

**§ 28.115**

the Director and composed of representatives from the associations attending the conference and the Department shall deliver the First Reserve Set from its storage place to the site of the conference. This special committee shall witness the opening of the First Reserve Set for display at the conference. The Director shall arrange for removal of the Second Reserve Set from its storage place and for the transport of such set to the site of the conference. If upon examination of the First Reserve Set by representatives at the conference it should appear that such set has undergone any substantial change, the Second Reserve Set shall be opened and used in its stead.

(d) The First Reserve Set of each conference or the Second Reserve Set, if it has been used in place of the First Reserve Set, as provided in paragraph (c) of this section shall be retained by the Division until the currently adopted standards which they represent have been superseded by new or revised standards.

[30 FR 6637, May 14, 1965, as amended at 48 FR 16874, Apr. 20, 1983; 52 FR 30883, Aug. 18, 1987]

**FEEES AND COSTS**

**§ 28.115 Fees and costs; payment.**

All charges for practical forms of cotton standards and all fees and expenses for services of inspection of bales and supervision of sampling, classification, comparison, or review by a Classing Office shall be paid at the time of filing the request for the service desired, except that in the discretion of the Director bills may be delivered to persons from whom payment or charges or fees may become due. Such bills shall be rendered as soon as practicable after the last day of each month for amounts due and unpaid on such dates. When necessary, in the discretion of the Area Director, any bill may be rendered at an earlier date for any charges or fees then due from the person to whom such bill may be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than the expiration of 2 weeks thereafter.

[52 FR 30883, Aug. 18, 1987]

**7 CFR Ch. I (1-1-10 Edition)**

**§ 28.116 Amounts of fees for classification; exemption.**

(a) For the classification of any cotton or samples, the person requesting the services shall pay a fee, as follows, subject to the additional fee provided by paragraph (c) of this section.

(1) For American Pima Cotton only—grade, staple and micronaire reading for \$2.00 per sample; grade and staple only for \$1.50 per sample; grade only or staple only for \$1.20 per sample.

(2) High Volume Instrument (HVI) classification, including grade—\$2.00 per sample.

(3) High Volume Instrument (HVI) classification, excluding grade—\$1.75 per sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) (1) (2) and (3) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) An additional fee of 40 cents per sample shall be assessed for services described in paragraphs (a) (1), (2), and (3), and (b) of this section unless the request for service is so worded that the samples become government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The additional fee prescribed in paragraph (c) of this section is not applicable to review of classification if made on the same sample as the original class or comparison.

[46 FR 48112, Oct. 1, 1981, as amended at 55 FR 20440, May 17, 1990; 56 FR 24673, May 31, 1991; 57 FR 27892, June 23, 1992]

**§ 28.117 Fee for new memorandum or certificate.**

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 15 cents per bale or a minimum fee of \$5.00 per sheet. If the memorandum is provided by means of a computer diskette, the fee for each diskette shall be the higher

**Agricultural Marketing Service, USDA**

**§ 28.126**

of \$10.00 or 10 cents per bale. The cost of any diskette not returned to the Division will be billed to the requestor.

[56 FR 24673, May 31, 1991]

**§ 28.118 When no fee collected for new certificate or memorandum.**

No fee shall be collected for a new cotton class certificate or memorandum issued in lieu of a prior certificate or memorandum solely for the purpose of correcting clerical errors therein, or for the purpose of substituting a new form applicable to outstanding certificates or memorandums, or without an application therefor.

**§ 28.119 Fee when request for classification is withdrawn.**

When the request for the classification or comparison of any cotton or an application for review shall be withdrawn after the classification of such cotton has been started pursuant thereto, the person filing the same shall pay the prescribed fee as to any such cotton already classified.

**§ 28.120 Expenses to be borne by party requesting classification.**

For any samples submitted for Form A, Form C, or Form D determinations, the expenses of inspecting and sampling, or supervising the sampling, and the preparation of the samples and delivery of such samples to the classification room or other place specifically designated for the purpose by the Director shall be borne by the party requesting classification.

[56 FR 24673, May 31, 1991]

**§ 28.121 Advance deposits.**

Upon request, the person from whom any payment under this subpart may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official of the Division requesting the same.

**§ 28.122 Fee for practical classing examination.**

The fee for the practical classing examination for cotton shall be \$105.00. Any applicant who passes the examination may be issued a certificate indicating this accomplishment. Any per-

son who fails to pass the examination may be reexamined. The fee for this practical reexamination is \$85.00.

[57 FR 27892, June 23, 1992, as amended at 58 FR 41993, Aug. 6, 1993]

**§ 28.123 Costs of practical forms of cotton standards.**

The costs of practical forms of the cotton standards of the United States are as follows:

Effective date: July 1, 1992	Dollars each box or roll			
	Domestic shipments		Shipments delivered outside the continental United States	
	f.o.b. Memphis, TN	Surface delivery	Air freight collect	Air parcel post delivered
Grade Standards:				
American Upland ...	\$125	\$130	\$125	\$165
American Pima .....	160	165	160	200
Standards for length of staple:				
American Upland (prepared in one pound rolls for each length) .....	19	22	19	33
American Pima (prepared in one pound rolls for each length) .....	20	23	20	34

[57 FR 27892, June 23, 1992]

**§ 28.124 Payments; procedure.**

Any payment or advance deposit under §§ 28.115 through 28.123 shall be by check, draft, or money order, payable to the order of the "Agricultural Marketing Service, USDA", and may not be made in cash except in cases where the total payment or deposit does not exceed \$1.

[22 FR 10937, Dec. 28, 1957, as amended at 30 FR 6637, May 14, 1965]

**§ 28.125 No voiding or modifying claims for payment.**

Nothing in this subpart shall be construed to void or modify any claim which a person or party requesting and paying for a service may have against any other person or party for the payment of part or all of such costs.

**§ 28.126 Loaning of forms and exhibits.**

In the discretion of the Director, limited numbers of copies of the practical