3
Mather Field AFB	Travis AFB		3
Mather Airfield	Sacramento	3	
Mather AFB	Stockton		3
McClellan AFB	Sacramento	3	
McClellan AFB	Stockton		4
McClellan AFB	Travis AFB		3
Merced/Atwater (Old Castle AFB)	Stockton		3
Moffett Field NAS, Sunnyside	San Francisco		3
Moffett Field NAS, Sunnyside	San Jose	2	
Monterey	San Jose		5
Monterey	San Francisco		6
Moss Beach Landing	San Jose		4
Norton AFB	Los Angeles		4
Ontario	Los Angeles		3
Palm Springs International Airport	Ontario		4
Pittsburg	San Francisco		4
Port Chicago	San Francisco		3
Port Hueneme	Port Hueneme	1	
Port Hueneme	San Pedro		4
Redwood City	San Francisco		2
Richmond	San Francisco		3
Rodeo	San Francisco		3
Sacramento		1	
Sacramento	San Francisco		5
Sacramento	San Jose		6
Sacramento	Stockton		3
Sacramento	Travis AFB		2
Sacramento International Airport	Sacramento	3	
Sacramento Metropolitan Airport	Stockton		4
Sacramento Metropolitan Airport	Travis AFB		3
Sacramento Seaport	Sacramento	2	
San Bernardino International Airport (Old Norton AFB)	Ontario		2

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
San Diego (including Mexican border at San Ysidro; Brown, Gillespie, and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian Maritime within the San Diego Unified Port District).		2	
San Diego	Los Angeles		6
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport).		2	
San Francisco	San Jose		4
San Jose		2	
San Jose	Sacramento		5
San Jose	San Francisco		4
San Jose	Stockton		5
San Luis Obispo Seaport	Port Hueneme		5
Santa Barbara Airport	Port Hueneme		2
Seal Beach	Los Angeles		2
Southern California International Airport (Old George AFB).	Ontario		3
Stockton		1	
Stockton	Sacramento		3
Stockton	San Jose		4½
Tecate	San Ysidro		3
Travis AFB		1	
Travis AFB	San Francisco		4
Vallejo	San Francisco		2
Undesignated ports			3
Canada:			
Vancouver, BC (including Richmond)	Blaine		4
Colorado:			
Denver (including Stapleton International Airport)		2	
Ent AFB (Peterson Field)	Denver		5
Stapleton International Airport	Ft. Collins		4
Connecticut:			
Bridgeport	Groton		4
Bridgeport	Wallingford		2
Bridgeport	Warwick, RI		6
Bridgeport	Windsor Locks		4
Groton (including New London)	Wallingford		4
Groton (including New London)	Warwick, RI		4
Groton (including New London)	Windsor Locks		4
Groton (including New London)		2	
New Haven	Groton		3
New Haven	Wallingford, CT		1
New Haven	Warwick, RI		6
New Haven	Windsor Locks		3
Windsor Locks (including Bradley Field)		1	
Windsor Locks (including Bradley Field)	Boston, MA		6
Windsor Locks (including Bradley Field)	Groton		4
Windsor Locks (including Bradley Field)	Hadley, MA		2
Windsor Locks (including Bradley Field)	Wallingford		3
Windsor Locks (including Bradley Field)	Warwick, RI		6
Undesignated ports			3
Delaware:			
Dover		1	
Dover	Wilmington		3½
Wilmington (including NCCA, Delaware City, and Claymont).		2	
Wilmington (including NCCA, Delaware City, and Claymont).	Dover		3
Wilmington	Philadelphia, PA		3
Wilmington	Baltimore, MD		5
Wilmington	Bridgeton		3
Wilmington	Trenton		3
District of Columbia:			
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard).	Andrews AFB, MD	2	
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard).	Beltsville, MD	2	

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Washington, DC Metropolitan area (including Arlington and Alexandria, VA; Andrews AFB, MD; and Washington Navy Yard).	Dulles International Airport, VA	2½	
Florida:			
Apalachicola	Panama City		3
Apalachicola	Pensacola		6
Boca Grande	Tampa		5
Eglin AFB	Panama City		3
Eglin AFB	Pensacola		3
Fort Lauderdale		2	
Fort Meyers	Tampa		5
Fort Myers	Fort Myers	2	
Fort Myers	Palmetto		5
Fort Pierce		1	
Fort Pierce	West Palm Beach		3
Jacksonville		2	
Key West		1	
Marathon	Key West		2
Miami		2	
Orlando		2	
Orlando	Port Canaveral		3
Orlando	Ocoee		2
Panama City		1	
Panama City	Pensacola		5
Patrick AFB		1	
Pensacola		1	
Pensacola	Mobile, AL		3
Pensacola	Panama City		5
Pompano Beach	Fort Lauderdale		3
Port Canaveral		1	
Port Everglades		2	
Port St. Joe	Panama City		2
Port St. Joe	Pensacola		6
St. Petersburg/Clearwater	Tampa	2	
Tampa		2	
West Palm Beach		1	
Undesignated ports			3
Georgia:			
Atlanta		2	
Brunswick		2	
Brunswick	Savannah		4
Columbus	Atlanta		4
Marietta	Atlanta		2
St. Mary's	Brunswick		3
St. Mary's	Jacksonville, FL		3
Savannah		2	
Undesignated ports			3
Hawaii:			
Barbers Point NAS	Honolulu		2
Barking Sands NAS	Lihue		3
Hakalau	Hilo		2
Hilo		1	
Honolulu		2	
Kaanapali, Lahaina, Maui	Kahului, Maui		2
Kaanapali, Lahaina (Maui)	Honolulu		6
Kahului, Maui		1	
Kahului, Maui	Honolulu		4
Kailua, Kona	Hilo		5
Kailua, Kona	Keahole	1	
Kalapana	Hilo		2
Kaneohi MCAS	Honolulu		2
Kapaa	Lihue		2
Kapahi	Lihue		2
Keaau	Hilo		1
Keahole		1	
Keauhou	Honolulu		5
Keauhou	Keahole		2
Kurtistown	Hilo		2
Lihue Airport	Lihue	1	

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Lihue, Kauai		1	
Lihue, Kauai	Honolulu		5
Mahaiula	Keahole		2
Mt. View	Hilo		2
Napili-Kapalua	Maui		3
Nawiliwili	Lihue	1	
Pepeekeo	Hilo		2
Poipu	Lihue		3
Port Allen	Lihue		3
Princeville	Lihue		3
South Kohala	Hilo		4
Umauma	Hilo		2
Wahiawa, Oahu	Honolulu		2
Wailea-Makena	Maui		2
West Loch, Pearl Harbor	Honolulu		2
Undesignated ports			3
Idaho:			
Mountain Home AFB	Caldwell		3
Mountain Home AFB	Twin Falls		4
Illinois:			
Chicago		3	
Indiana:			
Burns Harbor (including Gary)	Frankfort		5
Evansville	Franklin		6
Gary	Hanna		2
Indianapolis	Frankfort		3
Indianapolis	Franklin		2
Indianapolis		1	
Mount Vernon	Franklin		6
Undesignated ports			3
Iowa:			
Davenport	Des Moines		6
Des Moines		1	
Soiux City	Des Moines		6
Undesignated ports	Des Moines		6
Kansas:			
Johnson County Industrial	Kansas City, MO		2
Topeka	Kansas City, MO		3
Topeka	Wichita		6
Wichita		1½	
Kentucky:			
Covington	Lexington		4
Fort Campbell	Brentwood, TN		4
Fort Campbell	Jackson, TN		5
Greater Cincinnati Airport	Erlanger, KY	2	
Greater Cincinnati Airport	Louisville, KY	1	
Greater Cincinnati Airport	Louisville, KY		4
Louisville	Erlanger		4
Louisville	Lexington		4
Undesignated ports			3
Louisiana:			
Barksdale AFB, Shreveport	Baton Rouge		6
Barksdale AFB, Shreveport	Monroe		4
Barksdale AFB	Shreveport		1½
Baton Rouge (including Port Allen)		2	
Buras	New Orleans		4
Burnside	Baton Rouge		3
Cameron	Lake Charles		3
Carlyss	Lake Charles		2
Clifton Ridge	Lake Charles		2
Convent	Baton Rouge		3
Donaldsonville	Baton Rouge		3
England Air Park	Baton Rouge		5
England Air Park	Shreveport		5
England Air Park	Monroe		4
Fouchon	New Orleans		5
Geismar	Baton Rouge		2
Hackberry	Lake Charles		2
Lake Charles	Baton Rouge		5

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Lake Charles	Port Arthur, TX		3
Lake Charles		1	
Morgan City	New Orleans		4
New Orleans		2	
Ostrica	New Orleans		4
Plaquemine	Baton Rouge		2
Port of Tallulah	Baton Rouge		6
Port of Tallulah	West Monroe		3
St. Gabriel	Baton Rouge		2
St. James	Baton Rouge		3
Uncle Sam	Baton Rouge		3
Venice	New Orleans		4
Points on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, LA: any point below Chalmette, LA, on the east bank; and Belle Chasse, LA, and points to and including Port Sulphur on the west bank.	New Orleans		3
Undesignated ports			3
Maine:			
Bangor		1	
Bangor	Augusta		3
Bath	Portland		2
Brunswick NAS	Portland		2
Brunswick NAS	Augusta		2
Bucksport	Bangor		2
Cousins Island	Portland		1
Eastport	Bangor		6
Harpswell	Portland		2
Kittery	Portland		3
Portland		1	
Portland	Augusta		3
Portland	Manchester, NH		6
Searsport	Augusta		4
Searsport	Bangor		3
Wiscasset	Portland		3
Winterport	Bangor		2
Undesignated ports			3
Maryland:			
Aberdeen Proving Ground	Baltimore		3
Andrews AFB		2	
Andrews AFB	Baltimore		3½
Andrews AFB	Beltvsille	2	
Andrews AFB	Dulles International Airport, VA	2½	
Annapolis	Baltimore		3
Baltimore		3	
Baltimore	Andrews AFB		3½
Cambridge	Baltimore		4
Cambridge	Dover, DE		4
Piney Point	Baltimore		5
Piney Point	Beltsville		4
Salisbury	Dover, DE		3
Salisbury	Baltimore		4
Undesignated ports	Dover, DE, or Dulles International Airport, VA.		3
(For other points in Maryland, see DC listing)			
Massachusetts:			
Boston		3	
Boston	New Bedford		5
Fall River	Boston		5
Fall River	New Bedford		2
Fall River	Warwick, RI		3
Gloucester	Boston		4
New Bedford		1	
New Bedford	Boston		5
New Bedford	Warwick, RI		3
Otis ANG/CGNS	Boston		6
Otis ANG/CGNS	New Bedford		3
Otis ANG/CGNS	Warwick, RI		5
Plymouth	Warwick, RI		3

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Provincetown	Warwick, RI		6
Sandwich	Boston		6
Sandwich	New Bedford		3
Sandwich	Warwick, RI		4
Somerset	Boston		4
Somerset	New Bedford		2
Westover AFB	Boston		6
Westover AFB	Hadley		1½
Westover AFB	Windsor Locks, CT		2
Woods Hole	Boston		6
Woods Hole	New Bedford		3
Woods Hole	Warwick, RI		5
Undesignated ports	Boston, New Bedford, MA and Warwick, RI.		3
Undesignated ports	Windsor Locks, CT		3
Mexico:			
Camargo	Roma, TX	1	
Ciudad Acuna	Del Rio, TX	1	
Ciudad Acuna	Eagle Pass, TX		3
Ciudad Acuna	Laredo, TX		6
Ciudad Acuna	Pleasanton, TX		6
Ciudad Juarez	El Paso, TX	1	
Matamoros	Brownsville, TX	1	
Mier	Roma, TX	1	
Nuevo Cd. Guerrero	Roma, TX	1	
Nuevo Laredo	Del Rio, TX		4
Nuevo Laredo	Eagle Pass, TX		5
Nuevo Laredo	Laredo, TX	1	
Nuevo Laredo	Pharr, TX		6
Nuevo Laredo	Pleasanton, TX		5
Nuevo Progreso	Progreso, TX	1	
Ojinaga	El Paso, TX		6
Ojinago	Presidio	1	
Piedras Negras	Eagle Pass, TX	1	
Piedras Negras	Laredo, TX		5
Piedras Negras	Pharr, TX		10
Piedras Niegros	Pleasanton, TX		5
Reynosa Eagle	Pass, TX		12
Reynosa	Hidalgo, TX	1	
Reynosa	Laredo, TX		5
Reynosa	Mission, TX		1
Reynosa	Pharr, TX		1
San Jeronimo	Presidio, TX		6
San Jeronimo	Santa Theresa, NM		1
Michigan:			
Battle Creek	Grand Rapids		3
Bay City	Mt. Pleasant		3
Detroit (including Detroit Metropolitan Airport, and Willow Run Airport).	Romulus/Detroit	3	
Kent County Airport	Grand Rapids	1	
Muskegon	Grand Rapids		2
Pontiac	Romulus		4
Saginaw	Mt. Pleasant		3
Selfridge AFB	Port Huron		3
Minnesota:			
Duluth		1	
Duluth	Minneapolis		6
Minneapolis-St. Paul		2	
Silver Bay	Duluth		3
Mississippi:			
Greenville	Jackson		5
Gulfport		1	
Jackson		1	
Keesler AFB	Gulfport		1
Natchez	Brookhaven		4
Pascagoula	Gulfport		2
Pascagoula	Mobile, AL		3
Port Bienville	Gulfport		2
Vicksburg	Jackson		3

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Undesignated ports			3
Missouri:			
Kansas City		1	
Kansas City	St. Charles		6
Kansas City International Airport		1	
Kansas City International Airport	St. Louis		6
Richards-Gebaur AFB	Kansas City	2	
Rosecrans AFB	Kansas City		3
St. Louis and St. Louis International Airport	St. Louis	2	
Whiteman, AFB	Kansas City		4
Montana:			
Butte International Airport	Billings		6
Great Falls International Airport	Great Falls	1	
Nebraska:			
Omaha (including Offutt AFB)	Lincoln		3
Nevada:			
Las Vegas		1	
Reno		1	
New Hampshire:			
Keene Airport, Keene	Groton		6
Lebanon	Manchester		5
Manchester		2	
Newington	Manchester		4
Newington	Portland, ME		3
Pease AFB	Manchester		4
Pease AFB	Portland, ME		3
Portsmouth	Manchester		4
Portsmouth	Portland, ME		3
Undesignated ports	Manchester		3
New Jersey:			
Atlantic City	McGuire AFB		3
Atlantic City	Mullica Hill		2½
Burlington	Trenton		1
Coast Guard Station, Cape May	Mullica Hill		4
Deepwater	Mullica Hill		2
Hammonton	Mullica Hill		2
Hammonton	Trenton		3
Lakehurst NAS	McGuire AFB		2
Leonardo	McGuire AFB		4
Leonardo	Trenton		4
McGuire AFB	Mullica Hill		3
McGuire AFB	Trenton		2
McGuire AFB, Wrightstown		2	
Paulsboro	Mullica Hill		1½
Paulsboro	Philadelphia, PA		3
Salem	McGuire AFB		3
Salem	Trenton		3
Trenton		2	
New Mexico:			
Albuquerque		1	
Columbus	Deming		1½
Columbus	El Paso, TX		6
Columbus	Las Cruces		4
Holloman AFB, Alamogordo	El Paso, TX		4
Santa Teresa	El Paso, TX		1½
Santa Teresa	Las Cruces		1½
Undesignated ports			3
New York:			
Alexandria Bay	Oneida		5
Buffalo		2	
Chateaugay (including Churubusco and Cannon Corners)	Rouses Point		3
Corning	Avoca	2	
Corning	Big Flats	1	
Farmingdale	Westhampton Beach	3	
Islip	Westhampton Beach	2	
Jamaica, Long Island		2	
Lewiston	Buffalo		2
Massena	Rouses Point		5
New York		3	

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Niagara Falls	Buffalo		2
Ogendsburg	Rouses Point		6
Oswego	Buffalo		6
Oswego	Canandaigua	4	
Oswego	Oneida	3	
Plattsburgh	Rouses Point		3
Rochester	Avoca	3	
Rochester	Buffalo		4
Rochester	Canandaigua	2	
Rooseveltown	Rouses Point		5
Rouses Point (including Champlain)	Rouses Point	2	
Syracuse		1	
Syracuse	Buffalo		6
Syracuse	Canandaigua	3	
Syracuse	Oneida	2	
Watertown	Oneida		4
Westhampton ANG	Westhampton	1	
Undesignated ports	Buffalo or Rouses Point		3
North Carolina:			
Camp Lejeune	Morehead City		2
Camp Lejeune	Wilmington		3
Charlotte		2	
Charlotte	Burlington		5
Charlotte	Greensboro		4
Charlotte International Airport	Laurinburg		5
Cherry Point	Goldsboro		4
Cherry Point	Morehead City		2
Elizabeth City		1	
Fort Bragg	Fayetteville	2	
Greensboro		1½	
Greensboro	Charlotte		4
Greensboro	Fayetteville		4½
Greensboro	Laurinburg		6
Morehead City		1	
Morehead City	Clinton		4
Morehead City	Goldsboro		4
New River MCAS	Morehead City		3
Pope AFB	Clinton		2½
Pope AFB	Fayetteville	1½	
Pope AFB	Goldsboro		4
Raleigh	Clinton		4
Raleigh	Fayetteville		4
Raleigh	Goldsboro		4
Raleigh	Raleigh	2	
Seymour-Johnson AFB	Goldsboro	1	
Sunny Point Army Terminal, Southport	Wilmington		2
Wilmington		1	
Undesignated ports			3
Ohio:			
Akron	Cleveland		2
Ashtabula	Cleveland		3
Cincinnati	Columbus		6
Cincinnati	Dayton		3
Cincinnati	Toledo		6
Cincinnati	Washington Court House		3
Cleveland		2	
Cleveland	Toledo		5
Columbus		2	
Columbus	Cleveland		6
Columbus	Dayton		4
Columbus	Toledo		6
Columbus	Washington Court House		3
Dayton		2	
Dayton	Columbus		4
Dayton	Toledo		6
Dayton	Washington Court House		3
Fairport Harbor	Cleveland		2
Greater Cincinnati Airport (Boone County, KY)	Erlanger, KY	2	
Lorraine	Cleveland		2

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Lunken Airport	Erlanger, KY		1
Rickenbacker AFB	Cleveland		6
Rickenbacker AFB	Washington Court House		3
Toledo		2	
Toledo	Cleveland		5
Toledo	Romulus, MI		4
Undesignated ports			3
Oklahoma:			
Altus AFB	Oklahoma City		6
Altus AFB	Elk City		3
Oklahoma City	Tulsa		6
Port of Muskogee	Tulsa		2
Port Arrow	Tulsa		1
Port of Catoosa	Tulsa		1
Port of Rogers Terminal	Tulsa		1
Port of Verdigris	Tulsa		1
Tulsa		1	
Tulsa International Airport	Oklahoma City		6
Tulsa International Airport	Tulsa	1	
Tinker AFB, Oklahoma City		1	
Will Rogers World Airport, Oklahoma City		1	
Undesignated ports	Oklahoma City		3
Undesignated ports			3
Oregon:			
Astoria	Portland		5
Portland		2	
The Dalles	Ellensburg, WA		6
Undesignated ports			3
Pennsylvania:			
Allentown-Bethlehem Easton Airport	Carlisle		5
Allentown-Bethlehem	Dallas		5
Chester	Philadelphia		3
Chester	Wilmington, DE		1
Easton Airport	Gap		5
Erie	Buffalo, NY, or Cleveland, OH		4
Erie	Meadville		3
Erie	Mercer		4
Erie	Pittsburgh		6
Greater Pittsburgh International Airport	Cleveland, OH		6
Greater Pittsburgh International Airport	Meadville		5
Greater Pittsburgh International Airport	Mercer		4
Greater Pittsburgh International Airport	Pittsburgh	3	
Harrisburg International Airport	Carlisle		2
Harrisburg International Airport	Dallas		6
Harrisburg International Airport	Gap		4
Harrisburg International Airport	Philadelphia		5
Harrisburg International Airport	Williamsport		6
Lehigh Valley International Airport, Allentown	Gap		4
Lehigh Valley International Airport, Allentown	Sweet Valley		4
Marcus Hook	Philadelphia		3
Marcus Hook	Wilmington, DE		1
Philadelphia		3	
Philadelphia	Bridgeton		3
Philadelphia	McGuire Air Force Base		3
Philadelphia	Trenton		3
Philadelphia	Wilmington, DE		3
Tullytown	Philadelphia		3
Wilkes-Barre/Scranton International Airport	Dallas		2
Wilkes-Barre/Scranton Airport	Williamsport		6
Willow Grove NAS	Philadelphia		3
Undesignated ports	Dallas or Gap		3
Puerto Rico:			
Aguadilla	Mayaguez		2
Aguirre	Ponce		3
Arecibo	San Juan		3
Borinquen Field	Mayaguez		2
Fajardo	Roosevelt Road		1
Fajardo	San Juan		3
Guanica	Mayaguez		2

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Guanica	Ponce		2
Guayama	Ponce		3
Guayanilla	Ponce		2
Humacao and Yabucoa	San Juan		4
Mayaguez (including points from Ramey to Cabo Rojo)	San Juan		5
Mayaguez and El Mani Airport		1	
Ponce (including all subports in the Ponce customs district).	San Juan		4
Ponce and Mercedita Airport		1	
Roosevelt Roads		1	
San Juan		2	
Tallaboa (Penuelas)	Ponce		2
Yabucoa	Roosevelt Roads		3
Undesignated ports			3
Rhode Island:			
Davisville NSD	Boston, MA		4
Davisville NSD	Warwick		2
Melville	Warwick		3
Newport	Boston, MA		5
Newport	Warwick		4
Portsmouth	Warwick		3
Providence	Boston, MA		4
Providence	Warwick		2
Quonset Point	Boston, MA		4
Quonset Point	Warwick		2
Saunderstown	Warwick		3
Tiverton	Warwick		3
Warwick		2	
Warwick	Groton, CT		4
Undesignated ports			3
South Carolina:			
Beaufort-Port Royal	Charleston		4
Beaufort-Port Royal	Savannah		3
Beaufort-Port Royal	Yamassee		3
Charleston		2	
Columbia	Charleston		4
Columbia		1	
Georgetown	Charleston		3
Greenville-Spartanburg		1	
McEntire NG Air Base	Columbia		2
McEntire NG Air Base, Eastover	Charleston		4
Myrtle Beach AFB	Charleston		4
Myrtle Beach AFB	Conway		1
Shaw AFB	Columbia and Florence		2
Shaw AFB, Sumter	Charleston		4
Undesignated ports			3
South Dakota:			
Ellsworth AFB	Pierre		6
Tennessee:			
Knoxville		1	
Memphis		2	
Memphis	Jackson		4
Memphis International Airport	Batesville, MS		2½
Millington	Jackson		4
Millington	Memphis		2
Nashville		2	
Nashville	Jackson		6
Undesignated ports			3
Texas:			
Aransas Pass	Corpus Christi		2½
Barbour's Cut	Houston	2	
Bayport	Houston	2	
Baytown	Houston	2	
Beaumont	Port Arthur		2
Beaumont	Lake Charles		3
Brownsville		1	
Brownsville	Pharr		3
Carswell Field, Fort Worth	Dallas-Fort Worth International Airport		3
Columbia	Laredo		2

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Corpus Christi	Corpus Christi	2	
Corpus Christi NAS	Corpus Christi		2
Dallas		1	
Dallas (including Love Field)	Dallas-Fort Worth International Airport		1
Dallas-Fort Worth International Airport		1	
Dallas-Fort Worth International Airport	Decatur		2
Del Rio		1	
Del Rio	Eagle Pass		3
Donna	Hidalgo		2
Dyess AFB	Abilene	1	
Eagle Pass		1	
El Paso		1	
Fabens	El Paso		2
Falcon Heights	Roma		1½
Freeport	Galveston or Houston		3
Fort Hood	College Station		5
Fort Hood	Waco		3
Galveston		1	
Galveston	Houston		4
Gregory	Corpus Christi		2
Houston (including Houston Intercontinental Airport)	Bellville		4
Houston (including Houston Intercontinental Airport)	Bryan		4
Houston (including Houston Intercontinental Airport)	Georgetown		8
Houston (including Houston Intercontinental Airport)	Pleasanton		8
Ingleside and Harbor Island (Port Aransas)	Corpus Christi		3
Harlingen		1	
Harlingen	McAllen		2
Hidalgo	Brownsville		3
Houston (Including Houston Intercontinental Airport)		2	
Kelly AFB	San Antonio		2
La Feria	Hidalgo		2
Laredo		1	
Laughlin AFB	Del Rio		1
Meacham Field	Dallas-Fort Worth International Airport		2
Mercedes	Hidalgo		2
Orange	Port Arthur		2
Pharr (Includes Hidalgo and McAllen International Airport		1½	
Point Comfort		1	
Point Comfort	Victoria		2
Port Arthur		1	
Port Arthur	Lake Charles, LA		3
Port Isabel	Brownsville		2
Presidio		1	
Progreso		1	
Progreso	Brownsville or Hidalgo		2
Progreso	Harlingen		1½
Randolph AFB	San Antonio		2
Robert Grey Army Airfield	College Station		5
Robert Grey Army Airfield	San Antonio		6
Robert Grey Army Airfield	Waco		3
Rockport	Corpus Christi		3
Roma	Brownsville		5
Roma	Laredo		4
Roma (Includes Rio Grande City)		1	
Roma	Pharr		3
Sabine Pass	Port Arthur		1
San Antonio		1	
Texas City	Galveston		1
Weslaco	Hidalgo		2
Undesignated ports			3
Utah:			
Salt Lake City International Airport		2	
Hill Air Force Base, Ogden	Salt Lake City		4
Vermont:			
Alburg	Berlin		5
Alburg	Rouses Point, NY	1	
Alburg	St. Albans		2
Battleboro	Berlin		5
Battleboro	St. Albans		6

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Burlington	Montpelier		3
Burlington	St. Albans	1	
Derby Line	Berlin		5
Derby Line	St. Albans		5
Highgate Springs	Berlin		4
Highgate Springs	St. Albans		2
Montpelier		1	
Richford	Berlin		5
Richford	St. Albans		3
St. Albans (including Highgate Springs and Morses Line)	Rouses Point, NY		3
Undesignated ports	Montpelier		3
Undesignated ports	Rouses Point, NY		3
Undesignated ports	St. Albans		3
Virgin Islands:			
Alexander Hamilton Airport, St. Croix		1	
Charlotte Amalie, St. Thomas		1	
Christiansted, St. Croix		1	
Cruz Bay, St. John, USVI	St. Thomas, USVI		3
Frederiksted, St. Croix		1	
Undesignated ports			3
Virginia:			
Alexandria or Arlington	Andrews AFB, MD	2	
Alexandria or Arlington	Dulles International Airport	2½	
Alexandria or Arlington	Beltsville, MD	2	
Dulles International Airport		2	
Dulles International Airport	Baltimore, MD		3
Dulles International Airport	Beltsville, MD	2½	
Dulles International Airport	Fredericksburg		3
Hopewell	Norfolk		5
Norfolk Metropolitan Area (including Chesapeake, Hampton, Newport News, Portsmouth and Virginia Beach).		2	
Quantico MCAS	Dulles International Airport		3
Quantico MCAS	Fredericksburg	1½	
Richmond	Norfolk		5
Undesignated ports			3
(For other points in Virginia, see District of Columbia listing)			
Washington:			
Aberdeen	Seattle, maritime port		4
Anacortes	Blaine		3
Ault Field	Blaine		4
Bangor NSO	Seattle, maritime port		4
Bellingham	Blaine		2
Blaine		1	
Brewster	Ellensberg		6
Brewster	Spokane		6
Brewster	Wenatchee		4
Cherry Point	Blaine		1
Edmonds	Seattle, maritime port		2
Ellensburg		1	
Everett	Seattle, maritime port		3
Ferndale	Blaine		2
Fort Lewis	Tacoma		2
Grays Harbor	Seattle, maritime port		6
Grays Harbor	Tacoma		4
Hood River	Ellensburg		6
Lynden	Blaine		2
McChord AFB	Seattle, maritime port		3
McChord AFB	Tacoma		2
Moses Lake	Ellensburg		3
Moses Lake	Wenatchee		3
Olympia	Seattle, maritime port		3
Olympia	Tacoma		2
Oroville		1	
Paine Field	Seattle, maritime port		3
Pasco	Ellensburg		5
Pasco	Spokane		6
Pasco	Wenatchee		6
Point Wells	Seattle, maritime port		2

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Port Angeles	Seattle, maritime port		6
Port Angeles	Tacoma		6
Port Townsend	Seattle, maritime port		4
Sawyer	Ellensburg		3
Sawyer	Wenatchee		5
SEA TAC Airport		2	
Seattle, maritime port		2	
Sumas	Blaine		2
Tacoma		2	
Wenatchee		1	
Wenatchee	Ellensburg		4
Wenatchee	Spokane		6
Yakima		1	
Yakima	Ellensburg		3
Yakima	Wenatchee		6
West Virginia:			
Kanawha Airport	Charleston	1	
Kanawha Airport	Clarksburg		6
Wisconsin:			
Green Bay	Milwaukee		4
Kenosha	Milwaukee		2
Madison	Milwaukee		4
Milwaukee		1	
Milwaukee	Madison		4½
Milwaukee	O'Hare International Airport, Chicago, IL		5
Racine	Milwaukee		2
Superior	Duluth, MN	1	
Undesignated ports	Duluth, MN or Milwaukee		3
Wyoming:			
Cheyanne		1	
Temporary detail:			
Any inspection point to which an employee may be temporarily detailed.		1	

[49 FR 32332, Aug. 14, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §354.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§354.3 User fees for certain international services.

(a) *Definitions.* Whenever in this section the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

APHIS. The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Arrival. Arrival at a port of entry in the customs territory of the United States, or at any place served by a port of entry as specified in 19 CFR 101.3.

Calendar year. The period from January 1 to December 31, inclusive, of any particular year.

Commercial aircraft. Any aircraft used to transport persons or property for compensation or hire.

Commercial purpose. The intention of receiving compensation, or making a gain or profit.

Commercial railroad car. A railroad car used or capable of being used for transporting property for compensation or hire.

Commercial shipment. A shipment for gain or profit.

Commercial truck. A self-propelled vehicle, designed and used for transporting property for compensation or hire. Empty trucks and truck cabs without trailers fitting this description are included.

Commercial vessel. Any watercraft or other contrivance used or capable of being used as a means of transportation on water to transport property for compensation or hire, with the exception of any aircraft or ferry.

Customs. The Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

Customs territory of the United States. The 50 States, the District of Columbia, and Puerto Rico.

Designated State or county inspector. A State or county plant regulatory official designated by the Secretary of Agriculture to inspect and certify to shippers and other interested parties as to the phytosanitary condition of plant products inspected under the Plant Protection Act.

Export certificate for processed plant products. A certificate (PPQ Form 578) issued by an inspector, describing the plant health condition of processed or manufactured plant products based on inspection of submitted samples and/or by virtue of the processing received.

Person. An individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

Phytosanitary certificate. A certificate (PPQ Form 577) issued by an inspector, giving the phytosanitary condition of domestic plants or unprocessed or unmanufactured plant products based on inspection of the entire lot or representative samples drawn by a Federal or State employee authorized to conduct such sampling.

Phytosanitary certificate for reexport. A certificate (PPQ Form 579) issued by an inspector, giving the phytosanitary condition of foreign plants and plant products legally imported into the United States and subsequently offered for reexport. The certificate certifies that, based on the original foreign phytosanitary certificate and/or additional inspection or treatment in the United States, the plants and plant products are considered to conform to the current phytosanitary regulations of the receiving country and have not been subjected to the risk of infestation or infection during storage in the United States. Plants and plant products which transit the United States under Customs bond are not eligible to receive the phytosanitary certificate for reexport.

(b) *Fee for inspection of commercial vessels of 100 net tons or more.* (1) Except as provided in paragraph (b)(2) of this section, the master, licensed deck officer, or purser of any commercial vessel which is subject to inspection under part 330 of this chapter or 9 CFR chapter I, subchapter D, and which is either required to make entry at the customs house under 19 CFR 4.3 or is a United States-flag vessel proceeding coastwise under 19 CFR 4.85, shall, upon arrival, proceed to Customs and pay an agricultural quarantine and inspection (AQI) user fee. The AQI user fee for each arrival, not to exceed 15 payments in a calendar year (i.e., no additional fee will be charged for a 16th or subsequent arrival in a calendar year), is shown in the following table. The AQI user fee shall be collected at each port of arrival.

Effective dates	Amount
January 1, 2005, through September 30, 2005	$486.00
October 1, 2005, through September 30, 2006	488.00
October 1, 2006, through September 30, 2007	490.00
October 1, 2007, through September 30, 2008	492.00
October 1, 2008, through September 30, 2009	494.00
October 1, 2009, through September 30, 2010	496.00

(2) The following categories of commercial vessels are exempt from paying an AQI user fee:

(i) Foreign passenger vessels making at least three trips a week from a port in the United States to the high seas (including ''cruises to nowhere'') and returning to the same port in the United States, not having touched any foreign port or place, or taken on any stores;

(ii) Any vessel which, at the time of arrival, is being used solely as a tugboat;

(iii) Vessels used exclusively in the governmental service of the United States or a foreign government, including any agency or political subdivision of the United States or a foreign government, so long as the vessel is not carrying persons or merchandise for commercial purposes;

(iv) Vessels arriving in distress or to take on bunkers, sea stores, or ship's stores; and

(v) Tugboats towing vessels on the Great Lakes.

(c) *Fee for inspection of commercial trucks.* (1) The driver or other person in charge of a commercial truck that is enteing the customs territory of the United States and that is subject to inspection under part 330 of this chapter

or under 9CFR, chapter I, subchapter D, must, upon arrival, proceed to Customs and pay and AQI user fee for each arrival, as shown in the following table:

Effective dates	Amount
January 1, 2005, through September 30, 2005	$5.00
October 1, 2005, through September 30, 2006	5.25
October 1, 2006, through September 30, 2007	5.25
October 1, 2007, through September 30, 2008	5.25
October 1, 2008, through September 30, 2009	5.25
October 1, 2009, through September 30, 2010	5.25

(2) [Reserved]

(3) Prepayment.

(i) The owner or operator of a commercial truck, *if* entering the customs territory of the United States *and* applying for a prepaid Customs permit for a calendar year, must apply for a prepaid AQI permit for the same calendar year. Applicants must apply to Customs for prepaid AQI permits.[1] The following information must be provided, together with payment of an amount 20 times the AQI user fee for each arrival:

(A) Vehicle make, model, and model year.

(B) Vehicle Identification Number (VIN).

(C) License numbers issued by State, Province, or country.

(D) Owner's name and address.

(ii) No credit toward the prepaid AQI permit will be given for user fees paid for individual arrivals.

(d) *Fee for inspection of commercial railroad cars.* (1) Except as provided in paragraph (d)(2) of this section, an AQI user fee will be charged for each loaded commercial railroad car which is subject to inspection under part 330 of this chapter or under 9 CFR chapter I, subchapter D, upon each arrival. The railroad company receiving a commercial railroad car in interchange at a port of entry or, barring interchange, the railroad company moving a commercial railroad car in line haul service into the customs territory of the United States, is responsible for paying the AQI user fee. The AQI user fee for each arrival of a loaded railroad car is shown in the following table. If the AQI user fee is prepaid for all arrivals of a commercial railroad car during a calendar year, the AQI user fee is an amount 20 times the AQI user fee for each arrival.

Effective dates	Amount
January 1, 2005, through September 30, 2005	$7.50
October 1, 2005, through September 30, 2006	7.50
October 1, 2006, through September 30, 2007	7.75
October 1, 2007, through September 30, 2008	7.75
October 1, 2008, through September 30, 2009	7.75
October 1, 2009, through September 30, 2010	7.75

(2) The following categories of commercial railroad cars are exempt from paying an AQI user fee:

(i) [Reserved]

(ii) Any commercial railroad car that is part of a train whose journey originates and terminates in the United States, if—

(A) The commercial railroad car is part of the train when the train departs the United States; and

(B) No passengers board or disembark from the commercial railroad car, and no cargo is loaded or unloaded from the commercial railroad car, while the train is within any country other than the United States; and

(iii) Locomotives and cabooses.

(3) Prepayment.

(i) Railroad companies may, at their option, prepay the AQI user fee for each commercial railroad car for a calendar year. This payment must be remitted in accordance with paragraph (d)(5) of this section.

(ii) No credit toward the calendar year AQI user fee will be given for AQI user fees paid for individual arrivals.

(4) Statement procedures. The Association of American Railroads (AAR), and the National Railroad Passenger Corporation (AMTRAK), shall file monthly statements with the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, within 60 days after the end of each calendar month. Each statement shall indicate:

(i) The number of loaded commercial railroad cars entering the customs territory of the United States during the relevant period;

(ii) The number of those commercial railroad cars pulled by each railroad company; and

(iii) The total monthly AQI user fee due from each railroad company.

[1] Applicants should refer to Customs and Border Protection regulations (19 CFR part 24) for specific instructions.

(5) Remittance procedures. Individual railroad companies shall remit the AQI user fees calculated by AAR, and AMTRAK shall remit the AQI user fees it has calculated, within 60 days after the end of each calendar month in which commercial railroad cars entered the customs territory of the United States. AQI user fees, together with monthly statements, must be remitted to the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000.

(6) Compliance. AAR, AMTRAK, and each railroad company responsible for making AQI user fee payments must allow APHIS personnel to verify the accuracy of AQI user fees collected and remitted and otherwise determine compliance with 21 U.S.C. 136a and this paragraph. The AAR, AMTRAK, and each railroad company responsible for making AQI user fee payments must advise the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, of the name, address, and telephone number of a responsible officer who is authorized to verify AQI user fee calculations, collections, and remittances, as well as any changes in the identifying information submitted.

(e) *Fee for inspection of commercial aircraft.* (1) Except as provided in paragraph (e)(2) of this section, an AQI user fee will be charged for each commercial aircraft which is arriving, or which has arrived and is proceeding from one United States airport to another under a Bureau of Customs and Border Protection ''Permit to Proceed,'' as specified in 19 CFR 122.81 through 122.85, or an ''Agricultural Clearance or Safeguard Order'' (PPQ Form 250), used pursuant to § 330.400 of this chapter and 9 CFR 94.5, and which is subject to inspection under part 330 of this chapter or 9 CFR chapter I, subchapter D. Each carrier is responsible for paying the AQI user fee. The AQI user fee for each arrival is shown in the following table:

Effective dates	Amount
January 1, 2005, through September 30, 2005	$70.00
October 1, 2005, through September 30, 2006	70.25
October 1, 2006, through September 30, 2007	70.50
October 1, 2007, through September 30, 2008	70.50
October 1, 2008, through September 30, 2009	70.75
October 1, 2009, through September 30, 2010	70.75

(2) The following categories of commercial aircraft are exempt from paying an AQI user fee:

(i) [Reserved]

(ii) Any aircraft used exclusively in the governmental services of the United States or a foreign government, including any Agency or political subdivision of the United States or a foreign government, as long as the aircraft is not carrying persons or merchandise for commercial purposes;

(iii) Any aircraft making an emergency or forced landing when the original destination of the aircraft was a foreign port;

(iv) Any passenger aircraft with 64 or fewer seats, which is not carrying the following cargo: Fresh fruits, fresh vegetables, plants, unprocessed plant products, cotton or covers, sugarcane, or fresh or processed meats; and which does not offer meal service other than beverages and prepackaged snacks that do not contain meats derived from ruminants, swine, or poultry or fresh fruits and fresh vegetables. Aircraft exempt from the user fee under this paragraph would still be subject to the garbage handling requirements found in § 330.400 of this chapter and 9 CFR 94.5;

(v) Any aircraft moving from the United States Virgin Islands to Puerto Rico; and

(vi) Any aircraft making an intransit stop at a port of entry, during which the aircraft does not proceed through any portion of the Federal clearance process, such as inspection or clearance by APHIS or the Bureau of Customs and Border Protection, no cargo is removed from or placed on the aircraft, no passengers get on or off the aircraft, no crew members get on or off the aircraft, no food is placed on the aircraft, and no garbage is removed from the aircraft.

(3) Remittance and statement procedures. (i) Each carrier must remit the appropriate fees to the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, for receipt no later than 31 days after the close of the calendar quarter in which the aircraft arrivals occurred. Late payments will be subject to interest, penalty, and handling charges as provided in the Debt Collection Act of

1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3717).

(ii) The remitter must mail with the remittance a written statement to the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000. The statement must include the following information:

(A) Name and address of the person remitting payment;

(B) Taxpayer identification number of the person remitting payment;

(C) Calendar quarter covered by the payment;

(D) Ports of entry at which inspections occurred;

(E) Number of arrivals at each port; and

(F) Amount remitted.

(iii) Remittances must be made by check or money order, payable in United States dollars, through a United States bank, to ''The Animal and Plant Health Inspection Service.''

(4) Compliance. Each carrier subject to this section must allow APHIS personnel to verify the accuracy of the AQI user fees remitted and to otherwise determine compliance with 21 U.S.C. 136a and this paragraph. Each carrier must advise the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, of the name, address, and telephone number of a responsible officer who is authorized to verify AQI user fee calculations and remittances, as well as any changes in the identifying information submitted.

(5) Limitations on charges. (i) Airlines will not be charged reimbursable overtime for inspection of aircraft if the aircraft is subject to the AQI user fee for arriving aircraft as prescribed by this section.

(ii) Airlines will not be charged reimbursable overtime for inspection of cargo from an aircraft if:

(A) The aircraft is subject to the AQI user fee for arriving aircraft as prescribed by this section; and

(B) The cargo is inspected between 8 a.m. and 4:30 p.m., Monday through Friday; or

(C) The cargo is inspected concurrently with the aircraft.

(f) *Fee for inspection of international passengers.* (1) Except as specified in paragraph (f)(2) of this section, each passenger aboard a commercial aircraft who is subject to inspection under part 330 of this chapter or 9 CFR, chapter I, subchapter D, upon arrival from a place outside of the customs territory of the United States, must pay an AQI user fee. The AQI user fee for each arrival is shown in the following table:

Effective dates[1]	Amount
January 1, 2005, through September 30, 2005	$4.95
October 1, 2005, through September 30, 2006	5.00
October 1, 2006, through September 30, 2007	5.00
October 1, 2007, through September 30, 2008	5.00
October 1, 2008, through September 30, 2009	5.00
October 1, 2009, through September 30, 2010	5.00

[1] Persons who issue international airline tickets or travel documents are responsible for collecting the AQI international airline passenger user fee from ticket purchasers. Issuers must collect the fee applicable at the time tickets are sold. In the event that ticket sellers do not collect the AQI user fee when tickets are sold, the air carrier must collect the user fee from the passenger upon departure. Carriers must collect the fee applicable at the time of departure from the traveler.

(2) The following categories of passengers are exempt from paying an AQI user fee:

(i) [Reserved]

(ii) Crew members who are on duty on a commercial aircraft;

(iii) Airline employees, including ''deadheading'' crew members, who are traveling on official airline business;

(iv) Diplomats, except for United States diplomats, who can show that their names appear on the accreditation listing maintained by the United States Department of State. In lieu of the accreditation listing, an individual diplomat may present appropriate proof of diplomatic status to include possession of a diplomatic passport or visa, or diplomatic identification card issued by a foreign government;

(v) Passengers departing and returning to the United States without having touched a foreign port or place;

(vi) Passengers arriving on any commercial aircraft used exclusively in the governmental service of the United States or a foreign government, including any agency or political subdivision of the United States or a foreign government, so long as the aircraft is not carrying persons or merchandise for commercial purposes. Passengers on commercial aircraft under contract to the United States Department of Defense (DOD) are exempted if they have

been precleared abroad under the joint DOD/APHIS Military Inspection Program;

(vii) Passengers arriving on an aircraft due to an emergency or forced landing when the original destination of the aircraft was a foreign port;

(viii) Passengers transiting the United States and not subject to inspection; and

(ix) Passengers moving from the United States Virgin Islands to Puerto Rico.

(3) AQI user fees shall be collected under the following circumstances:

(i) When through tickets or travel documents are issued indicating travel to the customs territory of the United States that originates in any foreign country; and

(ii) When passengers arrive in the customs territory of the United States in transit from a foreign country and are inspected by APHIS or Customs.

(4) *Collection of fees.* (i) Any person who issues tickets or travel documents on or after May 13, 1991, is responsible for collecting the AQI user fee from all passengers transported into the customs territory of the United States to whom the AQI user fee applies.

(A) Tickets or travel documents must be marked by the person who collects the AQI user fee to indicate that the required AQI user fee has been collected from the passenger.

(B) If the AQI user fee applies to a passenger departing from the United States and if the passenger's tickets or travel documents were issued on or after May 13, 1991, but do not reflect collection of the AQI user fee at the time of issuance, then the carrier transporting the passenger from the United States must collect the AQI user fee upon departure.

(C) AQI user fees collected from international passengers pursuant to paragraph (f) of this section shall be held in trust for the United States by the person collecting such fees, by any person holding such fees, or by the person who is ultimately responsible for remittance of such fees to APHIS. AQI user fees collected from international passengers shall be accounted for separately and shall be regarded as trust funds held by the person possessing such fees as agents, for the beneficial interest of the United States. All such user fees held by any person shall be property in which the person holds only a possessory interest and not an equitable interest. As compensation for collecting, handling, and remitting the AQI user fees for international passengers, the person holding such user fees shall be entitled to any interest or other investment return earned on the user fees between the time of collection and the time the user fees are due to be remitted to APHIS under this section. Nothing in this section shall affect APHIS' right to collect interest for late remittance.

(5) *Remittance and statement procedures.* (i) The carrier whose ticket stock or travel document reflects collection of the AQI user fee must remit the fee to the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000. The travel agent, United States-based tour wholesaler, or other entity, which issues its own non-carrier related ticket or travel document to a passenger who is subject to an AQI user fee under this part, must remit the fee to APHIS, unless by contract the carrier will remit the fee.

(ii) AQI user fees must be remitted to the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, for receipt no later than 31 days after the close of the calendar quarter in which the AQI user fees were collected. Late payments will be subject to interest, penalty, and handling charges as provided in the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3717). Refunds by a remitter of AQI user fees collected in conjunction with unused tickets or travel documents shall be netted against the next subsequent remittance.

(iii) The remitter must mail with the remittance a written statement to the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000. The statement must include the following information:

(A) Name and address of the person remitting payment;

(B) Taxpayer identification number of the person remitting payment;

(C) Calendar quarter covered by the payment; and

(D) Amount collected and remitted.

(iv) Remittances must be made by check or money order, payable in United States dollars, through a United States bank, to ''The Animal and Plant Health Inspection Service.''

(6) Carriers contracting with United States-based tour wholesalers are responsible for notifying the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, of all flights contracted, the number of spaces contracted for, and the name, address, and taxpayer identification number of the United States-based tour wholesaler, within 31 days after the close of the calendar quarter in which such a flight occurred; *except that*, carriers are not required to make notification if tickets, marked to show collection of the AQI user fee, are issued for the individual contracted spaces.

(7) *Compliance.* Each carrier, travel agent, United States-based tour wholesaler, or other entity subject to this section must allow APHIS personnel to verify the accuracy of the AQI user fees collected and remitted and to otherwise determine compliance with 21 U.S.C. 136a and this paragraph. Each carrier, travel agent, United States-based tour wholesaler, or other entity must advise the U.S. Bank, United States Department of Agriculture (USDA), APHIS, AQI, P.O. Box 979044, St. Louis, MO 63197–9000, of the name, address, and telephone number of a responsible officer who is authorized to verify AQI user fee calculations, collections, and remittances, as well as any changes in the identifying information submitted.

(8) *Limitation on charges.* Airlines will not be charged reimbursable overtime for passenger inspection services required for any aircraft on which a passenger arrived who has paid the airline passenger AQI user fee for that flight.

(g) *Fees for export certification of plants and plant products.* (1) For each certificate issued by APHIS personnel, the recipient must pay the applicable AQI user fee at the time and place the certificate is issued, or, in the case of a block of certificates, at the time the certificates are given to the shipper.

(2) There is no AQI user fee for a certificate issued by a designated State or county inspector.

(3) If a designated State inspector issues a certificate, the State where the certificate is issued may charge for inspection services provided in that State.

(4) Any State which wishes to charge a fee for services it provides to issue certificates must establish fees in accordance with one of the following guidelines:

(i) *Calculation of a ''cost-per-certificate'' fee.* The State must:

(A) Estimate the annual number of certificates to be issued;

(B) Determine the total cost of issuing certificates by adding together delivery,[2] support,[3] and administrative[4] costs; and

(C) Divide the cost of issuing certificates by the estimated number of certificates to be issued to obtain a ''raw'' fee. The State may round the ''raw'' fee up to the nearest quarter, if necessary for ease of calculation, collection, or billing; or

(ii) *Calculation of a ''cost-per-hour'' fee.* The State must:

(A) Estimate the annual number of hours taken to issue certificates by

[2] Delivery costs are costs such as employee salary and benefits, transportation, per diem, travel, purchase of specialized equipment, and user fee costs associated with maintaining field offices. Delivery hours are similar hours taken by inspectors, including travel time, inspection time, and time taken to complete paperwork.

[3] Support costs are costs at supervisory levels which are similar to delivery costs, and user fee costs such as training, automated data processing, public affairs, enforcement, legal services, communications, postage, budget and accounting services, and payroll, purchasing, billing, and collecting services. Support hours are similar hours taken at supervisory levels, as well as hours taken in training, automated data processing, enforcement, legal services, communication, budgeting and accounting, payroll purchasing, billing, and collecting.

[4] Administrative costs are costs incurred as a direct result of collecting and monitoring Federal phytosanitary certificates. Administrative hours are hours taken as a direct result of collecting and monitoring Federal phytosanitary certificates.

adding together delivery,[2] support,[3] and administrative[4] hours;

(B) Determine the total cost of issuing certificates by adding together delivery, support, and administrative costs; and

(C) Divide the cost of issuing certificates by the estimated number of hours taken to issue certificates to obtain a ''cost-per-hour'' fee. The State may round the ''cost-per-hour'' fee up to the nearest quarter, if necessary for ease of calculation, collection, or billing.

(5) The AQI user fees are:

(i)(A) $50 for a certificate for a commercial shipment; or

(B) $23 for a certificate for a low-value commercial shipment, if the following criteria are met:

(*1*) The items being shipped are identical to those identified on the phytosanitary certificate;

(*2*) The shipment is accompanied by an invoice which states that the items being shipped are worth less than $1,250; and

(*3*) The shipper requests that user fee charged be based on the low value of the shipment;

(ii) $23 for a certificate for a noncommercial shipment;

(iii)(A) $50 for a certificate for reexport of a commercial shipment; or

(B) $23 for a certificate for reexport of a low value commercial shipment, if the following criteria are met:

(*1*) The items being shipped are identical to those identified on the phytosanitary certificate;

(*2*) The shipment is accompanied by an invoice which states that the items being shipped are worth less than $1,250; and

(*3*) The shipper requests that the user fee charged be based on the low value of the shipment;

(iv) $50 for a processed product certificate for a commercial shipment; and

(v) $7 for reissuing any certificate or certificate for reexport.

(h) *Refunds of AQI user fees.* (1) A shipper who pays for a block of certificates to cover commercial shipments may obtain a refund or a credit against future AQI user fees under the following circumstances:

(i) If a certificate from the block is voided;

(ii) If a certificate from the block is returned unused;

(iii) If the shipper pays for inspection outside of normal business hours (8 a.m. to 4:30 p.m.) under § 354.1 of this part.

(iv) If a certificate from the block is used for a noncommercial shipment; or

(v) If a certificate from the block is used to reissue another certificate.

(2) The amount of any refund or credit will be the amount overcharged, less $7 to cover APHIS administrative expenses.

(i) *Payment methods.* For payment of any of the AQI user fees required in paragraph (g) of this section, we will accept personal checks for amounts less than $100, and checks drawn on commercial accounts, cashier's checks, certified checks, traveler's checks, and money orders for any amount. All payments must be for the exact amount due.

(j) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of user fees for any import or entry services listed below, of $56 per hour, or $14 per quarter hour, with a minimum fee of $14 for each employee required to perform the following services. If the services must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then the premium user fee rate as listed below applies, as well as the 2-hour minimum charge and a commuted traveltime period required by § 354.1(a)(2). If the services requested are performed on a Sunday, the hourly user fee rate will be $74, or $18.50 per quarter hour, with a $18.50 minimum. If the services requested are performed on a day other than Sunday outside the normal tour of duty of the employee providing the service, the hourly user fee rate will be $65, or $16.25 per quarter hour, with a $16.25 minimum:

(1) Conducting inspections, on vessels or in storage areas, of solid wood packing material or cargo when a shipment arrives without a certificate or exporter statement required under § 319.40–5(g) or § 319.40–5(h) of this chapter, or with an incomplete certificate or exporter statement; and

(2) Supervising the separation of cargo from solid wood packing material denied entry under this subpart and the destruction or reexportation of the solid wood packing material. (Approved by the Office of Management and Budget under control numbers 1651–0019, 0579–0094, or 0579–0052).

[69 FR 71679. Dec. 9, 2004, as amended at 71 FR 50328, Aug. 25, 2006; 72 FR 70765, Dec. 13, 2007]

§ 354.4 User fees for certain domestic services.

(a) *Individual agreements for inspection services at ports of entry.* (1) Operators and owners of vessels or aircraft, or their agents, may enter into agreements with APHIS to receive, at points of entry in the United States inspection services in addition to the regular or on-call services available in connection with such vessels or aircraft.

(2) Agreements may be made to cover the following types of services;

(i) Opening and operating a new inspection station at a port of entry; and

(ii) Providing one-time or occasional inspection services at a location where APHIS does not normally provide such services.

(3) Owners and operators of vessels or aircraft, or their agents, must contact the Regional Director, USDA, APHIS, Plant Protection and Quarantine,[5] for the State where they want APHIS to provide services, to make an agreement.

(4) All agreements must include the following:

(i) Name, mailing address, and telephone number of the operator or owner of the vessel or aircraft, or, if applicable, the operator's or owner's agent;

(ii) Explanation of inspection services to be provided;

(iii) Date(s) and time(s) inspection services will be provided;

(iv) Location (street address, port of entry, berth, dock, gate, etc.) and if applicable, identity (identification number, name, etc.) of vessel or aircraft or other thing to be inspected;

(v) An estimate of the actual cost, as calculated by APHIS, to provide the described inspection services for 6 months;

(vi) A statement that APHIS agrees to provide the described inspection services;

(vii) A statement that the owner or operator of the vessel or aircraft, or if appropriate, his or her agent, agrees to pay, at the time the agreement is entered into, a user fee equal to the estimated cost of providing the described inspection services for 6 months;

(viii) A statement that APHIS will credit an amount equal to all user fees received for services provided at the location to the owner or operator's account, until the total amount of user fees credited to the account is equal to the amount of money paid into the account by the owner or operator of the vessel or aircraft, or if appropriate, his or her agent, at the time the agreement was entered into; and

(ix) A statement that the owner or operator of the vessel or aircraft, or if appropriate, his or her agent, agrees to maintain a balance in the user fee payment account equal to the cost of providing the services described for 6 months, as calculated monthly by APHIS.

(5) APHIS will enter into an agreement only if qualified personnel can be made available to provide the services to be provided.

(6) An agreement can be terminated by either party on 30 days written notice.

(7) If, at the time an agreement is terminated, any unobligated funds remain in the user fee account, APHIS will return them to the owner or operator, or his or her agent.

[57 FR 770, Jan. 9, 1992, as amended at 57 FR 14475, Apr. 21, 1992; 58 FR 38269, July 16, 1993; 59 FR 67611, Dec. 30, 1994]

§ 354.5 Penalties for nonpayment or late payment of user fees.

(a) If a person requesting a service for which an APHIS user fee is payable, is delinquent in paying any APHIS user fee due under either title 7 or title 9, Code of Federal Regulations, or is delinquent in paying the interest on any

[5] A list of the Regional Directors, USDA, APHIS, Plant Protection and Quarantine and the States for which they are responsible, may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Operational Support—Director's Office, 4700 River Road, Unit 131, Riverdale, Maryland 20737–1236.

delinquent APHIS user fee, then APHIS will not provide the service requested.

(b) If APHIS is in the process of providing a service for which an APHIS user fee is due, and the user has not paid the fee within the time required, or if the payment offered by the user is insufficient or not in compliance with the regulations in this part, then APHIS will take the following action:

(1) If an APHIS user fee is due for a certificate or a certificate for reexport, APHIS will not issue the certificate.

(2) If an APHIS user fee is past due by more than 30 days, APHIS will impose a late payment penalty and interest charges in accordance with 31 U.S.C. 3717.

[57 FR 771, Jan. 9, 1992]

PART 355—ENDANGERED SPECIES REGULATIONS CONCERNING TERRESTRIAL PLANTS

Subpart—Purpose and Definitions

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355.1 Purpose.
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Subpart—Permission to Engage in Business

355.10 Permission to engage in business concerning nonlisted terrestrial plants.
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Subpart—Inspections and Related Provisions

355.20 Marking and notification requirements for plants imported, exported, or reexported by means other than mail.
355.21 Marking and mailing requirements for plants imported, exported, or reexported by mail.
355.22 Validation of documentation.
355.23 Recordkeeping, access, and reports.

AUTHORITY: 16 U.S.C. 1532, 1538, and 1540; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 49 FR 42912, Oct. 25, 1984, unless otherwise noted.

Subpart—Purpose and Definitions

§ 355.1 Purpose.

Pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Secretary is responsible for the enforcement of the provisions of the Act and Convention that pertain to the importation, exportation, or reexportation of terrestrial plants.[1] The regulations in this part are for the purpose of implementing this authority. Regulations of the U.S. Department of the Interior that correlate with the regulations in this part are contained in 50 CFR chapter I.[2]

[66 FR 21060, Apr. 27, 2001]

§ 355.2 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed, respectively, to mean:

Act. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Convention. The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, 27 U.S.T. 1087, signed on March 3, 1973, and the Appendices thereto.

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

Engage in business as an importer, exporter, or reexporter of terrestrial plants. To import, export, or reexport terrestrial plants for the purpose of selling, bartering, collecting, or otherwise exchanging or acquiring the plants as a livelihood or enterprise engaged in for

[1] Under section 11 of the Act (16 U.S.C. 1540), it is unlawful for any person to knowingly violate any provision of the Act, any permit or certificate issued under the Act, or any regulation promulgated under the Act. Section 11 of the Act also provides for criminal, civil, and administrative penalties for any such violation.

[2] Plant Protection and Quarantine also administers programs under the Lacey Act Amendments of 1981, as amended (16 U.S.C. 3371 through 3378), 7 U.S.C. 2814, and the Plant Protection Act (7 U.S.C. 7701–7772), which authorize additional prohibitions and restrictions on the importation of plants subject to this part (see other parts of 7 CFR chapter III for regulations containing prohibitions and restrictions under these authorities).