for records. However, an agency is required to provide a record in a form or format specified by a requester, if the record is readily reproducible by the agency in the form or format requested. Creation of records may be undertaken voluntarily if the agency determines this action to be in the public interest or the interest of USDA.

§ 1.22 Authentication.

When a request is received for an authenticated copy of a document which the agency determines to make available to the requesting party, the agency shall cause a correct copy to be prepared and sent to the Office of the General Counsel which shall certify the same and cause the seal of the Department to be affixed, except that the Hearing Clerk in the Office of Administrative Law Judges may authenticate copies of documents in the records of the Hearing Clerk and that the Director of the National Appeals Division may authenticate copies of documents in the records of the National Appeals Division.

§ 1.23 Records in formal adjudication proceedings.

Records in formal adjudication proceedings are on file in the Hearing Clerk's office, Office of Administrative Law Judges, U.S. Department of Agriculture, Washington, DC 20250, and shall be made available to the public.

§ 1.24 Preservation of records.

Agencies shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code, and appropriate records disposition authority granted by NARA. Under no circumstances shall records be sent to a Federal Records Center, transferred to the permanent custody of NARA, or destroyed while they are the subject of a pending request, appeal, or civil action under the FOIA.

§ 1.25 Implementing regulations for the Office of the Secretary and the Office of Communications

(a) For the Office of the Secretary and for the Office of Communications, the regulations required by § 1.3 are as follows:

(1) Records available for public inspection and copying may be obtained in Room 536–A, Jamie L. Whitten Federal Building, USDA, Washington, DC 20250 during the hours of 9 a.m. to 5 p.m. by prior appointment;

(2) Any indexes and supplements which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.5(b) will also be available in Room 536–A, Jamie L. Whitten Federal Building, USDA, Washington, DC 20250 during the hours of 9 a.m. to 5 p.m.;

(3) The person authorized to receive Freedom of Information Act requests and to determine whether to grant or deny such requests is the FOIA Officer, Office of Communications, USDA, Washington, DC 20250;

(4) The official authorized to receive appeals from denials of FOIA requests and to determine whether to grant or deny such appeals is the Director of Communications, Office of Communications, USDA, Washington, DC 20250.

(b) The organization and functions of the Office of the Secretary and the Office of Communications is as follows:

(1) The Office of the Secretary provides the overall policy guidance and direction of the activities of the Department of Agriculture. Department-wide policy statements and announcements are made from this office.

(2) The Office of the Secretary consists of the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and other staff members.

(3) In the absence of the Secretary and the Deputy Secretary, responsibility for the operation of the Department of Agriculture is as delegated at part 2, subpart A of this title.

(4) The Office of Communications provides policy direction, review, and coordination of public information programs of the Department of Agriculture. The Office of Communications has responsibility for maintaining the flow of information to the mass communications media, various constituency groups, and the general public.

(5) The Office of Communications is headed by the Director of Communications. In the Director's absence, the Office of Communications is headed by the Deputy Director.

* * * * *

Done at Washington, DC this 13 day of April, 1998.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 98–10432 Filed 5–1–98; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 94–115–1]

RIN 0579–AA70

Veterinary Diagnostic Services User Fees

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise user fees for veterinary diagnostic services to reflect changes in operating costs and changes in calculations. In addition, we are proposing to add new user fees to cover the costs of additional veterinary diagnostic services. In addition, we propose to reorganize these user fees by type of service and location where the service is provided, and to group reagents into categories. We are also proposing to revise user fees for the use of animal import centers operated by the Animal and Plant Health Inspection Service, and to add new user fees for new spaces. These actions are necessary to ensure that we recover our costs. The Food, Agriculture, Conservation, and Trade Act of 1990, as amended, authorizes us to set and collect these user fees.

DATES: Consideration will be given only to comments received on or before July 6, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket 94–115–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–115–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: For information concerning services provided for live animals and germ plasm, contact Dr. Gary S. Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–3294.

For information concerning services provided for veterinary diagnostics, contact Dr. James E. Pearson, Director,

National Veterinary Services Laboratories, VS, APHIS, P.O. Box 844, Ames, IA 50010; (515) 239–8266.

For information concerning program operations for Veterinary Services, contact Ms. Louise Lothery, Director, Veterinary Services Resource Management Staff, APHIS, 4700 River Road Unit 44, Riverdale, MD 20737–1231; (301) 734–7517.

For information concerning rate development of the proposed user fees, contact Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Division, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User Fees Authorized Under the Farm Bill

The Food, Agriculture, Conservation and Trade Act of 1990, as amended (referred to below as the Farm Bill), authorizes the Secretary to prescribe regulations and collect fees to reimburse the Secretary for the cost of carrying out the provisions of the Federal Animal Quarantine Laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance (sec. 2509(c)(1) of the Farm Bill). The Farm Bill also authorizes the Secretary of Agriculture, among other things, to prescribe regulations and collect fees to recover the costs of veterinary diagnostics relating to the control and eradication of communicable diseases of livestock or poultry within the United States (sec. 2509(c)(2) of the Farm Bill).

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import-and export-related services for live animals and birds and animal products are contained in 9 CFR part 130 (the regulations).

Regulations Proposed in This Document

We propose to revise the user fees for certain veterinary diagnostic services, including certain diagnostic tests, reagents, and other veterinary diagnostic materials and services. Operating costs have increased since these user fees were established in a final rule published in the **Federal Register** on September 1, 1993 (58 FR 38954–38961, Docket No. 91–021–5). Therefore, the user fees need to be revised to reflect the increases. Additional reviews of these user fees show that some of the original estimates did not include enough direct labor hours and that the direct labor calculations need to be revised to accurately reflect the costs of providing services. In reexamining our user fees, we believe that a comprehensive overhaul of the Veterinary Diagnostics user fees would more accurately recover our costs and provide clarity and ease of use for customers needing to look up user fees for our tests and other services. As discussed below, this overhaul would include reorganizing the presentation of user fees in the regulations, grouping reagents into simpler categories, implementing new user fees, and revising all of the existing Veterinary Diagnostic user fees.

The proposed user fees increase by varying amounts based on how close the existing user fee is to our actual costs. Some user fees required modest adjustments while others required large increases. These proposed changes are based on recalculating user fees to include adequate direct labor hours and use average laboratory employee salaries to calculate direct labor costs. The amount of the change proposed varies based on individual tests and services; therefore, the amount of the changes varies. Overall, we do not expect these proposed changes to significantly impact users. In most cases, the historical volume, associated with the tests and services for which we propose significant increases, is small.

In addition, we are proposing to add new user fees for other veterinary diagnostic services we provide. We continue to provide new services as required. We need to add user fees for services that we have added since the veterinary diagnostic user fees were first established. In addition, we believe that we need to add user fees for specific services which may be required or requested and for which there are currently no specific user fees. These new user fees are discussed in detail later in this document.

We are proposing two changes in the organization of user fees for veterinary diagnostics. First, we would reorganize the user fees by type of service and location where the service is provided. Second, we would group diagnostic reagents into categories. These changes are discussed in detail later in this document.

Additionally, we propose to revise user fees for the use of APHIS-operated animal import centers, to cover the costs for birds or poultry requiring nonstandard housing, care, or handling and to more accurately reflect the space utilization. For example, expenses for offices and hallways would be included in the overhead portion of the user fee calculation, instead of the user fee portion available to the animals, which is higher than the overhead portion of the user fees. We propose to add new user fees for the use of new spaces at the APHIS animal import center in Newburgh, NY. We propose to revise the user fees specified in § 130.8 for import compliance assistance and release from agricultural hold to more accurately reflect the cost of the services we provide. We also propose miscellaneous changes to the user fee regulations to eliminate duplication, add clarity, and incorporate provisions of the Debt Collection Improvement Act of 1996.

Veterinary Diagnostics

Veterinary diagnostics is the work performed in a laboratory to determine if a disease-causing organism or chemical agent is present in body tissues or cells and, if so, to identify those organisms or agents. Services in this category include: (1) Performing laboratory tests and providing diagnostic reagents and other veterinary diagnostic materials and services at the National Veterinary Services Laboratories' (NVSL) Foreign Animal Disease Diagnostic Laboratory (FADDL) at Greenport, NY, and (2) performing identification, serology, and pathobiology tests and providing veterinary diagnostic reagents and other materials and services at NVSL at Ames, IA. Diagnostic reagents are biological materials used in diagnostic tests to detect disease agents or antibodies by causing an identifiable reaction. We also consider sterilization by gamma radiation to be a veterinary diagnostics service. Other miscellaneous veterinary diagnostic services include, but are not limited to, providing check tests, test kits, manuals, standard operating procedures, and training.

We have reviewed the user fees that we charge for these services and have determined that we need to revise the amount of these user fees to reflect changes in costs and to recover the full cost of providing veterinary diagnostic services. We are also proposing to add new user fees to cover all veterinary diagnostic services. All of the proposed veterinary diagnostic user fees are listed below by type of service.

Currently, the Veterinary Diagnostic user fees are contained in §§ 130.14–130.18 of the regulations. The regulations separately list user fees for tests at NVSL and FADDL; reference assistance tests at NVSL; diagnostic reagents at NVSL; diagnostic reagents, slide sets, and tissue sets at NVSL and FADDL; and sterilization by gamma radiation. The proposed regrouping of tests into identification, serology, or pathobiology tests and the regrouping of

reagents by bacteriology or virology type will be much easier for customers and the laboratories to reference. Due to the differences between requirements for tests being performed at NVSL and FADDL, we believe that user fees for these tests and services should be listed by location. In this proposal, all FADDL fees are listed in a single section (9 CFR 130.14). In addition, reference assistance tests are tests performed at NVSL, and the regulations currently unnecessarily duplicate these user fees. Therefore, we believe that all NVSL tests should be listed together.

In order to clarify, simplify, and eliminate redundancy, we are proposing to reorganize the veterinary diagnostic user fees into the following sections. Proposed § 130.14 would include user fees for laboratory tests, reagents, and other veterinary diagnostics services we perform at FADDL. Proposed § 130.15 would include user fees for laboratory tests we perform to isolate and identify pathogenic agents at the Diagnostic Bacteriology Laboratory (DBL) and at the Diagnostic Virology Laboratory (DVL) at NVSL. Proposed § 130.16 would include user fees for laboratory tests we perform as part of serology testing at DBL and DVL at NVSL. Proposed § 130.17 would include user fees for toxicological and other tests performed by the Pathobiology Laboratory (PL) at NVSL. Proposed § 130.18 would include user fees for diagnostic reagents we provide from NVSL. Proposed § 130.19 would include user fees for other veterinary diagnostics services we provide at NVSL (e.g., check tests, test kits, manuals, standard operating procedures, and training).

Currently, § 130.49 specifies exemptions to user fees for veterinary diagnostic services listed in §§ 130.14 through 130.18. These exemptions would still apply to all of our veterinary diagnostic services. Therefore, we propose to revise § 130.49 to specify that the exemptions apply to veterinary diagnostic services listed in §§ 130.14 through 130.19.

Components of Proposed User Fees

The user fees proposed in this document are based on fiscal year 1998 salaries, more accurate estimates of the average number of direct labor hours required to provide each service, and average salaries for the laboratory where the work is performed. The proposed user fees have been calculated to recover the full costs for tests, diagnostic reagents, and other veterinary diagnostic services. These costs include direct labor, administrative support, premium costs (if any), Agency overhead costs, and Departmental charges. These components are described below.

We propose to charge a specific dollar amount for each service we provide; that is, each test we perform or each diagnostic reagent or other veterinary diagnostic service we provide. We have attempted to minimize the cost of our services, thereby keeping APHIS user fees at the lowest possible level. If, in the future, a user requests a test, diagnostic reagent, or other veterinary diagnostic material or service that is not on the list, we would charge the proposed hourly user fee for the amount of time required to perform the service, calculated to the nearest quarter of an hour.

Each user fee varies based on the direct labor hours required to perform the test or provide the diagnostic reagent or other veterinary diagnostic material or service. For example, the time spent by laboratory personnel to prepare a sample and conduct and read the test would be part of the direct labor hours for testing a tissue sample for disease-causing organisms. In cases where a test is performed for more than one disease, it may take different amounts of time for each disease. Those times have been averaged to calculate the user fee. We have carefully calculated all of our proposed user fees to correctly reflect the direct labor hours required for each test, reagent, or service. We took into account variations in the time needed to provide a service by determining the average time necessary.

Direct labor costs are the average salary and benefit costs of the laboratory employees performing the service multiplied by the direct labor hours required. Average costs were used to calculate direct labor costs because we have determined that it is more accurate to use the average salary for the laboratory employees to calculate the user fee. Currently, some veterinary diagnostics user fees are based on salary and benefit costs for a specific employee at the laboratory. We have determined that this does not accurately reflect the cost of providing services, because in many cases various employees at different salaries may perform part or all of a test or service. The calculations for these proposed user fees are consistent with the calculations used for the other user fees throughout 9 CFR part 130.

Administrative support costs are incurred at the local level, that is, at the laboratories. They include clerical and administrative activities; direct materials; indirect labor hours; travel and transportation for personnel, supplies, equipment, and other necessary items; training; legal counsel; general supplies for offices, washrooms, cleaning, etc.; contractual services; grounds maintenance; and utilities. Direct materials include the cost of any materials needed to conduct the test or provide the diagnostic reagent, slide set, tissue set, or service. For example, direct materials for conducting a laboratory test include, but are not limited to, glassware, chemicals, and other supplies necessary to perform the test. These direct materials are included in administrative support costs because they are standard laboratory supplies and not purchased solely for a specific test. Indirect labor hours include supervision of personnel and time spent doing necessary work that is not directly connected with a test, diagnostic reagents, or other veterinary diagnostic material or service, such as equipment repair. Contractual services may include, but are not limited to, guard service and maintenance. Some administrative support items may or may not be contractual, depending on local circumstances. For example, trash pickup may be provided as a utility or a contractual service. However, the costs are all administrative support. Utilities include water, telephone, electricity, natural and propane gas, heating and diesel oil. The costs of administrative support are applied as a percentage of the base direct labor amount. At NVSL, administrative support is 113 percent of direct labor, and, at FADDL, administrative support is 625 percent of direct labor.

Premium costs are expenses that are incurred solely for a specific test or service. For example, certain tests require expensive reagents in addition to the direct labor time and laboratory materials included in administrative support costs. Premium costs required for the proposed flat rate user fees have already been included in the calculations. Any premium costs required for hourly rate user fees would be added to the calculated user fee. For example, the polymerase chain reaction test would be performed for an hourly rate user fee, and any applicable royalties for this test would be added to the calculated hourly rate user fee.

Agency overhead is the pro-rata share, attributable to a particular diagnostic reagent, material, or veterinary diagnostic service, of the management and support costs for all Agency activities at the regional level and above. Also included are the costs of providing budget and accounting services, management support at the headquarters and regional level, including the Administrator's office, and personnel services, public

information services, and liaison with Congress.

Departmental charges are APHIS's share, expressed as a percentage of the total cost, of services provided centrally by the U.S. Department of Agriculture. Services the Department provides centrally include the Federal telephone service; mail; National Finance Center processing of payroll, billing, collections, and other money management; unemployment compensation; Office of Workers Compensation Programs; and central supply for storing and issuing commonly used supplies and Departmental forms. The Department informs APHIS as to how much the agency owes for these services. We have included a pro-rata share of these Departmental charges, as attributed to a particular test, diagnostic reagent, or other veterinary diagnostic material or service, in our user fee calculations.

Rounding

When we first adopted user fees, we determined that it was reasonable that our user fees for veterinary diagnostic services should be rounded up to the nearest quarter. This is necessary to ensure that we collect enough revenue to cover the costs of providing these services. If we were to round down, many user fees would be lower than the cost of the service. As we do not have a reserve fund, there would be no immediate funds for us to draw on to make up the deficiency.

We have considered changing the rounding of user fees from rounding up to the nearest quarter to rounding up to the nearest dollar to make administration less burdensome and to simplify collections and accounting. We realize that rounding to the next whole dollar would add to the balance of overall user fees collected. The magnitude of this additional amount varies by user fee category, and would vary similarly in fees we intend to propose in the future, if the same technique were used. We would monitor the effects of rounding to the next whole dollar on the balances in the account and propose adjustments in the fees as necessary. We invite comments specifically addressing the advantages and disadvantages of this rounding technique. Such a change in our approach to rounding would be reflected in future APHIS user fee rulemaking.

Calculation of Proposed User Fees

The basic steps in the calculation, for each particular service, are: (1) Calculate direct labor costs by determining the average amount of direct labor required to perform the service and multiply the average direct labor hours by the average salary and benefit costs for laboratory employees; (2) calculate the pro-rata share of administrative support; (3) determine the premium costs (if any); (4) calculate the pro-rata share of Agency overhead and Departmental charges, respectively; (5) add all costs; and (6) round total cost up to the nearest quarter.

The result of these calculations is a user fee that covers the total cost to perform a particular test or provide a particular veterinary diagnostic material or service one time, rounded up to the nearest quarter.

We have individually calculated costs for each veterinary diagnostic test and service based on the formula shown in Table 1, FY 98 User Fee Calculations.

As is the case with all APHIS user fees, we intend to review, at least annually, the user fees proposed in this document. We will publish any necessary adjustments in the **Federal Register**.

FADDL Costs Compared to NVSL Costs

Readers may note that our proposed user fees for tests performed at FADDL are higher than our proposed user fees for the same tests performed at NVSL. Both FADDL and NVSL work with infectious and contagious disease agents. However, FADDL, which is isolated from the United States mainland, is designed to work specifically with highly infectious diseases exotic to the United States. Because of this, special biosecurity measures are required at FADDL that are not required at NVSL. As a result, FADDL operating costs are higher than NVSL operating costs. The higher FADDL operating costs are incorporated into the Administrative support costs; in addition to the typical administrative support costs, FADDL, as a high-tech facility requiring special biosecurity measures, generates additional, higher expenses. Primarily, the rent for the facility is significantly higher than for a standard laboratory. In addition, since FADDL must be located on an island, all employees and supplies must be transported by boat to the facility, therefore, high transportation expenses are included. The user fees we are proposing reflect this difference in costs.

TABLE 1.—FY 98 USER FEE CALCULATIONS

[Example using one hour of direct labor]

User fee component	Laboratory			
	NVSL			FADDL
	DVL	DBL	PL	
Laboratory average grade and step for salary	GS10–5	GS9–4	GS12–5	GS11–4
Hourly salary rate	$18.97	$16.33	$24.72	$20.30
+Benefits (calculated as a % of salary)	$4.15	$3.58	$5.41	$4.44
= Average laboratory salary and benefits	$23.12	$19.91	$30.13	$24.74
x Direct labor time (in hours)	1	1	1	1
= Direct labor costs (salary and benefits)	$23.12	$19.91	$30.13	$24.74
+ Administrative support costs[1] (113% of direct labor at NVSL, 625% of direct labor at FADDL)	$26.13	$22.50	$34.05	$154.63
+ Premium costs (if any)	$0.00	$0.00	$0.00	$0.00
Subtotal 1	$49.25	$42.21	$64.18	$179.37
+ Agency overhead (16.15% of subtotal 1)	$7.95	$6.85	$10.37	$28.97
Subtotal 2	$57.20	$49.26	$74.55	$208.34
+ Departmental charges (5.55% of subtotal 2)	$3.17	$2.73	$4.14	$11.46

TABLE 1.—FY 98 USER FEE CALCULATIONS—Continued

[Example using one hour of direct labor]

User fee component	Laboratory			
	NVSL			FADDL
	DVL	DBL	PL	
Subtotal 3 [2]	$60.37	$51.99	$78.69	$219.80
+ Rounding up to the nearest $0.25	$0.13	$0.01	$0.06	$0.20
User fee	$60.50	$52.00	$78.75	$220.00

[1] For every $1 incurred in direct labor at NVSL, another $1.13 is incurred in administrative support costs. For every $1 incurred in direct labor at FADDL, another $6.25 is incurred in administrative support costs.

[2] If the total direct labor time used produced more than one unit, then Subtotal 3 would be divided by the total number of units produced at this point. For example, when diagnostic reagents are produced, more than one unit of the reagent is produced in a batch, i.e., it takes approximately 54 hours to produce a batch of 200 individual 1 ml units of glanders CF antigen. Therefore, the subtotal would be divided by 200 to estimate the cost for a 1 ml unit.

Discounts

Currently, in §§ 130.14, 130.15, and 130.16 we discount user fees for the second and subsequent tests with multiple antigens performed on the same submission at FADDL and NVSL for the following tests: Complement fixation, hemagglutination inhibition, and virus neutralization. For example, in §§ 130.14 and 130.16, the user fee for a complement fixation test at NVSL is $9.00 for the first test performed on a sample and $2.00, or $1.80 (20 percent of $9.00) rounded up to the nearest quarter of a dollar, for the second and each subsequent complement fixation test on the same sample. As explained below, we are proposing to revise these discounts by (1) eliminating the discounts for tests performed at FADDL, (2) eliminating the discounts when the tests are performed for certain diseases, and (3) revising the way the discounts are applied. In addition, we propose to add discounts for several tests.

We have reviewed the costs for tests at FADDL that are currently listed in § 130.15 and have determined that, due to differences in workload, each subsequent test performed on a sample at FADDL costs the same as the first test. The discounted user fees have not recovered the full costs for tests performed at FADDL, and we propose to eliminate discounts at FADDL that are currently listed in § 130.15.

We have reviewed the costs for tests at NVSL (other than FADDL) that are currently listed in §§ 130.14 and 130.16 and have determined that the current discounts do not recover the full costs of performing the tests. For example, testing related to equine piroplasmosis, bovine plasmosis, dourine, and glanders require monoclonal antibodies that are expensive to produce. Because it costs as much to do each subsequent test, we do not recover our actual costs when we discount tests for these diseases. In addition, a certain amount of time and effort is required to prepare reagents and appropriate controls to conduct the first 10 of any of the other tests for which discounts are offered in §§ 130.14 and 130.16. Once the reagents and controls have been prepared for the first 10 tests, less time and effort is necessary to test additional samples and the costs are lower for each additional test. Because we discount the second and additional tests, the discounted user fees do not cover our actual costs to perform these tests. Therefore, we propose to eliminate the discount for testing related to equine piroplasmosis, bovine plasmosis, dourine, and glanders, and to revise the discounts for the other tests to apply to the 11th and subsequent tests of the same type on the same sample. The discounted user fee for the 11th and subsequent tests would be 20 percent of the proposed user fee for each subsequent test on the same submission by the same submitter for the same test and antigen. For example, the user fee for the fluorescent antibody test is $9.75, and the discounted user fee would be $2.00, or $1.95 (20 percent of $9.75) rounded up to the nearest quarter of a dollar.

We have determined that several additional tests performed at NVSL may be appropriate for discounts. Therefore, in proposed §§ 130.15(a) and 130.16 we propose to add discounts for fluorescent antibody, indirect fluorescent antibody, and peroxidase linked antibody tests. The discounted user fee for the 11th and subsequent tests would be 20 percent of the proposed user fee for each subsequent test on the same submission by the same submitter for the same test and antigen.

Hourly Rate Veterinary Diagnostic User Fees

We propose to add an hourly rate user fee for FADDL and NVSL to §§ 130.14(c) and 130.19, respectively. These hourly rate user fees would be used for services that do not have an identified flat rate user fee (for example, tests and reagents that are not available now and those services whose costs would be more accurately represented by an hourly rate user fee instead of a flat rate). For example, a per slide flat rate user fee for a polymerase chain reaction test would not take into account the differences in the time required based on the number of slides. Using an hourly rate user fee for the polymerase chain reaction test would more accurately reflect the time required to perform the test. Therefore, the hourly rate user fee would be charged.

The hourly rate user fees would be based on the actual time required to render the service calculated to the nearest quarter of an hour. Any applicable premium costs for hourly rate user fees would be added to the calculated user fee. For example, the polymerase chain reaction test would be performed for an hourly rate user fee and any applicable royalties.

In addition, we propose to remove the current flat rate user fee in §§ 130.14, 130.15, and 130.16 for histopathology and apply the hourly rate user fee to histopathology tests. We believe that the hourly rate user fee would provide a more accurate user fee based on the amount of time it takes to perform the test versus the flat rate user fee based on the number of slides that are tested. We believe that this change to an hourly rate user fee would allow for economies of scale and therefore, lower charges for tests requiring multiple slides.

Restructured CFR Sections

For clarity, simplicity, and ease of use, we are proposing to reorganize the veterinary diagnostic user fees in the regulations. Currently, the regulations list a separate user fee for each veterinary diagnostic test, reagent, and service. These user fees are currently grouped in the following manner: Tests related to the importation or exportation of animals or birds at NVSL or FADDL (§§ 130.14 and 130.15); reference assistance testing for a veterinarian, State animal health official, or university to establish or confirm a diagnosis (§ 130.16); reagents, slide sets, and tissue sets at NVSL or FADDL (§ 130.17); and sterilization by gamma radiation (§ 130.18).

We are proposing to revise the veterinary diagnostic user fee sections to group the user fees based on the type of service and the location where the service is provided. Currently, some of the veterinary diagnostic user fees are grouped by type of service and location. We propose to group all of the veterinary diagnostic user fees first by location and second by type of test or service.

We believe that we no longer need to separately distinguish reference assistance testing as is currently done in § 130.16 because these tests can be performed for reasons other than to establish or confirm a diagnosis for a veterinarian, State animal health official, or university. Regardless of the reason APHIS conducts the test, the user fee would be the same. Therefore, we no longer need to duplicate these user fees in a separate section for reference assistance testing. User fees for bacterial identification tests and toxicology tests, which are currently listed only as reference assistance tests, would be incorporated into proposed §§ 130.15 and 130.17, respectively. Because we would no longer separate reference assistance testing, we also propose to remove the definition for reference assistance testing.

As explained earlier, there are inherent differences between work that may be performed at FADDL and work that may be performed at NVSL or other authorized import sites (for example, handling foreign diseases). Therefore, we propose to group all FADDL user fees together. Currently, FADDL user fees are included in §§ 130.15, 130.16, 130.17, and 130.18. We propose to incorporate all FADDL user fees into a new § 130.14. The FADDL user fees would be grouped by reagents, tests, and other veterinary diagnostic services.

Currently, all NVSL user fees are listed in §§ 130.14, 130.16, and 130.17. We propose to group all NVSL veterinary diagnostic user fees by type of test: Identification tests (proposed § 130.15), serology tests (proposed § 130.16), and other tests (proposed § 130.17). The reagents would also be grouped by the type of reagent: Bacteriology and virology (proposed § 130.18). Within these reagent groups, we would change the reagent user fees from the current user fee for each individual reagent to a user fee for each category of reagent. These reagent categories are determined by the composition of the reagent and the application for the reagent. Finally, we propose to group the remaining other veterinary diagnostic services together (proposed § 130.19).

Comparison of Proposed Veterinary Diagnostic User Fees With Current User Fees

The following comparison tables show the proposed changes from the current user fees, including the change in the dollar amount and the percentage change. When we proposed a new name for a user fee, the table lists the current name for comparison purposes. In addition, the reagent comparison tables list the specific current reagents that are combined into the proposed reagent categories.

FADDL Reagent User Fees

Table 2 shows the user fees proposed in § 130.14(a) for FADDL reagents. We propose to implement three new user fees for FADDL reagents. In addition, we propose to move nine user fees for FADDL reagents that are currently listed in § 130.17(b) of the regulations into § 130.14(a). These nine reagents would be grouped into seven reagent categories. All of these user fees would increase.

Table 2. User Fees for FADDL Reagents (Proposed § 130.14(a))

Proposed reagent	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Bovine antiserum, any agent	$80.00	1 ml			
(was Bovine antiserum, any agent)			$2.50	$77.50	3100
(was Foot-and-mouth disease anti-VIAA serum)			5.00	75.00	1500
Caprine antiserum, any agent	97.50	1 ml	0		
Cell culture antigen/microorganism	63.75	1 ml			
(was ASF-immunosmophoresis antigen)			60.75	3.00	5
(was FMD virus associated antigen)			36.75	27.00	73
Equine antiserum, any agent	100.50	1 ml	0		
Fluorescent antibody conjugate	120.25	1 ml	48.50	71.75	148
Monoclonal antibody (was Monoclonal antibodies, mouse ascitic fluid).	122.75	1 ml	14.75	108.00	732
Other spp. antiserum, any agent (was Anti-FMD antigen, guinea pig origin).	104.50	1 ml	12.75	91.75	720
Ovine antiserum, any agent	94.25	1 ml	2.00	92.25	4613
Porcine antiserum, any agent (was Swine antiserum, any agent)	81.25	1 ml	2.00	79.25	3963
Rabbit antiserum, any agent	98.50	1 ml	0		

FADDL Veterinary Diagnostic Tests User Fees

Table 3 shows the user fees proposed in § 130.14(b) for FADDL veterinary diagnostic tests. We propose to implement five new user fees for FADDL veterinary diagnostic tests. We propose to move 12 of the user fees currently listed in § 130.15(a) of the regulations into § 130.14(b). On average, most of these user fees would increase by less than 20 percent.

TABLE 3.—USER FEES FOR FADDL VETERINARY DIAGNOSTIC TESTS (PROPOSED § 130.14(B))

Proposed veterinary diagnostic test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Agar gel immunodiffusion	$14.75	Test	$13.50	$1.25	9
Card	8.25	Test	0		
Complement fixation	33.00	Test	30.50	2.50	8
Direct immunofluorescent antibody	11.00	Test	9.50	1.50	16
Enzyme linked immunosorbent assay	12.75	Test	11.00	1.75	16
Fluorescent antibody neutralization (hog cholera)	96.00	Test	22.00	74.00	336
Hemagglutination inhibition	27.75	Test	0		
Immunoperoxidase	18.25	Test	0		
Indirect fluorescent antibody	23.25	Test	21.50	1.75	8
In-vitro safety	299.50	Test	0		
In-vivo safety	4,345.75	Test	4,177.00	168.75	4
Latex agglutination	11.00	Test	9.25	1.75	19
Tube agglutination	14.00	Test	0		
Virus isolation in embryonated eggs	176.00	Test	163.75	12.25	7
Virus isolation (oesophageal/pharyngeal)	88.25	Test	80.00	8.25	10
Virus isolation, other	84.50	Test	77.75	6.75	9
Virus neutralization	25.75	Test	22.00	3.75	17

FADDL Other Veterinary Diagnostics

Table 4 shows the user fees proposed in § 130.14(c) for other veterinary diagnostics provided at FADDL. We propose to implement new user fees for three tests and a new hourly user fee for other FADDL veterinary diagnostics for which there are no identified flat rate user fees or for which an hourly user fee is more appropriate. In addition, we propose to move four user fees currently listed in §§ 130.17(a) and (b) and 130.18 of the regulations into § 130.14(c). On average, these user fees would increase between 20 and 35 percent.

TABLE 4.—USER FEES FOR FADDL OTHER VETERINARY DIAGNOSTICS (PROPOSED § 130.14(C))

Other veterinary diagnostics	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Bacterial isolation	$55.00	Test	0		
Hourly user fee services	220.00	Hour	0		
	55.00	Quarter Hour	0		
Infected cells on chamber slides or plates (was ASF—slide set for direct fluorescent antibody test).	31.00	Slide	23.00	8.00	35
Reference animal tissues for immunohistochemistry (was ASF and Hog Cholera tissue sets).	94.25	set	76.75	17.50	23
Sterilization by gamma radiation	530.00	can	427.75	102.25	24
Training (school or technical assistance)	450.00	Per person per day.	0		
Virus Titration	55.00	Test	0		

Bacteriology Isolation and/or Identification Tests

Table 5 shows the user fees proposed in § 130.15(a) for bacteriology isolation and/or identification tests. We propose to implement 19 new user fees for bacteriology isolation and/or identification tests. In addition, we propose to move seven user fees that are currently listed in § 130.16(a) of the regulations into § 130.15(a). On average, these user fees would increase by less than 10 percent.

TABLE 5.—USER FEES FOR BACTERIOLOGY ISOLATION AND IDENTIFICATION TESTS (PROPOSED § 130.15(a))

Proposed bacteriology isolation or identification test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Bacterial identification, automated (was Bacterial identification/isolation, routine).	$16.00	Isolate	$15.00	$1.00	7
Bacterial identification, non-automated	61.25	Isolate	0		
Bacterial isolation (was Bacterial identification/isolation, routine).	16.00	Sample	15.00	1.00	7
Bacterial serotyping, all other	30.75	Isolate	0		
Bacterial serotyping, Pasteurella multocida	7.50	Isolate	0		
Bacterial serotyping, Salmonella (was Salmonella serotyping).	21.25	Isolate	20.00	1.25	6
Bacterial toxin typing	91.50	Isolate	0		
Bacteriology requiring special characterization	27.00	Test	25.00	2.00	8
DNA fingerprinting	36.50	Test	0		

TABLE 5.—USER FEES FOR BACTERIOLOGY ISOLATION AND IDENTIFICATION TESTS (PROPOSED § 130.15(a))—Continued

Proposed bacteriology isolation or identification test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
DNA probe	29.50	Test	0		
Fluorescent antibody	9.75	Test	0		
Leptospira culturing (was Leptospira cultures)	27.00	Sample	25.00	2.00	8
Leptospira serotyping	80.50	Isolate	75.00	5.50	7
Mycobacterium avian serotyping	157.50	Isolate	0		
Mycobacterium identification (biochemicals)	63.25	Isolate	0		
Mycobacterium identification (gas chromatography)	26.50	Procedure	0		
Mycobacterium isolation, animal inoculations	520.50	Submission	0		
Mycobacterium isolation, all other	105.50	Submission	0		
Mycobacterium paratuberculosis isolation	26.50	Submission	0		
Mycology culture identification	52.75	Isolate	0		
Mycology/fungus culture or isolation	26.50	Sample	0		
Mycoplasma identification	26.25	Isolate	0		
Mycoplasma isolation	26.25	Sample	0		
Phage typing, Salmonella enteritidis (was Phage typing)	10.75	Isolate	10.00	0.75	8
Phage typing, all other	26.50	Isolate	0		
Plasmid typing	26.50	Isolate	25.00	1.50	6
Warburg	316.50	Isolate	0		

Virology Identification Tests

Table 6 shows the user fees proposed in § 130.15(b) for virology identification tests. We propose to implement a new user fee for virology identification tests. In addition, we propose to move two user fees that are currently listed in § 130.16(a) of the regulations into § 130.15(b). On average, these user fees would increase by less than 10 percent.

TABLE 6.—USER FEES FOR VIROLOGY IDENTIFICATION TESTS (PROPOSED § 130.15(b))

Proposed virology identification test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Fluorescent antibody tissue section	$18.25	Test	0		
Virus isolation (except for Newcastle disease virus)	31.50	Test	29.75	1.75	6
Virus isolation for Newcastle disease virus	15.25	Test	14.00	1.25	9

Bacteriology Serology Tests

Table 7 shows the user fees proposed in § 130.16(a) for bacteriology serology tests. We propose to implement seven new user fees for bacteriology serology tests. In addition, we propose to move 11 user fees that are currently listed in § 130.14(a) of the regulations into § 130.16(a). On average, most of these user fees would increase by less than 15 percent.

TABLE 7.—USER FEES FOR BACTERIOLOGY SEROLOGY TESTS (PROPOSED § 130.16(a))

Proposed bacteriology serology test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Brucella milk ELISA	$15.75	Test	0		
Brucella ring (BRT)	10.50	Test	0		
Brucella ring, heat inactivated (HIRT)	10.50	Test	0		
Brucella ring, serial (serial BRT)	15.75	Test	0		
Buffered acidified plate antigen presumptive	4.00	Test	3.50	0.50	14.29
Card	2.00	Test	2.00	0.00	0
Complement fixation	9.00	Test	9.00	0.00	0
Enzyme linked immunosorbent assay, all other	4.75	Test	4.75	0.00	0
Enzyme linked immunosorbent assay for dourine, glanders, or piroplasmosis.	9.00	Test	4.75	4.25	89
Indirect fluorescent antibody	9.75	Test	9.00	0.75	8
Mercaptoethanol	4.00	Test	3.50	0.50	14
Microscopic agglutination—includes up to 5 serovars	11.00	Sample	10.00	1.00	10
Mycology/fungus serology	10.50	Test	0		
Particle concentration fluorescent immuno assay (PCFIA)	18.25	Test	0		
Plate	4.00	Test	3.50	0.50	14
Rapid automated presumptive	4.25	Test	0		
Rivanol	4.00	Test	3.75	0.25	7
Tube agglutination	4.00	Test	3.50	0.50	14

Virology Serology Tests

Table 8 shows the user fees proposed in § 130.16(b) for virology serology tests. We propose to implement two new user fees for virology serology tests. In addition, we propose to move eight user fees that are currently listed in § 130.14(a) of the regulations into § 130.16(b). On average, these user fees would increase by less than 10 percent.

TABLE 8.—USER FEES FOR VIROLOGY SEROLOGY TESTS (PROPOSED § 130.16(b))

Proposed virology serology test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Agar gel immunodiffusion	$5.00	Test	$4.75	$0.25	5
Complement fixation	9.00	Test	9.00	0.00	0
Enzyme linked immunosorbent assay	4.75	Test	4.75	0.00	0
Hemagglutination inhibition	7.50	Test	7.50	0.00	0
Indirect fluorescent antibody	9.75	Test	9.00	0.75	8
Latex agglutination	5.00	Test	4.75	0.25	5
Peroxidase linked antibody	9.75	Test	0	.....	.....
Plaque reduction neutralization (was Plaque neutralization)	7.75	Test	7.50	0.25	3
Rabies fluorescent antibody neutralization	26.50	Test	0	.....	.....
Virus neutralization	7.75	Test	7.50	0.25	3

Pathobiology Tests

Table 9 shows the user fees proposed in § 130.17 for pathobiology tests. We propose to implement 23 new user fees for pathobiology tests. In addition, we propose to move 11 user fees that are currently listed in §§ 130.14(a) and 130.16(a) of the regulations into § 130.17. On average, most of these user fees would increase between 5 and 15 percent.

TABLE 9.—USER FEES FOR PATHOBIOLOGY LABORATORY TESTS (PROPOSED § 130.17(a))

Proposed pathobiology laboratory test	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Aflatoxin quantitation	$20.50	Test	0	.....	.....
Aflatoxin screen	11.25	Test	.....	.....	.....
Agar gel immunodiffusion spp. identification	6.25	Test	0	.....	.....
Antibiotic (bioautography) quantitation	25.00	Test	0	.....	.....
Antibiotic (bioautography) screen	50.00	Test	0	.....	.....
Antibiotic inhibition	25.25	Test	0	.....	.....
Arsenic	6.75	Test	0	.....	.....
Ergot alkaloid screen	25.25	Test	0	.....	.....
Ergot alkaloid confirmation	33.00	Test	0	.....	.....
Feed microscopy	25.25	Test	0	.....	.....
Fumonisin only	20.50	Test	0	.....	.....
Gossypol	37.75	Test	0	.....	.....
Mercury	56.00	Test	0	.....	.....
Metals screen (was ICP metals—screen)	29.75	Test	26.25	3.50	13
Metals single element confirmation (was ICP metals—confirmation)	6.75	Test	6.00	0.75	13
Mycotoxin: aflatoxin-liver	82.25	Test	0	.....	.....
Mycotoxin screen	34.00	Test	30.75	3.25	11
Nitrate/nitrite	25.00	Test	0	.....	.....
Organic compound confirmation (was GC/MS organic compound—confirmation).	34.00	Test	31.00	3.00	10
Organic compound screen (was GC/MS organic compound—screen)	114.75	Test	106.50	8.25	8
Parasitology	19.25	Test	17.00	2.25	13
Pesticide quantitation	51.25	Test	47.50	3.75	8
Pesticide screen	38.00	Test	34.25	3.75	11
pH test	10.00	Test	0	.....	.....
Plate cylinder	37.75	Test	0	.....	.....
Selenium	33.25	Test	30.50	2.75	9
Silicate/carbonate disinfectant	25.00	Test	0	.....	.....
Temperature disks	50.25	Test	0	.....	.....
Toxicant quantitation, other	42.25	Test	39.75	2.50	6
Toxicant screen, other	25.00	Test	39.75	−14.75	−37
Vomitoxin only	20.75	Test	0	.....	.....
Water activity	12.50	Test	0	.....	.....
Zearaleone quantitation	20.50	Test	0	.....	.....
Zearaleone screen	11.25	Test	0	.....	.....

Diagnostic Bacteriology Reagents

Table 10 shows the user fees proposed in § 130.18(a) for diagnostic bacteriology reagents. We propose to implement 33 new user fees for reagent categories. In addition, we propose to move 11 user fees that are currently listed in

§ 130.17(a) of the regulations into § 130.18(a). All of these proposed reagent categories include changes in the amount of the user fee.

TABLE 10.—USER FEES FOR DIAGNOSTIC BACTERIOLOGY REAGENTS (PROPOSED § 130.18(a))

Proposed reagent	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Anaplasma card test antigen	$34.00	2 ml	0		
Anaplasma card test kit without antigen	105.50	Kit	0		
Anaplasma CF antigen	17.00	2 ml	0		
Anaplasma stabilate	67.25	4.5 ml	0		
Avian origin bacterial antiserums, mycoplasma	11.50	1 ml	0		
Avian origin bacterial antiserums, all other (was Pasteurella antiserum).	17.75	1 ml	10.00	7.75	78
Bacterial agglutinating antigens other than brucella and salmonella pullorum.	30.50	5 ml	0		
Bacterial conjugates (was Lepto FA conjugate)	36.00	1 ml	19.25	16.75	87
Bacterial disease CF antigens, all other (was Brucella ovis antigen).	8.50	1 ml	2.25/1 ml (5.50/2 ml)	6.25	278
Bacterial ELISA antigens	9.50	1 ml	0		
Bacterial or protozoal antiserums, all other	7.25	1 ml	0		
Bacterial reagent cultures (was Leptospira and Pasteurella antigens).	21.25	Culture	20.00	1.25	−125
Bacterial reference culture	63.25	Culture	0		
Bacteriophage reference culture	63.25	Culture	0		
Bovine serum factor	1.25	2 ml	0		
Brucella abortus CF antigen	34.00	60 ml	0		
Brucella agglutination antigens, all other	34.00	60 ml	0		
Brucella buffered plate antigen	50.00	60 ml	0		
Brucella canis tube antigen (was Brucella canis antigen)	30.50	25 ml	103.13/25 ml (8.25/2 ml)	−72.63	−70
Brucella card test antigen (packaged)	19.50	Package	0		
Brucella card test kit without antigen	70.25	Kit	0		
Brucella cells	5.25	Gram	0		
Brucella cells, dried	2.00	Pellet	0		
Brucella ring test antigen	72.75	60 ml	0		
Brucella rivanol solution	8.75	60 ml	0		
Dourine CF antigen	17.50	1 ml	0		
Dourine stabilate	34.75	4.5 ml	0		
Equine and bovine origin hemoparasitic antiserums	21.25	1 ml	0		
Equine negative control CF antigen	171.25	1 ml	0		
Equine origin glanders antiserum	18.25	1 ml	0		
Flazo-orange (was Lepto FA Flazo-orange)	6.25	3 ml	6.00	0.25	4
Glanders CF antigen	17.50	1 ml	0		
Hemoparasitic disease CF antigens, all other	158.25	1 ml	0		
Leptospira transport medium	3.25	10 ml	3.00	0.25	8
Monoclonal antibody	37.50	1 ml	0		
Mycobacterium spp. Old tuberculin (was Johnin OT)	3.75	1 ml	6.125/1 ml (12.25 /2 ml)	−2.38	−39
Mycobacterium spp. PPD (was Johnin PPD)	3.25	1 ml	5.38/1 ml (10.75/2 ml)	−2.13	−40
Mycoplasma hemagglutination antigens	105.50	5 ml	0		
Negative control serums	4.00	1 ml	0		
Other spp. antiserum, any	32.75	1 ml	0		
Rabbit origin bacterial antiserums (was Leptospira antiserum)	14.25	1 ml	2.25/1 ml (4.50/2 ml)	12.00	533
Salmonella pullorum microagglutination antigen	6.25	5 ml	0		
Stabilates, all other	258.25	4.5 ml	0		

Diagnostic Virology Reagents

Table 11 shows the user fees proposed in § 130.18(b) for diagnostic virology reagents. We propose to implement seven new user fees for reagent categories. In addition, we propose to move 125 user fees that are currently listed in § 130.17(a) of the regulations into § 130.18(b). The individual user fees for these 126 reagents would be reorganized into 12 reagent categories. All of these current user fees for reagents would change.

TABLE 11.—USER FEES FOR DIAGNOSTIC VIROLOGY REAGENTS (PROPOSED § 130.18(b))

Proposed reagent	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Antigen, except avian influenza and chlamydia psittaci antigens, any.	$41.50	2 ml			

TABLE 11.—USER FEES FOR DIAGNOSTIC VIROLOGY REAGENTS (PROPOSED § 130.18(b))—Continued

Proposed reagent	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
(was Avian adenovirus 127, paramyxovirus-2, paramyxovirus-3; and Newcastle disease antigens).	.....	.....	$39.50	$2.00	5
(was Contagious ecthyma CF antigen)	.....	.....	14.00 /2 ml (7.00/1 ml)	27.50	196
(was Infectious bursal disease antigen)	.....	.....	16.00 /2 ml (8.00/1 ml)	25.50	159
Avian antiserum except avian influenza antiserum, any	23.00	2 ml	.....	.....	.....
(was Avian adenovirus 127, encephalomyelitis, paramyxovirus-2, and paramyxovirus-3; Duck viral enteritis; Infectious bronchitis virus, bursal disease, and laryngotracheitis; Newcastle disease; and Psittacine herpes virus (standard) antiserums).	.....	.....	21.75	1.25	6
(was Chlamydia psittaci antiserum)	.....	.....	43.50/2 ml (21.75/1 ml)	−20.50	−47
Avian influenza antigen, any	9.25	2 ml	8.75	0.50	6
Avian influenza antiserum, any	53.75	6 ml	51.00/6 ml	2.75	5
Bovine or ovine serum, any	88.00	2 ml	.....	.....	.....
(was Bluetongue; Bovine coronavirus, herpes virus type 1, herpes virus type 2, herpes virus type 4, papular stomatitis, parvovirus, respiratory syncytial virus, rotavirus, and viral diarrhea; Epizootic hemorrhagic disease; and Parainfluenza-3 antiserums).	.....	.....	83.50	4.50	5
(was Contagious ecthyma antiserum)	.....	.....	5.25/2 ml	82.75	1576
Cell culture	20.00	Flask	0	.....	.....
Chlamydia psittaci spp. of origin monoclonal antibody panel.	47.25	Panel	0	.....	.....
Conjugate, any	20.25	1 ml	.....	.....	.....
(was Bluetongue; Bovine coronavirus, herpes virus type 1, herpes virus type 2, herpes virus type 4, papular stomatitis, parvovirus, respiratory syncytial virus, rotavirus, viral diarrhea; Chlamydia psittaci; Contagious ecthyma; Encephalomyo-carditis; Epizootic hemorrhagic disease; Hemagglutinating encephalomyelitis; Parainfluenza-3; Porcine adenovirus (AV), parvovirus (PPV), reovirus, and rotavirus; Swine influenza, and Transmissible gastroenteritis conjugates).	.....	.....	19.25	1.00	5
(was Duck viral enteritis conjugate)	.....	.....	31.25	−11.00	−35
(was Equine adenovirus, Equine herpes type 1, and Psittacine herpes virus conjugates).	.....	.....	24.00	−3.75	−16
Diluted positive control serum, any	6.75	2 ml	.....	.....	.....
(was Encephalomyo-carditis; Hemagglutinating encephalomyelitis; Parainfluenza-3; Porcine parvovirus (PPV), and rotavirus; Swine influenza; and Transmissible gastroenteritis positive control serums).	.....	.....	6.25	0.50	8
(was Bovine herpes virus type 1, and type 2, parvovirus, respiratory syncytial virus, and viral diarrhea positive control serums).	.....	.....	4.50	2.25	50
Equine antiserum, any	12.25	2 ml	.....	.....	.....
(was Equine adenovirus, herpes type 1, herpes type 2, and herpes type 3 antiserums).	.....	.....	11.50	0.75	7
(was Equine influenza antiserum)	.....	.....	21.75	−9.50	−44
(was Equine viral arteritis antiserum)	.....	.....	19.30/2 ml (48.25/5 ml)	−7.05	−37
Hog Cholera tissue sets	81.50	Tissue set	76.75	4.75	6.19
Monoclonal antibody	37.50	1 ml	0	.....	.....
Other spp. antiserum, any	32.75	1 ml	0	.....	.....
Porcine antiserum, any (was Encephalomyo-carditis; Hemagglutinating encephalomyelitis; Porcine adenovirus (AV), parvovirus (PPV), reovirus, and rotavirus; Swine influenza; and Transmissible gastroenteritis antiserums).	60.50	2 ml	57.50	3.00	5
Positive control tissues, all	4.25	2 cm^2 section	0	.....	.....
Rabbit origin antiserums	14.25	1 ml	0	.....	.....
Reference virus, any	63.50	0.6 ml	0	.....	.....

TABLE 11.—USER FEES FOR DIAGNOSTIC VIROLOGY REAGENTS (PROPOSED § 130.18(b))—Continued

Proposed reagent	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Viruses (except reference viruses), chlamydia psittaci agent, or chlamydia psittaci antigen, any.	5.50	0.6 ml			
(was Avian encephalomyelitis, paramyxovirus-2, paramyxovirus-3, and reovirus; Bluetongue; Bovine coronavirus, herpes type 1, type 2, and type 4, papular stomatitis, parvovirus, respiratory syncytial, rotavirus, and viral diarrhea; Chlamydia psittaci agent; Contagious ecthyma; Duck viral enteritis; Encephalomyo-carditis; Epizootic hemorrhagic disease; Equine adenovirus, herpes type 1, type 2, and type 3, influenza, and viral arteritis; Hemagglutinating encephalomyelitis; Infectious bursal disease; Infectious laryngotracheitis; Newcastle disease; Parainfluenza-3; Porcine adenovirus (AV), parvovirus (PPV), reovirus, and rotavirus; Psittacine herpes; Quail bronchitis; Swine influenza; and Transmissible gastroenteritis viruses).			5.25	0.25	5
(was Chlamydia psittaci antigen)			3.15/0.6 ml (5.25/1 ml)	2.35	75
(was Infectious bronchitis virus)			4.50	1.00	22

Other Veterinary Diagnostics

Table 12 shows the user fees proposed in § 130.19 for other veterinary diagnostics. We propose to implement 13 new user fees and a new hourly user fee for other NVSL veterinary diagnostics for which there are no identified flat rate user fees or for which an hourly user fee is more appropriate. In addition, we propose to move a user fee that is currently listed in § 130.8(a) of the regulations into § 130.19.

TABLE 12.—USER FEES FOR OTHER VETERINARY DIAGNOSTICS (PROPOSED § 130.19)

Proposed other veterinary diagnostics services	Proposed user fee	Unit	Current user fee	Change in user fee	
				Amount	Percent
Antimicrobial susceptibility test	$30.50	Isolate	0		
Avian safety test	2701.75	Test	0		
Check tests, anaplasma complement fixation	132.00	Kit	0		
Check tests, culture	88.00	Kit	0		
Check tests, serology, all other	125.75	Kit	0		
Fetal bovine serum safety test (was fetal bovine serum sample verification).	673.50	Verification	666.00	7.50	1
Hourly user fee services	56.00	Hour	56.00	0.00	0
Quarter hour	14.00	Quarter hour	14.00	0.00	0
Minimum	16.50	Minimum	16.50	0.00	0
Manual, Brucellosis complement fixation	13.00	Manual	0		
Manual, Brucellosis culture	52.75	Manual	0		
Manual, Tuberculosis culture (English or Spanish)	79.25	Manual	0		
Manual, Veterinary mycology	105.50	Manual	0		
Manual, Anaplasmosis, Johne's disease, mycoplasma hyopnuemonia, piroplasmosis, dourine, or glanders.	21.25	Manual	0		
Manuals or standard operating procedure (SOP), All other	13.25	Manual or SOP copy	0		
Manuals or SOP, per page	2.00	Page	0		
Training (school or technical assistance)	120.00	Per person per day	0		

Definitions (§ 130.1)

We propose to add a definition for *APHIS representative* to the regulations. This term is defined and used throughout subchapter D, which covers the exportation and importation of animals (including poultry) and animal products. Currently, the terms *APHIS animal health technician* and *APHIS veterinarian* are defined in § 130.1. The term animal health technician is used in § 130.3 in reference to services provided at APHIS animal import centers. The term APHIS veterinarian is used in § 130.20 in reference to inspection services provided in conjunction with endorsements of export health certificates. For consistency, we propose to replace the terms *APHIS animal health technician* and *APHIS veterinarian* with *APHIS representative.* The proposed definition would read as follows: ''An individual, including, but not limited to animal health technicians and veterinarians, authorized by the Administrator to perform the services for which the user fees in this part are charged.'' Because an APHIS representative would cover APHIS animal health technicians and APHIS veterinarians, we propose to remove those definitions.

We propose to revise the definition for *export health certificate.* Currently, the definition specifies that an APHIS veterinarian endorses the export health certificate. In some cases an APHIS representative who is not a veterinarian may be able to endorse an export health certificate. For example, export health certificates for animal products may not require the endorsement of an APHIS veterinarian. Therefore, we propose to change APHIS veterinarian to APHIS representative in the definition for export health certificate. Currently, the definition for export health certificate covers only animals or birds. Based on an importing country's requirements, an export health certificate may be required for animal products, organisms, and vectors as well as animals and birds. Therefore, we propose to expand the definition to read as follows: ''An official document that, as required by the importing country, is endorsed by an APHIS representative and states that animals, animal products, organisms, vectors, or birds to be exported from the United States were found to be healthy and free from evidence of communicable diseases and pests.''

We propose to add new definitions for *nonstandard care and handling* and *nonstandard housing.* Currently, § 130.2 includes user fees for birds in nonstandard housing or receiving nonstandard care and handling at APHIS animal import centers. Nonstandard housing, care, and handling are defined in § 130.2(b) and (c). For consistency, we propose to move these definitions to § 130.1.

We propose to revise the definition of *pet birds.* Currently, the definition only covers birds that are imported. User fees may apply to pet birds that are exported, as for example, when another country requires an export health certificate for a pet bird. Therefore, we propose to extend the definition to include both importation and exportation. In addition, currently the definition of pet birds excludes only ratites. We believe that hatching eggs should also be excluded from consideration as pet birds. Therefore, we propose to add hatching eggs to the exceptions in the definition. The proposed definition would read as follows: Birds, except hatching eggs and ratites, that are imported or exported for the personal pleasure of their individual owners and are not intended for resale.

As discussed above, we believe we no longer need to separately identify reference assistance tests from other veterinary diagnostics tests. Therefore, we propose to remove the definition for *reference assistance testing.*

User Fees for Animal Import Centers (§ 130.2)

Currently, § 130.2 specifies the user fees for animals and birds quarantined in APHIS animal import centers. Currently, § 130.2(a) specifies the applicable user fees. Currently, §§ 130.2(b) through 130.2(e) address nonstandard housing, nonstandard care and handling, nonstandard feed, and reservation fees, respectively. As discussed above under definitions, we propose to move the definitions for nonstandard care, handling, and housing from § 130.2(b) and (c) to § 130.1. We have reviewed these user fees and are proposing several user fee changes and several nonsubstantive changes as described below.

Our review showed that we are not recovering our full costs for quarantining zoo animals in APHIS animal import centers. We have determined that our costs for quarantining zoo animals is equivalent to our costs for quarantining domestic animals. Therefore, we propose to combine the user fees for domestic and zoo animals. The user fees for domestic animals would remain the same; however, the user fee for zoo animals would increase from $32.25 to $56.50 per day. In addition, we would revise the list of domestic animals to correct an error by eliminating the word ''buffalo'' and adding the word ''bulls''. The list currently includes the word ''bison'' which covers buffalo. Bulls were inadvertently omitted. We propose to remove the separate listing for zoo animals.

Our review showed that we are not recovering our full costs for quarantining large birds or poultry receiving nonstandard care, handling, or housing in APHIS animal import centers. We believe that we need to increase this user fee to recover our costs; however, smaller birds and poultry receiving nonstandard care, handling, or housing in APHIS animal import centers do not cost as much to quarantine. Therefore, we propose separate user fees for birds or poultry requiring nonstandard care, handling, or housing based on the size of the bird or the type of poultry. Birds that are less than or equal to 250 grams, doves, pigeons, and quail would be charged $3.25 per day. This user fee would be less than the current user fee for birds and poultry. Birds that are between 251 and 1,000 grams, chickens, ducks, grouse, guinea fowl, partridges, pea fowl, and pheasants would be charged $7.50 per day. This user fee would remain the same for birds and would be less than the current user fee for poultry. Birds that are more than 1,000 grams, large poultry, and large waterfowl, including, but not limited to, game cocks, geese, swans, and turkeys, would be charged $14.00 per day. This user fee would be more than the current user fee for birds and poultry. In addition, we propose to move these user fees for nonstandard care, handling, and housing into a separate section (proposed § 130.2(b)) to replace the current sections defining nonstandard housing (§ 130.2(b)) and nonstandard care and handling (§ 130.2(c)).

As a result of these proposed changes, we would redesignate current § 130.2(d) on nonstandard feed as proposed § 130.2(c). We also propose to make nonsubstantive edits to the text.

Currently, § 130.2(e) specifies that a reservation fee paid by the importer under part 93 of this chapter will be applied to the APHIS user fee due for animals or birds quarantined in an animal import center operated by APHIS. Sections 130.2 and 130.3 both list user fees for animals or birds quarantined in animal import centers operated by APHIS. Therefore, § 130.2(e) should apply to the user fees in §§ 130.2 and 130.3. We believe that the reservation fees reference would be more appropriate in proposed § 130.50(b), which addresses associated charges. Therefore, we propose to move § 130.2(e) into proposed § 130.50(b)(1).

User Fees for Exclusive Use of Animal Import Centers (§ 130.3)

We reviewed our user fees for the exclusive use of APHIS animal import centers and have determined that we should change the way we calculate the user fees listed for the buildings in Newburgh, NY, and add a user fee for a new building, also in Newburgh, NY. Currently, the published dimensions represent the outside building dimensions. These measurements include office space, bathrooms, utility, and storage areas. We believe that the costs for those items should be included in the administrative support cost factor. Therefore, we recalculated the dimensions for spaces A and B and have recalculated the user fees based on the proposed dimensions. Space A would be $43,102.00 per month for 5,396 sq. ft. (503.1 sq. m.), rather than $47,609.00 per month for 5,904 sq. ft. (248.5 sq. m.). Space B would be $71,118.50 per month for 8,903 sq. ft. (827.1 sq. m.), rather than $78,555.00 per month for 9,742 sq. ft. (905 sq. m.). In addition, we propose to add a new, smaller space C at $7,229.00 per month for 905 sq. ft. (84.1 sq. m.).

User Fees for Services at Privately Operated Import Quarantine Facilities (§ 130.5)

Currently, § 130.5(a) addresses who must pay user fees for services at privately operated import quarantine facilities. Currently, § 130.5(b) lists the hourly rate user fees for these services. For consistency with § 130.9, which consolidates in § 130.9(a) the hourly rate user fees and the services to which they apply, we propose to consolidate in § 130.5(a) the hourly rate user fees and the services to which these user fees apply.

User Fees for Other Services (§ 130.8)

Currently, § 130.8 includes a user fee for fetal bovine serum sample verification. Fetal bovine serum sample verification is a veterinary diagnostics service which we provide at NVSL. We propose to add the user fee into proposed § 130.19, as explained above. Therefore, we propose to remove the user fee from § 130.8 to avoid duplication.

Currently, § 130.8 includes user fees for import compliance assistance and release from export agricultural hold. We have reviewed these user fees and determined that the estimates used for the current user fees do not include enough direct labor time for these services. In addition, the services we provide for both of these activities fall into two categories. First, all the information provided by the importer or exporter is complete and correct. In these cases, the processing is straightforward and generally takes less than half an hour to process. Second, the information provided by the importer or exporter is not complete or some other factor requires additional effort. In these cases, more time, on average 3.5 hours, is required, for example, to review the forms, to request more information from the importer/exporter, to research various aspects of the product, organism or vector being imported or exported, or to correspond with NVSL about tests. While our experience shows that most importers and exporters fit the first category, they should not have to subsidize those who fit into the second category. Therefore, we propose to set two user fees for each of these services. The user fee for a simple import compliance assistance or a simple release from agricultural hold would be $51.25. A simple case would be one that required 2 or less hours of assistance. The user fee for a complicated import compliance assistance or a complicated release from agricultural hold would be $131.75. A complicated case would be one that required more than 2 hours of assistance.

Hourly Rate User Fees (§ 130.21)

Currently, § 130.21(a) lists services for which hourly user fees are charged for inspection and supervision services provided within the United States for export animals, birds, and animal products. Currently, § 130.21(b) lists the hourly rate user fees for the services listed in § 130.21(a). For consistency with § 130.9, which consolidates in § 130.9(a) the hourly rate user fees and the services to which they apply, we propose to consolidate in § 130.21(a) the hourly rate user fees and the services to which these user fees apply.

In addition, we are proposing to remove the word ''byproducts'' from the section heading. The term ''byproducts'' is generally used to refer to inedible animal products. APHIS inspects and issues export health certificates for both inedible and edible animal products. The term ''products'' covers both. Therefore, we would change the section heading to ''User fees for inspection services provided within the United States for export animals, birds, and animal products.''

Payment of User Fees (§ 130.50)

To eliminate duplication throughout part 130 and to add clarity to the requirements in § 130.50, we are proposing miscellaneous nonsubstantive changes throughout § 130.50, including adding paragraph headers. As a result of these changes, § 130.50(a) and (b) would be redesignated as § 130.50(c) and (d), respectively. All of the changes to § 130.50 are described below and summarized in a chart at the end of this section.

We propose to add language in proposed § 130.50(a) to clarify who must pay APHIS user fees. In addition, we would specify throughout part 130 that all of the user fees listed must be paid in accordance with §§ 130.50 and 130.51.

Currently, §§ 130.14(c), 130.15(c), 130.16(c), 130.17(c), and 130.18(b) provide for payment of costs that are incurred due to special mail handling, such as express, overnight, or foreign mailing. If special mail handling is required, all costs incurred must be paid in addition to the user fee for the test or service requiring special mail handling. We believe that this same requirement should apply to the user fees listed throughout part 130. Therefore, we propose to eliminate duplication within §§ 130.14 through 130.18 and expand the special mail handling requirement to all of the user fees in part 130 by moving it from §§ 130.14(c), 130.15(c), 130.16(c), 130.17(c), and 130.18(b) into proposed § 130.50(b)(2), where it will apply to all user fees in part 130.

Currently, §§ 130.6(b), 130.7(b), 130.8(b), 130.14(b), 130.15(b), 130.16(b), and 130.20(e) provide for reimbursable overtime to be paid in addition to the listed flat rate user fee when we provide services during overtime (i.e., on a Sunday or holiday or at any other time outside the normal tour of duty of the employee). In addition, currently, §§ 130.5, 130.9, and 130.21 provide for the premium rate user fee to be applied in lieu of the hourly rate user fee when we provide services during overtime. All of our user fees were calculated based on direct labor costs for services provided during the normal tour of duty for our employees. When services are provided on overtime, reimbursable overtime or the premium user fee should be charged to recover the full costs of providing flat rate or hourly rate user fee services, respectively. Therefore, to eliminate duplication and expand these requirements for overtime services to cover all user fees in part 130, we would move the reimbursable overtime requirement from §§ 130.6(b), 130.7(b), 130.8(b), 130.14(b), 130.15(b), 130.16(b), and 130.20(e) into proposed § 130.50(b)(3)(i), where it would apply to all flat rate user fees in part 130. We would also move the premium rate user fee requirement from §§ 130.5, 130.9, and 130.21 into proposed § 130.50(b)(3)(ii), where it would apply to all hourly rate user fees in part 130.

Currently, § 130.50(a) specifies when user fee payments are due. We would redesignate current § 130.50(a) as proposed § 130.50(c) and revise the text to add references to the sections of the regulations that list the user fees for which payment is due, and to clarify and eliminate duplication, as described below.

Currently, §§ 130.50(a)(1) and (a)(2) specify when user fees for animals and birds in an animal import center or privately operated permanent import quarantine facility and animals and birds in a privately operated temporary import quarantine facility, respectively must be paid. All of these user fees must be paid when the animals or birds are released from quarantine. Therefore, we propose to combine §§ 130.50(a)(1) and (a)(2) into proposed § 130.50(c)(1) to eliminate duplication.

Currently, § 130.50(a)(3) contains provisions for the payment of user fees for inspection services, including when these services are covered by a compliance agreement signed in accordance with 9 CFR part 156. We

propose to expand this provision to include inspection services covered by any compliance agreement signed in accordance with title 9, chapter I, of the Code of Federal Regulations, and to put the expanded provision in proposed § 130.50(c)(2).

Currently, § 130.50(a)(4) provides for user fees for export health certificates to be paid when billed or prior to receipt of the endorsed certificate. We would clarify these provisions in proposed § 130.50(c)(3).

Currently, § 130.50(a)(5) specifies provisions for the payment of user fees for veterinary diagnostics. In proposed § 130.50(c)(4) we would clarify when the user fees could be paid when billed versus the requirement to be paid when the veterinary diagnostic service is requested. In addition, we would simplify the text by referring to these services as veterinary diagnostic services rather than listing tests, diagnostic reagents, slide sets, tissue sets, and sterilization by gamma radiation.

Currently, § 130.50(a)(6) contains provisions for payment of user fees for reference assistance tests. As stated earlier, we believe we no longer need to separately distinguish reference assistance testing from other veterinary diagnostic tests. We propose to include the user fees for these tests with other veterinary diagnostic tests. Therefore, the payment of these user fees would be covered by proposed § 130.50(c)(4), which would allow an additional option for paying user fees for these tests when billed.

Currently, § 130.50(a)(7) through (a)(9) specify provisions for the payment of user fees for live animals presented for importation at a port of entry, inspections and permit services, and hourly rate user fees, respectively. We would combine these provisions into proposed § 130.50(c)(5) and revise the payment options for the user fees specified in § 130.8 to include the option for payment when billed. In addition, we would edit the text to clarify that the user fees could be paid when billed versus the requirement to be paid when the service is provided.

In addition, we propose to combine §§ 130.50(b) and (c) into proposed § 130.50(d). Currently, § 130.50(b) identifies acceptable payment methods. Currently, § 130.50(c) specifies that payment must be for the exact amount due. We propose to combine these provisions to specify that payment for the exact amount due must be made by one of the acceptable methods. In addition, we propose to revise the cash payment provision currently in § 130.50(b)(4) to incorporate the provision currently specified in § 130.51(a)(4) that cash payments would be accepted only during normal business hours.

The following table summarizes all of these changes, listed in order for the proposed sections in § 130.50.

Proposed location	Requirement	Action
§ 130.50(a)	Any person for whom a service is performed and the person requesting the service would be jointly and severally liable for the payment of APHIS user fees.	Clarify by adding language from the Farm Bill.
§ 130.50(b)(1)	Reservation fees would be applied to the APHIS user fees specified in §§ 130.2 and 130.3.	Move from § 130.2(a) to expand the applicability to all relevant user fees.
§ 130.50(b)(2)	All costs incurred for special mail handling would be paid by the user, in addition to the user fee for the service.	Move from §§ 130.14(c), 130.15(c), 130.16(c), 130.17(c), 130.17(c), and 130.18(b) to eliminate duplication in these sections and to expand the applicability to all user fees in 9 CFR part 130.
§ 130.50(b)(3)(i)	Reimbursable overtime would be paid in addition to the listed flat rate user fee when we provide services during overtime.	Move from §§ 130.6(b), 130.7(b), 130.8(b), 130.14(b), 130.15(b), 130.16(b), and 130.20(e) to eliminate duplication and expand the applicability to all flat rate user fees in 9 CFR part 130.
§ 130.50(b)(3)(ii)	Premium rate user fees would be applied in lieu of the hourly rate user fee when we provide services during overtime.	Move from §§ 130.5(c), 130.9(b), and 130.21(c) to eliminate duplication and expand the applicability to all hourly rate user fees in 9 CFR part 130.
§ 130.50(c)(1)	User fees for animal and bird quarantines and related tests must be paid prior to their release from quarantine.	Combine § 130.50(a)(1) and (a)(2) to eliminate duplication and move into proposed § 130.50(c). In addition, add section references for user fees.
§ 130.50(c)(2)	User fees for supervision and inspection services for export animals and animal products must be paid when billed, or as specified in a compliance agreement.	Move from § 130.50(a)(3).
§ 130.50(c)(3)	User fees for export health certificates would be paid prior to receipt of endorsed certificates or when billed.	Move from § 130.50(a)(4), add section references for user fees, and clarify when the billing option would apply.
§ 130.50(c)(4)	User fees for veterinary diagnostics would be paid when the service is requested or when billed.	Move from § 130.50(a)(5), add section references for user fees, and clarify when the billing option would apply. (NOTE: This would also cover user fees formerly addressed by § 130.50(a)(6).)
§ 130.5(c)(5)	User fees for other services would be paid when the service is provided or when billed.	Combine § 130.50(a)(7), (8), and (9) to eliminate duplication; add section references for user fees; clarify when the billing option would apply; and expand the billing option to apply to user fees for inspection and permit services.
§ 130.50(d)(1) through (d)(4)	Acceptable forms of payment	Redesignate from § 130.50(b)(1) through (b)(4) and combine § 130.50(c).

Penalties for Nonpayment or Late Payment of User Fees (§ 130.51)

We are proposing several changes to § 130.51, including the incorporation of relevant provisions of the Debt Collection Improvement Act of 1996. These changes are described below. In addition we propose to make miscellaneous nonsubstantive changes, such as adding paragraph headers and renumbering paragraphs as necessitated by other proposed changes.

We propose to incorporate the provision currently specified in § 130.51(a)(4) that cash payments would be accepted only during normal business hours into proposed § 130.50(d)(1). Therefore, we propose to remove § 130.51(a)(4). As a result of this change, we would redesignate § 130.51(a)(5) as proposed § 130.51(a)(4).

Currently, §§ 130.51(b)(3) and (b)(4) refer to veterinary diagnostic tests and other veterinary diagnostic services, respectively. As we have proposed throughout part 130, we would combine these to group the veterinary diagnostics together. Therefore, proposed § 130.51(b)(3) would be simplified by referring to these services as veterinary diagnostic services.

We are proposing to add a new § 130.51(d) to specify that user fees paid with dishonored payments, such as a check returned for insufficient funds, will be subject to interest and penalty charges in accordance with the Debt Collection Improvement Act (as specified in 30 U.S.C. 3717). Administrative charges will be assessed at $20.00 per dishonored payment to be paid in addition to the original amount owed. These payments must be made in guaranteed form, such as money order, certified check, or cash.

We propose to add a new § 130.51(e) to incorporate the relevant provisions of the Debt Collection Improvement Act of 1996 (31 U.S.C. 3701, 3716, 3717, 3719, and 3720A). These provisions address taxpayer identification numbers, administrative offset, cross servicing, and delinquent debt reporting. Taxpayer identification numbers must be obtained from all persons, other than Federal agencies, who must pay user fees. All debts that have not been paid within 180 days would be eligible for administrative offset and cross servicing. Administrative offset means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim. Under administrative offset, APHIS would notify the Department of Treasury of the debts that are over 180 days delinquent and the Department of Treasury could offset the debt from certain Federal payments that may be made to the debtor. Cross servicing means that one program services many agencies. In this case, it means that the Department of Treasury could collect debts on behalf of APHIS. For cross servicing, APHIS would transfer debts that are over 180 days delinquent to the Department of Treasury. In addition, APHIS would report all unpaid debts to credit reporting bureaus.

In addition, we would add the relevant sections of the Debt Collection Improvement Act of 1996 to the authority citation for part 130.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. This rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Below is a summary of the economic analysis for the changes in APHIS user fees proposed in this document. The economic analysis provides a cost-benefit analysis as required by E.O. 12866 and the analysis of impacts of small entities as required by the Regulatory Flexibility Act. A copy of the full economic analysis, which includes comparisons of each user fee change and the change in collections for each user fee, is available for review at the location listed in the **ADDRESSES** section at the beginning of this document.

We do not have enough data for a comprehensive analysis of the economic impacts of this proposed rule on small entities. Therefore, in accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis for this proposed rule. We are inviting comments about this proposed rule as it relates to small entities. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from implementation of this proposed rule and the economic impact of those benefits or costs.

User Fees Authorized Under the Farm Bill

The provisions in 21 U.S.C. 114a authorize the Secretary of Agriculture to control and eradicate communicable diseases of livestock and poultry. The Food, Agriculture, Conservation and Trade Act of 1990, as amended (referred to below as the 1990 Farm Bill), authorizes the Secretary of Agriculture, among other things, to prescribe regulations and collect fees to recover the costs of carrying out the provisions of 21 U.S.C. 114a that relate to veterinary diagnostics (sec. 2509(c)(2) of the 1990 Farm Bill).

The 1990 Farm Bill further authorizes the Secretary to prescribe and collect fees to reimburse the Secretary for the cost of carrying out the provisions of the Federal Animal Quarantine laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance (section 2509(c)(1) of the 1990 Farm Bill).

In addition, section 2509(d) of the 1990 Farm Bill provides that the Secretary may prescribe such regulations as the Secretary determines necessary to carry out these provisions of the 1990 Farm Bill.

Regulations Proposed in This Document

We are proposing to revise the user fees for certain veterinary diagnostic services, including certain diagnostic tests, reagents, and other veterinary diagnostic materials and services. In addition, we are proposing to add new user fees for other veterinary diagnostic services we provide. We are proposing to reorganize the regulations in 9 CFR part 130 to list user fees by type of service and location where service is provided, and to group diagnostic reagents into categories.

Veterinary diagnostics is the work performed in a laboratory to determine if a disease-causing organism or chemical agent is present in body tissues or cells and to identify those organisms or agents. Services in this category include: (1) Performing laboratory tests and providing diagnostic reagents and other veterinary diagnostic materials and services at the Foreign Animal Disease Diagnostic Laboratory (FADDL) at Greenport, NY, and (2) performing identification, serology, and pathobiology tests and providing veterinary diagnostic reagents and other materials and services at the National Veterinary Services Laboratories (NVSL) at Ames, IA. Diagnostic reagents are biological materials used in diagnostic tests to detect disease agents or antibodies by causing an identifiable reaction. We also consider sterilization by gamma radiation to be a veterinary diagnostics service. Other miscellaneous veterinary diagnostic services include, but are not limited to, providing check tests, test kits, manuals, standard operating procedures, and training.

Small Entities Impacted by Proposed Changes

Users of these veterinary diagnostic services are importers, exporters, veterinarians, commercial laboratories,

State laboratories, universities, and foreign governments.

The Small Business Administration's criteria for a small entity engaged in importing and exporting live animals, poultry, and birds is one whose total sales are less than $5 million annually. This is also the criteria for small testing laboratories, veterinary service providers, and research organizations.

Except for those entities who deal exclusively in purebred or registered animals, 1995 data from the Bureau of the Census shows that the majority of agricultural entities who deal in grade animals can be considered small. However, the number of entities who specifically trade in live animals and who would qualify as a small entity under this definition cannot be determined.

According to the Bureau of the Census, 94 percent of testing laboratories can be considered small. While veterinary testing laboratories comprise part of this classification, it cannot be determined how many entities performing veterinary services would be considered small under the Small Business Administration's guidelines.

To the extent that changes in user fees alter operational costs, any entity who utilizes APHIS' services that are subject to user fees may be affected by the proposed changes in user fees. The degree to which an entity is affected depends on its market power, or the ability to which costs can be either absorbed or passed on to its buyers. Without information on either profit margins and operational expenses of the affected entities,[1] or the supply responsiveness of the affected industry,[2] the scale of impacts cannot be precisely predicted.

Changes in Collections

The estimated increased collections generated by the proposed user fees in this document could be $1.28 million annually (collections could increase from $2.13 million collected in FY 97 to $3.41 million). This represents an increase in user fee collections for veterinary diagnostics and other import- and export-related services of approximately 40 percent. (See Table 13.)

TABLE 13.—SUMMARY OF CURRENT AND PROJECTED COLLECTIONS FOR APHIS USER FEES

User fee categories	Current user fee collections [1]	Projected user fee collections	Change in user fee collections
Revised Veterinary Diagnostics User Fees:			
FADDL: [2]			
Reagents, Tests, Other (§ 130.14)	$508,297	$1,074,542	$566,245
NVSL:			
Identification Tests (§ 130.15)	398,023	428,581	30,558
Serology Tests (§ 130.16)	727,979	928,506	200,527
Pathobiology Tests (§ 130.17)	81,260	90,608	9,348
Reagents (§ 130.18)	76,534	84,321	7,787
Other (§ 130.19)	149,184	174,832	25,648
Total Revised Veterinary Diagnostics User Fees	1,941,277	2,781,390	840,113
New Veterinary Diagnostics User Fees:			
FADDL:			
Reagents, Tests, Other (§ 130.14)	.....	98,126	98,126
NVSL:			
Identification Tests (§ 130.15)	.....	47,476	47,476
Serology Tests (§ 130.16)	.....	1,000	1,000
Pathobiology Tests (§ 130.17)	.....	1,397	1,397
Reagents (§ 130.18)	.....	154,929	154,929
Other (§ 130.19)	.....	104,589	104,589
Total New Veterinary Diagnostics User Fees	.....	407,517	407,517
Total Veterinary Diagnostics User Fees Collections	1,941,277	3,188,907	1,247,630
Other User Fee Changes:			
Zoo Animals Quarantined in APHIS Animal Import Centers (§ 130.2 (a))	1,935	3,192	1,257
Non-Standard Care and Handling for Birds or Poultry (§ 130.2 (b))	33,780	37,965	4,185
Exclusive Use of Space at APHIS Animal Import Center in Newburgh, NY (§ 130.3)	126,164	121,450	(4,714)
User Fees for Other Services (§ 130.8)	27,528	62,970	35,442
Total Other User Fee Changes	189,407	225,577	36,170
Total Changes in User Fee Collections	2,130,684	3,414,484	1,283,800

[1] Source: USDA—APHIS—FSO, NVSL, FADDL.
[2] Includes collections from cooperative agreements where user fees are the basis for determining amount to be charged.

The benefit of user fees is the shift in the payment of services from taxpayers as a whole to those persons who are receiving the government services. While taxes may not change by the same amount as the change in user fee collections, there is a related shift in the appropriations of taxes to government programs, which allows those tax dollars to be applied to other programs which benefit the public in general. Therefore, there could be a relative

[1] Profits for sales of small entities are proprietary in nature and are not a part of the public record.

[2] The measurement of supply responsiveness would provide information on the likely impact on an entity's production due to changes in operating costs.

savings to taxpayers of $1.28 million annually as a result of the proposed changes in user fees.

The administrative cost involved in obtaining these savings would be minimal. APHIS already has a user fee program and a mechanism for collecting user fees in place. This proposal would update existing user fees in the system and require collection of additional user fees. Therefore, increases in administrative costs would be small. Because the savings are sufficiently large, and the administrative costs would be small, it is likely that the net gain in reducing the burden on taxpayers as a whole would outweigh the cost of administering the revisions of the user fees.

Estimated Impact

The proposed user fees fall into two categories: New and revised user fees. The vast majority of the proposed user fees are expected to make only small contributions to the total new collections. Most (nearly 70 percent) of the proposed new user fees would be less than $50 each and 40 percent would be less than $25. Most (approximately 70 percent) of the proposed revised user fees increase by less than 20 percent, with many (more than 50 percent) of them increasing by less than 10 percent.

We anticipate a low demand for the majority of the proposed new user fees that are greater than $50 and the proposed revised user fees that would increase by more than 20 percent. Most of the proposed new user fees that exceed $50 either include more direct labor time than those services with lower user fees or require premium costs to pay for special materials.

The proposed revised user fees that would increase by more than 20 percent include those user fees that were underestimated when initially established. Experience and more accurate accounting data have shown that most of these services require more direct labor hours, require premium costs to pay for special materials, or should be calculated using average lab salaries, which is consistent with the calculations for other user fees throughout 9 CFR part 130.

Alternatives

One alternative to this proposed rule would be to make no changes to the current user fees. We do not consider making no changes to the current user fees a reasonable alternative because we would not recover the full cost of providing veterinary diagnostic and import- and export-related services. Therefore, the only way to pay for these services is through charges to the customer through user fees or other forms of reimbursable agreements.

Another alternative to this proposed rule would be to either exempt small businesses from these user fees or establish a different user fee structure for small businesses. APHIS cannot exempt certain classes of users, such as small businesses, from the user fees, and cannot charge user fees that recover less than the full cost of providing the service. In addition, every business, including small businesses, using a government service needs to pay the cost of that service, rather than having other businesses pay a disproportionate share or passing those costs on to the general public, who are not the primary beneficiary of the service. Therefore, we do not consider exempting small businesses from these user fees or establishing a different user fee structure for small businesses as viable options.

Another alternative to this proposed rule would be to spread the proposed increased costs over all of the user fees, so no single user fee would increase significantly. Our user fees are calculated to recover the costs of the service for which each user fee is charged. To spread the proposed increases among user fees would mean that some entities would subsidize others. The intent of user fees is to shift the burden of the cost of these services from the general taxpayer to the entity receiving the service. Therefore, APHIS cannot spread the increases evenly over all of the user fees.

This proposed rule contains no new information collection or recordkeeping requirements.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control numbers are 0579–0015, 0579–0040, 0579–0055, and 0579–0094.

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, 9 CFR part 130 would be amended as follows:

PART 130—USER FEES

1. The authority citation for part 130 would be revised to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 130.1 would be amended as follows:

a. The definitions for *APHIS animal health technician, APHIS veterinarian,* and *reference assistance testing would be removed.*

b. Definitions for *APHIS representative, nonstandard care* and *handling,* and *nonstandard housing* would be added, in alphabetical order, to read as set forth below.

c. The definitions for *export health certificate* and *pet birds* would be revised to read as set forth below.

d. Footnotes 3 and 4 and their references would be removed, and footnote 2 and its reference would be redesignated as footnote 3.

e. At the end of the definitions for *zoo bird* and *zoo equine* a reference to footnote 3 would be added.

§ 130.1 Definitions.

* * * * *

APHIS representative. An individual, including, but not limited to, animal health technicians and veterinarians, authorized by the Administrator to perform the services for which the user fees in this part are charged.

* * * * *

Export health certificate. An official document that, as required by the importing country, is endorsed by an APHIS representative and states that animals, animal products, organisms, vectors, or birds to be exported from the United States were found to be healthy and free from evidence of communicable diseases and pests.

* * * * *

Nonstandard care and handling. Nonstandard care and handling includes hand-feeding, more than one feeding per day, frequent observation, and any handling or observation which requires personnel to attend to the birds or poultry outside of normal business hours.[2]

[2] Normal business hours at the APHIS Animal Import Centers are: 7:30 a.m. to 11:30 a.m., Honolulu, HI; 7 a.m. to 3:30 p.m., Miami, FL; and 8 a.m. to 4:30 p.m., Newburgh, NY.

Nonstandard housing. Nonstandard housing is individual housing not normally available at an APHIS Animal Import Center, any housing constructed or purchased at the request of the importer, any housing with blinds, dense foliage, or plants, and any housing where the temperature can be adjusted.

* * * * *

Pet birds. Birds, except hatching eggs and ratites, which are imported or exported for the personal pleasure of their individual owners and are not intended for resale.

* * * * *

4. Section 130.2 would be revised to read as follows:

§ 130.2 User fees for individual animals and certain birds quarantined in APHIS Animal Import Centers.

(a) *Standard requirements.* User fees for each animal or bird receiving standard housing, care, feed, and handling while quarantined in an APHIS owned or operated Animal Import Center or quarantine facility are listed in the following table. Each user fee listed in the table is assessed per animal or bird quarantined by APHIS. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Animal or bird	Daily user fee
Birds (excluding ratites and pet birds imported in accordance with part 93 of this subchapter):	
0–250 grams	$1.00
251–1,000 grams	3.25
Over 1,000 grams	7.50
Domestic or zoo animals (except equines, birds, and poultry):	
Bison, bulls, camels, cattle, or zoo animals	56.50
All other—including but not limited to alpacas, llamas, goats, sheep, and swine	15.00
Equines (including zoo equines, but excluding miniature horses):	
1st through 3rd day	149.50
4th through 7th day	108.25
8th and subsequent days	91.75
Miniature horses	40.25
Poultry:	
Doves, pigeons, quail	2.00
Chickens, ducks, grouse, guinea fowl, partridges, pea fowl, pheasants	3.50
Large poultry and large waterfowl including but not limited to game cocks, geese, swans, and turkeys	8.25
Ratites:	
Chicks (less than 3 months old)	5.75
Juveniles (between 3 and 10 months old)	8.00
Adults (11 months old and older)	16.25

(b) *Special requirements.* User fees for birds or poultry, including zoo birds or poultry, receiving nonstandard housing, care, or handling to meet special requirements while quarantined in an APHIS owned or operated Animal Import Center or quarantine facility are listed in the following table. The user fees listed in the table are assessed for each bird or poultry quarantined by APHIS. Special requirements may be requested by the importer or required by an APHIS representative. Certain conditions or traits, such as pregnancy or aggression, may necessitate special requirements for certain birds or poultry. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Bird or poultry (nonstandard housing, care, or handling)	Daily user fee
Birds 0–250 grams and doves, pigeons, and quail	$3.25
Birds 251–1,000 grams and poultry such as chickens, ducks, grouse, guinea fowl, partridges, pea fowl, and pheasants	7.50
Birds over 1,000 grams and large poultry and large waterfowl including but not limited to game cocks, geese, swans, and turkeys	14.00

(c) *Feed.* The importer must either provide feed or pay for it on an actual cost basis, including the cost of delivery to the APHIS owned or operated Animal Import Center or quarantine facility, for any animal or bird that requires a diet other than standard feed, including but not limited to diets of fruit, insects, nectar, or fish.

(Approved by the Office of Management and Budget under control number 0579–0094)

5. Section 130.3 would be amended by revising paragraph (a)(1), including the table, to read as follows:

§ 130.3 User fees for exclusive use of space at APHIS Animal Import Centers.

(a)(1) An importer may request to exclusively occupy a space at an APHIS Animal Import Center. The user fees for spaces at APHIS Animal Import Centers are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

APHIS animal import center	Space	Monthly (30 day) user fee
* * * * * * *		
Newburgh, NY:		
Space A	5,396 sq. ft. (503.1 sq. m.)	$43,102.00
Space B	8,903 sq. ft. (827.1 sq. m.)	71,118.50

APHIS animal import center	Space	Monthly (30 day) user fee
Space C	905 sq. ft. (84.1 sq. m.)	7,229.00

* * * * *

6. Sections 130.5 through 130.8 would be revised to read as follows:

§ 130.5 User fees for services at privately operated permanent and temporary import quarantine facilities.

(a) User fees for each animal quarantined in a privately operated permanent or temporary import quarantine facility will be calculated at $56.00 per hour, or $14.00 per quarter-hour, with a minimum fee of $16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579–0094)

§ 130.6 User fees for import or entry services for live animals at land border ports along the United States-Mexico border.

(a) User fees, with a minimum fee of $16.50, for live animals presented for importation into or entry into the United States through a land border port along the United States-Mexico border are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

Type of live animal	User fee (per head)
Feeder	$1.75
Slaughter	2.50
Horses, other than slaughter	29.25
In-bond or in transit	3.75
Any ruminants not covered above	6.00

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

§ 130.7 User fees for import or entry services for live animals at all other ports of entry.

(a) User fees, with a minimum fee of $16.50, for live animals presented for importation into or entry into the United States through any port of entry, other than a land border port along the border between the United States and Mexico, are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

Type of live animal	User fee
Animals being imported into the United States:	
Horses, other than slaughter and in transit	$19.00 per head.
Breeding animals (Grade animals, except horses):	
Swine	0.50 per head.
Sheep and goats	0.50 per head.
All others	2.25 per head.
Registered animals, all types	4.00 per head.
Feeder animals:	
Cattle (not including calves)	1.00 per head.
Swine	0.25 per head.
Sheep and calves	0.25 per head.
Slaughter animals, all types	16.50 per load.
Poultry (including eggs), imported for any purpose	33.00 per load.
Animals transiting[1] the United States	
Cattle	1.00 per head.
Swine	0.25 per head.
Sheep and goats	0.25 per head.
Horses and all other animals	4.50 per head.

[1] The user fee in this section will be charged for intransit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the applicable hourly user fee will apply.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579–0094)

§ 130.8 User fees for other services.

(a) User fees for other services that are not specifically addressed elsewhere in part 130 are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

Service	User fee
Germ Plasm Being exported: [2]	
Embryo:	
(up to 5 donor pairs)	$54.75 per certificate.
(each additional group of donor pairs, up to 5 pairs per group, on the same certificate)	24.75 per group of donor pairs.
Semen	33.50 per certificate.
Germ Plasm Being imported: [1]	
Embryo	39.50 per load.
Semen	39.50 per load.
Import compliance assistance:	
Simple (2 hours or less)	51.25 per release.
Complicated (more than 2 hours)	131.75 per release.
Inspection for approval of slaughter establishment:	
Initial approval	246.50 for all inspections required during the year.
Renewal	213.50 for all inspections required during the year.
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:	
Approval (Compliance Agreement)	262.75 for first year of 3-year approval (for all inspections required during the year).
Renewed approval	152.00 per year for second and third years of 3-year approval (for all inspections required during the year).
Pet birds, except pet birds of U.S. origin entering the United States from Canada:	
Which have been out of United States 60 days or less	71.25 per lot.
Which have been out of United States more than 60 days	169.75 per lot.
Processing VS form 16–3, ''Application for Permit to Import Controlled Material/Import or Transport Organisms or Vectors'':	
For permit to import fetal bovine serum when facility inspection is required	208.50 per application.
For all other permits	27.50 per application.
Amended application	11.50 per amended application
Application renewal	15.00 per application.
Release from export agricultural hold:	
Simple (2 hours or less)	51.25 per release.
Complicated (more than 2 hours)	131.75 per release.

[1] For inspection of empty containers being imported into the United States, the applicable hourly user fee would apply, unless a user fee has been assessed under 7 CFR 354.3.

[2] This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the applicable hourly user fee would apply.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0015, 0579–0040, 0579–0055, and 0579–0094)

7. Section 130.9 would be amended by revising the introductory text of paragraph (a) to read as follows and by removing and reserving paragraph (b).

§ 130.9 User fees for miscellaneous import or entry services.

(a) User fees for import or entry services listed in (a)(1) through (a)(4) of this paragraph will be calculated at $56.00 per hour, or $14.00 per quarter hour, with a minimum fee of $16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

* * * * *

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

8. In § 130.10, the introductory text of paragraph (a) would be revised to read as follows:

§ 130.10 User fees for pet birds quarantined at APHIS-owned or supervised quarantine facilities.

(a) User fees for each pet bird quarantined in an animal import center [4] or other APHIS-owned or supervised quarantine facility are listed in the following table. These user fees include standard care, feed, and handling. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

* * * * *

9. Sections 130.14 through 130.18 would be revised to read as follows:

§ 130.14 User fees for FADDL veterinary diagnostics.

(a) *Diagnostic reagents.* User fees for diagnostic reagents [5] provided by

[4] APHIS animal import centers are located in Honolulu, HI, Miami, FL, and Newburgh, NY. The addresses of these facilities are published in part 93 of this chapter.

[5] Reagents provided by FADDL are for the diagnosis of animal diseases foreign to the United States. These reagents may be available to customers on the mainland after safety testing with permission from the Administrator. The customer may have to pay the cost for the safety test in addition to the reagent user fee. For more information on the specific reagents contact: Laboratory Chief, USDA, APHIS, VS, FADDL, Greenport, NY 11344; phone (516) 323–2500, FAX (516) 323–2798.

FADDL are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Reagent	User fee	Unit
Bovine antiserum, any agent	$80.00	1 ml.
Caprine antiserum, any agent	97.50	1 ml.
Cell culture antigen/microorganism	63.75	1 ml.
Equine antiserum, any agent	100.50	1 ml.
Fluorescent antibody conjugate	120.25	1 ml.
Guinea pig antiserum, any agent	104.50	1 ml.
Monoclonal antibody	122.75	1 ml.
Ovine antiserum, any agent	94.25	1 ml.
Porcine antiserum, any agent	81.25	1 ml.
Rabbit antiserum, any agent	98.50	1 ml .

(b) *Veterinary diagnostics tests.* User fees for veterinary diagnostic tests performed at FADDL are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Agar gel immunodiffusion	$14.75	Test.
Card	8.25	Test.
Complement fixation	33.00	Test.
Direct immunofluorescent antibody	11.00	Test.
Enzyme linked immunosorbent assay	12.75	Test.
Fluorescent antibody neutralization (hog cholera)	96.00	Test.
Hemagglutination inhibition	27.75	Test.
Immunoperoxidase	18.25	Test.
Indirect fluorescent antibody	23.25	Test.
In-vitro safety	299.50	Test.
In-vivo safety	4345.75	Test.
Latex agglutination	11.00	Test.
Tube agglutination	14.00	Test.
Virus isolation (oesophageal/pharyngeal)	88.25	Test.
Virus isolation in embryonated eggs	176.00	Test.
Virus isolation, other	84.50	Test.
Virus neutralization	25.75	Test.

(c) *Other veterinary diagnostic services.* User fees for other veterinary diagnostic services performed at FADDL are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Veterinary diagnostic service	User fee	Unit
Bacterial isolation	$55.00	Test.
Hourly user fee services [1]	220.00	Hour.
Hourly user fee services—Quarter hour	55.00	Quarter hour.
Infected cells on chamber slides or plates	31.00	Slide.
Reference animal tissues for immunohistochemistry	94.25	Set.
Sterilization by gamma radiation	530.00	Can.
Training (school or technical assistance)	450.00	Per person per day.
Virus titration	55.00	Test.

[1] For all veterinary diagnostic services for which there is no flat rate user fee, the hourly rate user fee will be calculated for the actual time required to provide the service.

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579–0094)

§ 130.15 User fees for veterinary diagnostic isolation and identification tests performed at NVSL (excluding FADDL) or other authorized site.

(a) *Bacteriology isolation and identification tests.* User fees for bacteriology isolation and identification tests performed at NVSL (excluding FADDL) or other authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Bacterial identification, automated	$16.00	Isolate.
Bacterial identification, non-automated	61.25	Isolate.
Bacterial isolation	16.00	Sample.
Bacterial serotyping, all other	30.75	Isolate.
Bacterial serotyping, Pasteurella multocida	7.50	Isolate.

Test	User fee	Unit
Bacterial serotyping, Salmonella	21.25	Isolate.
Bacterial toxin typing	91.50	Isolate.
Bacteriology requiring special characterization	27.00	Test.
DNA fingerprinting	36.50	Test.
DNA probe	29.50	Test.
Fluorescent antibody [1]	9.75	Test.
Leptospira culturing	27.00	Sample.
Leptospira serotyping	80.50	Isolate.
Mycobacterium avian serotyping	157.50	Isolate.
Mycobacterium identification (biochemical)	63.25	Isolate.
Mycobacterium identification (gas chromatography)	26.50	Procedure.
Mycobacterium isolation, animal inoculations	520.50	Submission.
Mycobacterium isolation, all other	105.50	Submission.
Mycobacterium paratuberculosis isolation	26.50	Submission.
Mycology culture identification	52.75	Isolate.
Mycology/fungus culture or isolation	26.50	Isolate.
Mycoplasma isolation	26.25	Sample.
Mycoplasma identification	26.25	Isolate.
Phage typing, all other	26.50	Isolate.
Phage typing, Salmonella enteritidis	10.75	Isolate.
Plasmid typing	26.50	Isolate.
Warburg	316.50	Isolate.

[1] A discount will apply to all diagnostic, non-import related complement fixation, hemagglutination inhibition, fluorescent antibody, indirect fluorescent antibody, virus neutralization, and peroxidase linked antibody tests. This discount only applies to the 11th and subsequent tests on the same submission by the same submitter for the same test and antigen. The user fee for each discounted test will be 20 percent of the original user fee rounded up to the nearest quarter. This discount will apply for tests for all diseases except equine piroplasmosis, bovine piroplasmosis, dourine, and glanders.

(b) *Virology identification tests.* User fees for virology identification tests performed at NVSL (excluding FADDL) or other authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Fluorescent antibody tissue section	$18.25	Test.
Virus isolation for Newcastle disease virus	15.25	Test.
Virus isolation (except for Newcastle disease virus)	31.50	Test.

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

§ 130.16 User fees for veterinary diagnostic serology tests performed at NVSL (excluding FADDL) or at authorized sites.

(a) Bacteriology serology tests. User fees for bacteriology serology tests performed at NVSL (excluding FADDL) or other authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Brucella milk ELISA	$15.75	Test.
Brucella ring (BRT)	10.50	Test.
Brucella ring, Heat inactivated (HIRT)	10.50	Test.
Brucella ring, Serial (Serial BRT)	15.75	Test.
Buffered acidified plate antigen presumptive	4.00	Test.
Card	2.00	Test.
Complement fixation [1]	9.00	Test.
Enzyme linked immunosorbent assay for dourine, glanders, or piroplasmosis	9.00	Test.
Enzyme linked immunosorbent assay, all other	4.75	Test.
Indirect fluorescent antibody [1]	9.75	Test.
Mercaptoethanol	4.00	Test.
Microscopic agglutination—includes up to 5 serovars [2]	11.00	Sample.
Mycology/fungus serology	10.50	Test.
Particle concentration fluorescent immunoassay (PCFIA)	18.25	Test.
Plate	4.00	Test.
Rapid automated presumptive	4.25	Test.
Rivanol	4.00	Test.
Tube agglutination	4.00	Test.

[1] A discount will apply to all diagnostic, non-import related complement fixation, hemagglutination inhibition, fluorescent antibody, indirect fluorescent antibody, virus neutralization, and peroxidase linked antibody tests. This discount only applies to the 11th and subsequent tests on the same submission by the same submitter for the same test and antigen. The user fee for each discounted test will be 20 percent of the original user fee rounded up to the nearest quarter. This discount will apply for tests for all diseases except equine piroplasmosis, bovine piroplasmosis, dourine, and glanders.

[2] The user fee for the sixth and subsequent serovar will be $2.00 each.

(b) *Virology serology tests.* User fees for virology serology tests performed at NVSL (excluding FADDL) or at authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Agar gel immunodiffusion	$5.00	Test.
Complement fixation [1]	9.00	Test.
Enzyme linked immunosorbent assay	4.75	Test.
Hemagglutination inhibition [1]	7.50	Test.
Indirect fluorescent antibody [1]	9.75	Test.
Latex agglutination	5.00	Test.
Peroxidase linked antibody [1]	9.75	Test.
Plaque reduction neutralization	7.75	Test.
Rabies fluorescent antibody neutralization	26.50	Test.
Virus neutralization [1]	7.75	Test.

[1] A discount will apply to all diagnostic, non-import related complement fixation, hemagglutination inhibition, fluorescent antibody, indirect fluorescent antibody, virus neutralization, and peroxidase linked antibody tests. This discount only applies to the 11th and subsequent tests on the same submission by the same submitter for the same test and antigen. The user fee for each discounted test will be 20 percent of the original user fee rounded up to the nearest quarter. This discount will apply for tests for all diseases except equine piroplasmosis, bovine piroplasmosis, dourine, and glanders.

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

§ 130.17 User fees for other veterinary diagnostic laboratory tests performed at NVSL (excluding FADDL) or at authorized sites.

(a) User fees for veterinary diagnostic tests performed at the Pathobiology Laboratory at NVSL (excluding FADDL) or at authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Aflatoxin quantitation	$20.50	Test.
Aflatoxin screen	11.25	Test.
Agar gel immunodiffusion spp. identification	6.25	Test.
Antibiotic (bioautography) quantitation	25.00	Test.
Antibiotic (bioautography) screen	50.00	Test.
Antibiotic inhibition	25.25	Test.
Arsenic	6.75	Test.
Ergot alkaloid screen	25.25	Test.
Ergot alkaloid confirmation	33.00	Test.
Feed microscopy	25.25	Test.
Fumonisin only	20.50	Test.
Gossypol	37.75	Test.
Mercury	56.00	Test.
Metals screen	29.75	Test.
Metals single element confirmation	6.75	Test.
Mycotoxin: aflatoxin-liver	82.25	Test.
Mycotoxin screen	34.00	Test.
Nitrate/nitrite	25.00	Test.
Organic compound confirmation	34.00	Test.
Organic compound screen	114.75	Test.
Parasitology	19.25	Test.
Pesticide quantitation	52.25	Test.
Pesticide screen	38.00	Test.
pH	10.00	Test.
Plate cylinder	37.75	Test.
Selenium	33.25	Test.
Silicate/carbonate disinfectant	25.00	Test.
Temperature disks	50.25	Test.
Toxicant quantitation, other	42.25	Test.
Toxicant screen, other	25.00	Test.
Vomitoxin only	20.75	Test.
Water activity	12.50	Test.
Zearaleone quantitation	20.50	Test.
Zearaleone screen	11.25	Test.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

§ 130.18 User fees for veterinary diagnostic reagents produced at NVSL or other authorized site (excluding FADDL).

(a) *Bacteriology reagents.* User fees for bacteriology reagents produced by the Diagnostic Bacteriology Laboratory at NVSL (excluding FADDL) or other authorized site are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Reagent	User fee	Unit
Anaplasma card test antigen	$34.00	2 ml.
Anaplasma card test kit without antigen	105.50	Kit.
Anaplasma CF antigen	17.00	2 ml.
Anaplasma stabilate	67.25	4.5 ml.
Avian origin bacterial antiserums, mycoplasma	11.50	1 ml.
Avian origin bacterial antiserums, all other	17.75	1 ml.
Bacterial agglutinating antigens other than brucella and salmonella pullorum	30.50	5 ml.
Bacterial conjugates	36.00	1 ml.
Bacterial disease CF antigens, all other	8.50	1 ml.
Bacterial ELISA antigens	9.50	1 ml.
Bacterial or protozoal antiserums, all other	7.25	1 ml.
Bacterial reagent culture [1]	21.25	Culture.
Bacterial reference culture [2]	63.25	Culture.
Bacteriophage reference culture	63.25	Culture.
Bovine serum factor	1.25	2 ml.
Brucella abortus CF antigen	34.00	60 ml.
Brucella agglutination antigens, all other	34.00	60 ml.
Brucella buffered plate antigen	50.00	60 ml.
Brucella canis tube antigen	30.50	25 ml.
Brucella card test antigen (packaged)	19.50	Package.
Brucella card test kit without antigen	70.25	Kit.
Brucella cells	5.25	Gram
Brucella cells, dried	2.00	Pellet
Brucella ring test antigen	72.75	60 ml.
Brucella rivanol solution	8.75	60 ml.
Dourine CF antigen	17.50	1 ml.
Dourine stabilate	34.75	4.5 ml.
Equine and bovine origin hemoparasitic antiserums	21.25	1 ml.
Equine negative control CF antigen	171.25	1 ml.
Equine origin glanders antiserum	18.25	1 ml.
Flazo-orange	6.25	3 ml.
Glanders CF antigen	17.50	1 ml.
Hemoparasitic disease CF antigens, all other	158.25	1 ml.
Leptospira transport medium	3.25	10 ml.
Monoclonal antibody	37.50	1 ml.
Mycobacterium spp. old tuberculin	3.75	1 ml.
Mycobacterium spp. PPD	3.25	1 ml.
Mycoplasma hemagglutination antigens	105.50	5 ml.
Negative control serums	4.00	1 ml.
Other spp. antiserum, any	32.75	1 ml.
Rabbit origin bacterial antiserum	14.25	1 ml.
Salmonella pullorum microagglutination antigen	6.25	5 ml.
Stabilates, all other	258.25	4.5 ml.

[1] A reagent culture is a bacterial culture that has been subcultured one or more times after being tested for purity and identity. It is intended for use as a reagent with a diagnostic test such as the leptospiral microagglutination test.

[2] A reference culture is a bacterial culture that has been thoroughly tested for purity and identity. It should be suitable as a master seed for future cultures.

(b) *Virology reagents.* User fees for virology reagents produced by the Diagnostic Virology Laboratory at NVSL (excluding FADDL) or at authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Reagent	User fee	Unit
Antigen, except avian influenza and chlamydia psittaci antigens, any	$41.50[2]	ml.
Avian antiserum except avian influenza antiserum, any	23.00	2 ml.
Avian influenza antigen, any	9.25	2 ml.
Avian influenza antiserum, any	53.75	6 ml.
Bovine or ovine serum, any	88.00	2 ml.
Cell Culture	20.00	Flask.
Chlamydia psittaci spp. of origin monoclonal antibody panel	47.25	Panel.
Conjugate, any	20.25	1 ml.
Diluted positive control serum, any	6.75	2 ml.
Equine antiserum, any	12.25	2 ml.
Hog Cholera tissue sets	81.50	Tissue set.
Monoclonal antibody	37.50	1 ml.
Other spp. antiserum, any	32.75	1 ml.
Porcine antiserum, any	60.50	2 ml.
Positive control tissues, all	.....	2 cm.[2]
	4.25	section.
Rabbit origin antiserum	14.25	ml.

Reagent	User fee	Unit
Reference virus, any	63.50	0.6 ml.
Viruses (except reference viruses), chlamydia psittaci agent, or chlamydia psittaci antigen, any	5.50	0.6 ml.

(Approved by the Office of Management and Budget under control number 0579–0094)

10. A new § 130.19 would be added to read as follows:

§ 130.19 User fees for other veterinary diagnostic services or materials provided at NVSL (excluding FADDL).

(a) User fees for other veterinary diagnostic services or materials available from NVSL (excluding FADDL) are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Service	User fee	Unit
Antimicrobial susceptibility test	$30.50	Isolate.
Avian safety test	2,701.75	Test.
Check tests, anaplasma complement fixation	132.00	Kit.[1]
Check tests, culture	88.00	Kit.[1]
Check tests, serology, all other	125.75	Kit.[1]
Fetal bovine serum safety test	673.50	Verification.
Hourly user fee services[2]	.....	
Hour	56.00	Hour.
Quarter hour	14.00	Quarter Hour.
Minimum	16.50	
Manual, Brucellosis complement fixation	13.00	1 copy.
Manual, Brucellosis culture	52.75	1 copy.
Manual, Tuberculosis culture (English or Spanish)	79.25	1 copy.
Manual, Veterinary mycology	105.50	1 copy.
Manual, Anaplasmosis, Johne's disease, mycoplasma hyopneumonia, piroplasmosis, dourine, or glanders	21.25	1 copy.
Manuals or standard operating procedure (SOP), all other	13.25	1 copy.
Manuals or SOP, per page	2.00	1 page.
Training (school or technical assistance)	120.00	Per person per day.

[1] Any reagents required for the check test will be charged separately.
[2] For veterinary diagnostic services for which there is no flat rate user fee the hourly rate user fee will be calculated for the actual time required to provide the service.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579–0094)

11. Section 130.20 would be amended by revising the introductory text in paragraphs (a) and (b)(1) to read as follows and by removing paragraph (d).

§ 130.20 User fees for endorsing export health certificates.

(a) User fees for the endorsement of export health certificates that do not require the verification of tests or vaccinations are listed in the following table. The user fees apply to each export health certificate [6] endorsed for the following types of animals, birds, or animal products, regardless of the number of animals, birds, or animal products covered by the certificate. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

* * * * *

[6] An export health certificate may need to be endorsed for an animal being exported from the United States if the country to which the animal is being shipped requires one. APHIS endorses export health certificates as a service.

(b)(1) User fees for the endorsement of export health certificates that require the verification of tests or vaccinations are listed in the following table. The user fees apply to each export health certificate [6] endorsed for animals and birds depending on the number of animals or birds covered by the certificate and the number of tests required. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

* * * * *

12. Section 130.21 would be amended by revising the section heading and the introductory text in paragraph (a) to read as follows, by removing and reserving paragraph (b), and by removing paragraph (c).

§ 130.21 User fees for inspection and supervision services provided within the United States for export animals, birds, and animal products.

(a) User fees for inspection and supervision services listed in paragraph (a)(1) through (a)(7) of this section will be calculated at $56.00 per hour, or $14.00 per quarter-hour, with a minimum fee of $16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

* * * * *

§ 130.49 [Amended]

13. In § 130.49, paragraph (a) would be amended by removing the reference ''130.18'' and adding the reference ''130.19'' in its place.

14. Sections 130.50 and 130.51 would be revised to read as follows:

§ 130.50 Payment of user fees.

(a) *Who must pay APHIS user fees?* Any person for whom a service is provided related to the importation, entry, or exportation of an animal, article, or means of conveyance or relating to veterinary diagnostics, and any person requesting such services, shall be jointly and severally liable for payment of fees assessed.

(b) *Associated charges.*

(1) *Reservation fee.* Any reservation fee paid by an importer under part 93 of this chapter will be applied to the APHIS user fees specified in §§ 130.2 and 130.3 for animals or birds

quarantined in an Animal Import Center.

(2) *Special handling expenses.* The user fees in this part do not include any costs that may be incurred due to special mail handling, including, but not limited to express, overnight, or foreign mailing. If any service requires special mail handling, all costs incurred must be paid by the user in addition to the user fee for the service.

(3) *Overtime charges.* If a test must be conducted on a Sunday or holiday or at any time outside the normal tour of duty of the employee, then, as provided for in part 97 of this chapter, one of the following will apply:

(i) *Overtime associated with flat rate user fees (i.e., for a specific service, test, or reagent).* Reimbursable overtime must be paid for performing each test, in addition to the flat rate user fee listed in this part.

(ii) *Overtime associated with hourly rate user fees.* The premium rate user fee, as listed in the following table, in lieu of the hourly rate user fee listed in this part, must be paid for each employee required to perform each service:

Premium rate user fee

	Outside the normal tour of duty	
	Weekdays and holidays	Sundays
Per hour	$65.00	$74.00
Per quarter-hour	16.25	18.50
Minimum	16.50	16.50

(c) *When are APHIS user fees due?*

(1) *Animal and bird quarantine and related tests.* User fees specified in §§ 130.2, 130.3, 130.5, 130.10, and tests specified in §§ 130.14 through 130.19 for animals and birds in an Animal Import Center or privately operated permanent or temporary import quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid prior to the release of those animals or birds from quarantine;

(2) *Supervision and inspection services for export animals, animal products.* User fees for supervision and inspection services specified in § 130.21 must be paid when billed, or, if covered by a compliance agreement signed in accordance with this chapter, must be paid when specified in the agreement;

(3) *Export health certificates.* User fees for export health certificates specified in § 130.20 must be paid prior to receipt of endorsed certificates unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed;

(4) *Veterinary diagnostics.* User fees specified in §§ 130.14 through 130.19 for veterinary diagnostic services, such as tests on samples submitted to NVSL or FADDL, diagnostic reagents, slide sets, tissue sets, and other veterinary diagnostic services, must be paid when the veterinary diagnostic service is requested, unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed;

(5) *Other user fee services.* User fees specified in §§ 130.6, 130.7, 130.8, and 130.9 must be paid when service is provided (for example when live animals are inspected when presented for importation at a port of entry), unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed;

(d) *What payment methods are acceptable?* Payment must be for the exact amount due and may be paid by:

(1) Cash, will be accepted only during normal business hours if payment is made at an APHIS office [7] or an Animal Import Center;

(2) All types of checks, including traveler's checks, drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA;

(3) Money orders, drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA; or

(4) Credit cards (VISA™ and MasterCard™) if payment is made at an Animal Import Center or an APHIS office that is equipped to process credit cards.[7]

§ 130.51 Penalties for nonpayment or late payment.

(a) *Unpaid debt.* If any person for whom the service is provided fails to pay when due any debt to APHIS, including any user fee due under title 7 or title 9, Code of Federal Regulations, then:

(1) *Subsequent user fee payments.* Payment must be made for subsequent user fees before the service is provided if:

(i) For unbilled fees, the user fee is unpaid 60 days after the date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 60 days after date of bill;

(iii) The person for whom the service is provided or the person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored.

(2) *Resolution of difference between estimate and actual.* APHIS will estimate the user fee to be paid; any difference between the estimate and the actual amount owed to APHIS will be resolved as soon as reasonably possible following the delivery of the service, with APHIS returning any excess to the payor or billing the payor for the additional amount due.

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

(4) *Denied service.* Service will be denied until the debt is paid if:

(i) For unbilled fees, the user fee is unpaid 90 days after date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 90 days after date of bill;

(iii) The person for whom the service is provided or the person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored.

(b) *Unpaid debt during service.* If APHIS is in the process of providing a

[7] A list of APHIS offices and Animal Import Centers that accept cash or credit cards may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20738–1231.

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 inadequate or unacceptable, then APHIS will take the following action:

(1) *Animals or birds in quarantine.* If an APHIS user fee specified in § 130.2 or § 130.3 is due for animals or birds in quarantine at an Animal Import Center or at a privately operated import quarantine facility, APHIS will not release them;

(2) *Export health certificate.* If an APHIS user fee specified in § 130.20 is due for an export health certificate, APHIS will not release the certificate; and

(3) *Veterinary diagnostics.* If an APHIS user fee specified in §§ 130.14 through 130.19 is due for a veterinary diagnostic test or service, APHIS will not release the test result, any endorsed certificate, or any other veterinary diagnostic service.

(c) *Late payment penalty.* If for unbilled user fees, the user fees are unpaid 30 days after the date the pertinent regulatory provisions indicates payment is due, or if billed, are unpaid 30 days after the date of the bill, APHIS will impose a late payment penalty and interest charges in accordance with 31 U.S.C. 3717.

(d) *Dishonored payment penalties.* User fees paid with dishonored forms of payment, such as a check returned for insufficient funds, will be subject to interest and penalty charges in accordance with 30 U.S.C. 3717. Administrative charges will be assessed at $20.00 per dishonored payment to be paid in addition to the original amount owed. Payment must be in guaranteed form, such as cash, money order, or certified check.

(e) *Debt collection management.* In accordance with the Debt Collection Improvement Act of 1996, the following provisions apply:

(1) *Taxpayer identification number.* APHIS will collect a taxpayer identification number from all persons, other than federal agencies, who are liable for a user fee;

(2) *Administrative offset.* APHIS will notify the Department of Treasury of debts that are over 180 days delinquent for the purposes of administrative offset. Under administrative offset, the Department of Treasury will withhold funds payable by the United States to a person (i.e., Federal income tax refunds) to satisfy the debt to APHIS.

(3) *Cross-servicing.* APHIS will transfer debts that are over 180 days delinquent to the Department of Treasury for cross-servicing. Under cross-servicing, the Department of Treasury will collect debts on behalf of APHIS. Exceptions will be made for debts that meet certain requirements, for example, debts that are already at a collection agency or in payment plan; and

(4) *Report delinquent debt.* APHIS will report all unpaid debts to credit reporting bureaus.

(f) *Animals or birds abandoned after quarantine at an Animal Import Center.* Animals or birds left in quarantine at an Animal Import Center for more than 30 days after the end of the required quarantine period will be deemed to be abandoned.

(1) After APHIS releases the abandoned animals or birds from quarantine, APHIS may seize them and sell or otherwise dispose of them, as determined by the Administrator, provided that their sale is not contrary to any Federal law or regulation, and may recover all expenses of handling the animals or birds from the proceeds of their sale or disposition.

(2) If animals or birds abandoned in quarantine at an Animal Import Center cannot be released from quarantine, APHIS may seize and dispose of them, as determined by the Administrator, and may recover all expenses of handling the animals or birds from the proceeds of their disposition and from persons liable for user fees under § 130.50(a).

Done in Washington, DC, this 28th day of April 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–11776 Filed 5–1–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANM–07]

Proposed Modification of Class D Airspace; Colorado Springs USAF Academy Airstrip, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposal would amend the Class D airspace area at Colorado Springs United States Air Force (USAF) Academy Airstrip, CO. The intended effect of this action is to provide additional airspace in the Visual Flight Rules (VFR) traffic pattern by increasing the ceiling of the Class D airspace from 8600'MSL to 8800 MSL.

DATES: Comments must be received on or before June 18, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 98–ANM–07, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the office of the Assistant Chief Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket No. 98–ANM–07, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–ANM–07.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contain in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above, both before and after the closing date, for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the