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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

RIN 0580-AB13

Fees for Official Inspection and Official Weighing Services Under the United States Grain Standards Act (USGSA)

AGENCY: Grain Inspection Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA), Grain Inspection, Packers and Stockyards Administration (GIPSA) is revising the fee schedule for official inspection and weighing services performed under the United States Grain Standards Act (USGSA), as amended. The USGSA provides GIPSA's Federal Grain Inspection Service (FGIS) with the authority to charge and collect reasonable fees to cover the cost of performing official services. The fees also cover the costs associated with managing the program.

After a financial review of GIPSA's Fees for Official Inspection and Weighing Services, including a comparison of the costs and revenues associated with official inspection and weighing services, GIPSA is revising local and national tonnage fees (assessed in addition to all other applicable fees) for all export grain shipments serviced by GIPSA field offices.

DATES: *Effective Date:* May 1, 2013.

FOR FURTHER INFORMATION CONTACT: Patrick McCluskey at GIPSA, USDA, 10383 N. Ambassador Drive, Kansas City, MO 64153; Telephone (816) 659-8403; Fax Number (816) 872-1258; email Patrick.J.McCluskey@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The USGSA (7 U.S.C. 71-81k) authorizes GIPSA to provide official grain inspection and weighing services, and to charge and collect reasonable fees for performing these services. The fees collected are to cover, as nearly as practicable, GIPSA's costs for performing these services, including associated administrative and supervisory costs.

The fees for official inspection and weighing services were last amended on May 13, 2004, and became effective on June 14, 2004 (69 FR 26476). After considering several alternatives in 2004, GIPSA adopted a fee structure to cover program-related costs based on a projected average tonnage of export grain inspected and/or weighed. This fee structure was adopted so that local export facilities financially support their field office administrative costs by evaluating field offices independently and encouraging FGIS customers to work directly with each field office to maximize grain handling efficiencies while raising the awareness of location program costs. In addition, national costs are collected regardless of where the grain is exported by assessing an identical fee to each field office to cover every ton of export grain inspected and/or weighed. This action was also taken to foster the further development and implementation of grain handling efficiencies by grain companies, to reduce the cost of GIPSA official grain inspection and weighing services, and to make GIPSA program costs more transparent to the grain industry.

When the current fee structure was established in 2004, GIPSA developed a fee rate to collect sufficient revenue to immediately cover operating expenses, while striving to create an operating reserve by fiscal year 2010. This fee structure was designed to collect sufficient revenue through fiscal year 2007 to achieve an average \$1,000,000 balance annually. When GIPSA established the tonnage fees, certain assumptions were made to establish those fees, including the historic volume of grain moving through U.S. export facilities, and export projections. At the time, GIPSA assumed that the inspection volume would be based on 80 million metric tons (MMT) of grain exports inspected and/or weighed per year. The inspection volume however, has fallen well short of the 80 MMT

baseline, resulting in a revenue shortfall, precluding the maintenance of an operating reserve. For fiscal years 2006 to 2011, GIPSA inspected an average of 78.0 MMT of export grain. However, in fiscal year 2012, GIPSA only inspected 63.9 MMT, and anticipates inspecting 59.8 MMT during fiscal year 2013 and an average of 65.00 MMT for fiscal years 2014 to 2017.

GIPSA regularly reviews its user-fee programs to determine if the fees adequately cover the costs of program delivery. While GIPSA continuously seeks to reduce its operating costs, GIPSA has determined that the existing fee structure will not generate sufficient revenue to cover program costs through fiscal year 2017.

In fiscal year 2009, GIPSA's official inspection and weighing services program revenue was \$31.2 million with program costs of \$33.3 million, resulting in a \$2.1 million program deficit. In fiscal year 2010, GIPSA revenue was \$36.9 million with costs of \$35.5 million, resulting in a \$1.4 million margin. In fiscal year 2011, GIPSA revenue was \$37.7 million with costs of \$36.6 million, resulting in a \$1.1 million margin. In fiscal year 2012, GIPSA revenue was \$28.7 million and costs at \$35.1 million, resulting in a \$6.4 million program deficit. Program costs for fiscal years 2013 to 2017 are projected at \$35.1 million. The costs include employee salaries and benefits including estimated annual cost of living adjustments, and future costs to replace and maintain aging program equipment in GIPSA offices. These fees also cover GIPSA's administrative and supervisory costs for the performance of GIPSA's official inspection and weighing services, including personnel compensation and benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment. Given the above discussion, GIPSA believes that the current fee structure will not fully fund the delivery of GIPSA's official inspection and weighing services in future fiscal years and will result in program deficits.

Discussion of Comments

On January 14, 2013, GIPSA published a notice of proposed rulemaking in the **Federal Register** (78 FR 2627-2644), inviting comments to our proposal that would change the fees for official inspection and weighing

services to (1) revise and reallocate national and local administrative tonnage fees to existing GIPSA field offices and levy the national administrative tonnage fee on all grain export inspections performed by official agencies; (2) align fees charged by GIPSA for services performed in Canada with those fees charged in the U.S. to reflect the change in delivery of services from the Canadian Grain Commission to GIPSA; (3) revise stowage exam to be commensurate with fees charged for other programs; (4) revise scale testing fees to more accurately capture the cost of providing service, including building improvements and test car replacement; and (5) revise daily fees for consultative services not associated with official inspection and weighing services (*i.e.* foreign travel) to more accurately capture costs.

GIPSA received five comments from wheat producer organizations, grain processor organizations, grain handlers, market developers, and others during the 30-day comment period. No comments were received in opposition to the rule as proposed.

One commenter, a market development organization representing American wheat producers supported the proposed rule, stating that the organization's "Board of Directors overwhelmingly approved a motion to support the fee increase as proposed by GIPSA." Further, the comment stated that "All growers benefit directly from an open and well functioning market. FGIS provides key services that contribute to efficient price discovery and the orderly marketing of U.S. grain." The commenter also stated "Presently, overseas buyers are willing to pay more for U.S. wheat because they have confidence in our industry, growers and the grain grading system.

Three other commenters also supported the proposed rule. One commenter stated that: "The inspection and weighing services performed by GIPSA are necessary to the export of U.S. grains and oilseeds. It is critical that our international customers can continue to rely on the applications of standards to the U.S. grain and oil seed production and marketing system that facilitate international commerce." The comment also recognized that "exporters can only deal with increased costs by recouping them from the cash bids offered for commodities purchased from farmers."

Another commenter, representing American soybean producers stated they " * * * support the agency's proposed changes to the fee schedule and further encourage adoption of the recommendations to the fee schedule

contained in the proposed rule to modify the overall structure of the current user fee system."

One comment was filed jointly by associations that represent grain handling and merchandising companies. Their joint comment supported the proposal with certain conditions. The comment stated "Rather than continuing to rely only on the subjective and time- and resource-consuming rulemaking process to modify fees, we suggest that GIPSA approach the establishment of fees as an ongoing and market-responsive process." The conditions are discussed herein.

The joint commenters support using a rolling five-year average as the basis for the tonnage user fee calculation for adjusting fees continually and more accurately. GIPSA does not agree with the use of a five-year rolling average as historically it has been less reliable as a predictive model due to actual fluctuations year over year when compared to the econometric model used by GIPSA. The following table demonstrates the outcome of a five-year rolling average approach.

Fiscal year	Actual tonnage	Rolling 5 year average	Years used
2004	76.3	.....	.....
2005	69.9	.....	.....
2006	75.3	.....	.....
2007	76.9	.....	.....
2008	81.4	.....	.....
2009	71.4	76.0	04-08
2010	77.7	75.0	05-09
2011	81.2	76.5	06-10
2012	63.9	77.7	07-11
2013*	59.8	75.1	08-12

* Based on actual exports through February 28, 2013 and projected tonnage from the econometric model using USDA-World Agriculture Supply and Demand Estimates data.

GIPSA believes the use of a rolling five-year average does not offer sufficient assurance that it will have adequate funds to operate the program in a sustainable manner particularly in light of declining exports. Further, GIPSA believes that a schedule of fees for a five year period, which are known to stakeholders, allows them to more accurately plan and budget for known expenses like GIPSA's fees for service. Finally, GIPSA is required to engage in the notice and comment rulemaking process prior to making changes to its fee structure to give stakeholders the opportunity to participate in crafting a final rule. Therefore, GIPSA is making no change to the final rule based on this comment.

The joint commenters suggested a maximum three-month operating

reserve with an immediate fee reduction when/if the operating reserve fund were to reach that cap. GIPSA's goal is to maintain a minimum of three months of retained earnings as opposed to a maximum level. GIPSA believes proper business acumen suggests that modifying fees when the retained earnings reach a 3-month level should be undertaken only after considering USDA official projections for the upcoming export marketing year. GIPSA closely monitors the export program costs and revenue on a monthly basis. GIPSA supports the suggestion to the extent that when retained earnings reach a 3-month level and future exports are predicted to surpass expectations, GIPSA would then consider proposing fee structure modifications through the notice and comment rulemaking process. Accordingly, we are making no change to the final rule based on this comment.

The joint commenters further suggest that GIPSA should determine what programs can be terminated, scaled back or consolidated to reduce its administrative overhead further. GIPSA agrees that reviewing programs to extract maximum value from revenue generated is prudent. Because GIPSA has already cut program costs where possible without detracting from GIPSA's ability to perform its mission, and continues to seek additional cost efficiencies, we are making no change to the final rule based on this comment.

The joint commenters went on to propose that GIPSA should aggressively seek ways to reduce indirect employee expenses, such as workers compensation, which is being reallocated from the national office to local offices. GIPSA believes that workers compensation costs should be allocated to the local area where the costs originated and are incurred. GIPSA agrees that undertaking activity to reduce workers compensation claims through enhanced safety training and education is a worthy objective, and GIPSA is moving forward with initiatives to improve its safety training plan to include fall protection training, a job safety training outline with an annual completion requirement, and the development of a fall hazard assessment that will be required for all railcar and rolling stock locations. Based on the initiatives GIPSA has undertaken, GIPSA is making no change to the final rule based on this comment.

The joint commenters contend that GIPSA should review cooperative agreements it has with other federal agencies such as the Animal and Plant Health Inspection Service (APHIS), and GIPSA needs to give serious

consideration as to how to recover costs from APHIS and impose them on the export sector through higher official fees. While GIPSA concurs with the commenter that a review of these fees may be warranted, GIPSA believes that this suggestion is outside the scope of this rulemaking and is making no change to the final rule based on this comment.

Finally, GIPSA received one comment from a stakeholder suggesting GIPSA establish contract and non-contract rates for unit fees. Because GIPSA believes that the cost to administer such fees would exceed the administrative benefit of imposing them, we are making no change to the final rule based on this comment.

Final Action

This final rule revises local and national tonnage fees (assessed in addition to all other applicable fees) for all export shipments serviced by GIPSA field offices. In fiscal year 2013, GIPSA is increasing the local tonnage fees for (1) League City, Texas from \$0.115 to \$0.125 per metric ton; (2) New Orleans, Louisiana from \$0.015 to \$0.033 per metric ton; (3) Portland, Oregon from \$0.084 to \$0.124 per metric ton and; (4) Toledo, Ohio from \$0.132 to \$0.233 per metric ton.

This final rule increases the national tonnage fee approximately 5 percent in fiscal year 2013 from \$0.052 to \$0.055 per metric ton of export grain inspected and/or weighed and approximately 2 percent per year for fiscal years 2014 to 2017. In addition, workers compensation costs are being shifted from the national to the local level in order to fully reflect where those program costs originate. GIPSA will now charge the national tonnage fee of \$0.055 per metric ton on export grain inspected and/or weighed (excluding land carrier shipments to Canada and Mexico) from delegated states and designated agencies.

GIPSA is amending the fees for official inspection and weighing services performed in Canada. As a result, the separate unit fees for official inspection and weighing services performed in Canada are changed to that of the prevailing U.S. non-contract rate, plus the prevailing Toledo field office tonnage fee, plus the actual cost of travel. GIPSA is also replacing the "Vomitoxin Qualitative" and "Vomitoxin Quantitative" fees with one fee, "All other Mycotoxins," in order to simplify the fee schedule for the testing of mycotoxins, other than aflatoxin. GIPSA is creating separate fees for applicants that provide test kits for aflatoxin and all other mycotoxin

testing. The existing Schedule B is deleted and the existing Schedule C is now Schedule B.

Fees for foreign travel are being changed from the current daily rate of \$510.00 to the same established hourly fee for special projects and the actual cost of travel, per diem, and related expenditures. All remaining fees (except those fees for FGIS supervision of domestic official inspection and weighing services, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies) are being increased approximately 5 percent for the remainder of fiscal year 2013 and approximately 2 percent in fiscal years 2014 to 2017 to cover projected costs.

This action is authorized under the USGSA which provides for the establishment and collection of fees that are reasonable and, as nearly as practicable, cover the costs of the services rendered, including associated administrative and supervisory costs. These fees cover the GIPSA administrative and supervisory costs for the performance of GIPSA's official inspection and weighing services, including personnel compensation and benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), GIPSA has considered the economic impact of this final rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. This final rule is being implemented because additional user fee revenue is needed to cover the costs of providing current and future program operations and services.

The Small Business Administration (SBA) defines small businesses by their North American Industry Classification System Codes (NAICS).¹ This final rule affects customers of GIPSA's official inspection and weighing services in the domestic and export grain markets (NAICS code 115114). Fees for that program are in Schedules A (Tables 1–

3), B, and C of § 800.71 of the USGSA regulations (7 CFR 800.71).

Under the provisions of the USGSA, grain exported from the U.S. must be officially inspected and weighed. Mandatory inspection and weighing services are provided by GIPSA at 40 export facilities and by delegated States at 11 facilities, and seven facilities for U.S. grain transshipped through Canadian ports. All of these facilities are owned by multi-national corporations, large cooperatives, or public entities that do not meet the requirements for small entities established by the SBA. Regardless, the regulations are applied equally to all entities, large or small. The USGSA (7 U.S.C. 87f–1) requires the registration of all persons engaged in the business of buying grain for sale in foreign commerce. In addition, those persons who handle, weigh, or transport grain for sale in foreign commerce must also register. Section 800.30 of the USGSA regulations (7 CFR 800.30) defines a foreign commerce grain business as a person who regularly engage in buying for sale, handling, weighing, or transporting grain totaling 15,000 metric tons or more during the preceding or current calendar year. At present, there are 129 registrants registered to export grain. While most of the 129 registrants are large businesses, we believe that some may be considered small.

GIPSA also provides domestic and miscellaneous inspection and weighing services at locations other than export locations. Approximately 217 different applicants receive domestic inspection services each year and approximately 26 different locations receive track scale tests as a miscellaneous service each year. Most of these applicants are large businesses. Nonetheless, we believe these increases will not significantly affect small businesses requesting these official services. Furthermore, any applicant may use an alternative source for these services. This decision will not prevent the business from marketing its product or conducting business as usual.

GIPSA has determined that the total cost to the grain industry to implement these changes will be approximately \$5.3 million per year. These calculations are based on the assumption that GIPSA will collect revenue from 59.8 MMT in fiscal year 2013 and an average of 65.0 MMT per year for fiscal years 2014 to 2017, which was used to establish the tonnage fee.

Most users of official inspection and weighing services do not meet the requirements for small entities. Further, GIPSA is required by statute to make services available and to recover, as

¹ See: http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf.

nearly as practicable, the costs of providing such services. There will be no additional reporting, record keeping, or other compliance requirements imposed upon small entities as a result of this final rule. GIPSA has not identified any other Federal rules which may duplicate, overlap or conflict with this final rule. Accordingly, GIPSA has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the RFA.

GIPSA regularly reviews its user-fee financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost saving measures and implement appropriate changes to reduce its costs. Such actions can provide alternatives to fee increases. Even with these efforts, however, GIPSA's existing fee schedule will not generate sufficient revenue to cover program costs. In fiscal year 2009, GIPSA's official inspection and weighing services program revenue was \$31.2 million with program costs of \$33.3 million, resulting in a \$2.1 million program deficit. In fiscal year 2010, GIPSA revenue was \$36.9 million with costs of \$35.5 million, resulting in a \$1.4 million margin. In fiscal year 2011, GIPSA revenue was \$37.7 million with costs of \$36.6 million, resulting in a \$1.1 million margin. In fiscal year 2012, GIPSA revenue was \$28.7 million and costs at \$35.1 million, resulting in a \$6.4 million program deficit. Program costs for fiscal years 2013 to 2017 are projected at \$35.1 million. These costs include employee salaries and benefits including estimated annual cost of living adjustments if authorized by Congress, future costs to replace and maintain aging official inspection and weighing services equipment in GIPSA offices. These fees also cover GIPSA's administrative and supervisory costs for the performance of GIPSA's official inspection and weighing services, including personnel compensation and benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment. The current fee structure will not fully fund GIPSA's official inspection and weighing services in future fiscal years, resulting in program deficits.

This new fee increase will initially increase program revenue in fiscal year 2013, however this one time increase will not provide sufficient funds through fiscal year 2017. GIPSA needs to increase fees by approximately 5 percent in fiscal year 2013 and approximately 2 percent per year in fiscal years 2014 to 2017 in order to cover the program's operating cost and build an adequate operating reserve.

The annual increases would apply to all fees (except for those fees charged for FGIS supervision of domestic official inspection and weighing services, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies). GIPSA believes that an initial increase in fees followed by annual incremental increases is appropriate at this time. To minimize the impact of a fee increase, GIPSA has created a fee structure that will collect sufficient revenue over time to cover operating expenses, while striving to build an operating reserve by fiscal year 2017. GIPSA will continue to evaluate the financial status of the official inspection and weighing services to determine if it is meeting the goal of building an operating reserve and if other adjustments to the fee structure are necessary.

Without this fee increase, the operating reserve for GIPSA's official inspection and weighing services is projected to equal negative 1.6 months of program obligations at the end of fiscal year 2013 and decline to negative 10.6 months of program obligations by the end of fiscal year 2017. Financial projections indicate that implementing these fees will allow GIPSA's official inspection and weighing services program to cover its costs while building an operating reserve to ensure the financial stability of the FGIS program.

This final rule revises local and national tonnage fees (assessed in addition to all other applicable fees) for all export shipments serviced by GIPSA field offices. For the remainder of fiscal year 2013, GIPSA is increasing the local tonnage fees for (1) League City, Texas from \$0.115 to \$0.125 per metric ton; (2) New Orleans, Louisiana from \$0.015 to \$0.033 per metric ton; (3) Portland, Oregon from \$0.084 to \$0.124 per metric ton and; (4) Toledo, Ohio from \$0.132 to \$0.233 per metric ton.

This final rule increases the national tonnage fee approximately 5 percent for the remainder of fiscal year 2013 from \$0.052 to \$0.055 per metric ton of export grain inspected and/or weighed and approximately 2 percent per year for fiscal years 2014 to 2017. In addition, workers compensation costs are being shifted from the national to the local level in order to fully reflect where those program costs originate. GIPSA will now charge the national tonnage fee of \$0.055 per metric ton on export grain inspected and/or weighed (excluding land carrier shipments to Canada and Mexico) from delegated states and designated agencies.

GIPSA is amending the fees for official inspection and weighing services performed in Canada. These fees currently appear in Schedule B of § 800.71. As a result, the separate unit fees for official inspection and weighing services performed in Canada are being changed to that of the prevailing U.S. non-contract rate, plus the prevailing Toledo field office tonnage fee, plus the actual cost of travel. GIPSA is also replacing the "Vomitoxin Qualitative" and "Vomitoxin Quantitative" fees with one fee, "All other Mycotoxins," in order to simplify the fee schedule for the testing of mycotoxins, other than aflatoxin. GIPSA is creating separate fees for applicants that provide test kits for aflatoxin and all other mycotoxin testing. The existing Schedule B is being deleted and the existing Schedule C is becoming Schedule B.

Fees for foreign travel are being changed from the current daily rate of \$510.00 to the same established hourly fee for special projects and the actual cost of travel, per diem, and related expenditures. All remaining fees (except those fees for FGIS supervision of domestic official inspection and weighing services, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies) are being increased approximately 5 percent in fiscal year 2013 and approximately 2 percent in fiscal years 2014 to 2017 to cover projected costs.

This action is authorized under the USGSA which provides for the establishment and collection of fees that are reasonable and, as nearly as practicable, cover the costs of the services rendered, including associated administrative and supervisory costs. These fees cover the GIPSA administrative and supervisory costs for the performance of GIPSA's official inspection and weighing services, including personnel compensation and benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. The USGSA provides in section 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the USGSA. Otherwise, this rule will not preempt any State or local laws, or regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must

be exhausted prior to any judicial challenge to the provisions of this rule.

Executive Order 13175

This final rule has been reviewed with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. This rule will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and record keeping requirements included in this final rule have been approved by the OMB under control number 0580-0013.

GIPSA is committed to complying with the Government Paperwork Elimination Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

E-Government Compliance

GIPSA is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, exports, grains, reporting and recordkeeping requirements.

For reasons set out in the preamble, 7 CFR part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

■ 1. The authority citation for part 800 continues to read as follows:

Authority: 7 U.S.C. 71-87k.

■ 2. Section 800.71 is revised to read as follows:

§ 800.71 Fees assessed by the Service.

(a) *Official inspection and weighing services.* The fees shown in Schedule A apply to official inspection and weighing services performed by FGIS in

the U.S. and Canada. The fees shown in Schedule B apply to official domestic inspection and weighing services performed by delegated States and designated agencies, including land carrier shipments to Canada and Mexico. The fees charged to delegated States by the Service are set forth in the State's Delegation of Authority document. Failure of a delegated State or designated agency to pay the appropriate fees to the Service within 30 days after becoming due will result in an automatic termination of the delegation or designation. The delegation or designation may be reinstated by the Service if fees that are due, plus interest and any further expenses incurred by the Service because of the termination, are paid within 60 days of the termination.

Schedule A—Fees for Official Inspection and Weighing Services Performed in the United States and Canada¹

Effective May 1, 2013 Through September 30, 2013

(Fiscal Year 2013)

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY²

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative):				
1-year contract (\$ per hour)	\$37.80	\$39.50	\$45.20	\$67.20
Noncontract (\$ per hour)	67.20	67.20	67.20	67.20
(2) Additional Tests (cost per test, assessed in addition to the hourly rate): ⁴				
(i) Aflatoxin (rapid test kit method)				10.50
(ii) Aflatoxin (rapid test kit method-applicant provides kit) ⁵				8.50
(iii) All other Mycotoxins (rapid test kit method)				19.50
(iv) All other Mycotoxins (rapid test kit method-applicant provides kit) ⁵				17.50
(v) NIR or NMR Analysis (protein, oil, starch, etc.)				2.40
(vi) Waxy corn (per test)				2.40
(vii) Fees for other tests not listed above will be based on the lowest noncontract hourly rate				
(viii) Other services:				
(a) Class Y Weighing (per carrier):				
(1) Truck/container				0.40
(2) Railcar				1.40
(3) Barge				2.70
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier):				
(i) All outbound carriers serviced by the specific field office (per-metric ton):				
(a) League City				0.180
(b) New Orleans				0.088
(c) Portland				0.179
(d) Toledo				0.288
(e) Delegated States ⁶				0.055
(f) Designated Agencies ⁶				0.055

¹ Canada fees include the noncontract hourly rate, the Toledo field office administrative fee, and the actual cost of travel.

² Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

TABLE 3—MISCELLANEOUS SERVICES ¹

(1) Grain grading seminars (per hour per service representative) ²	\$67.20
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	67.20
(3) Special weighing services (per hour per service representative): ²	
(i) Scale testing and certification	87.40
(ii) Scale testing and certification of railroad track scales	87.40
(iii) Evaluation of weighing and material handling systems	87.40
(iv) NTEP Prototype evaluation (other than Railroad Track Scales)	87.40
(v) NTEP Prototype evaluation of Railroad Track Scale	87.40
(vi) Use of GIPSA railroad track scale test equipment per facility for each requested service. (Track scales tested under the Association of American Railroads agreement are exempt.)	525.00
(vii) Mass standards calibration and re-verification	87.40
(viii) Special projects	87.40
(4) Foreign travel (hourly fee) ³	87.40
(5) Online customized data service:	
(i) One data file per week for 1 year	525.00
(ii) One data file per month for 1 year	315.00
(6) Samples provided to interested parties (per sample)	3.20
(7) Divided-lot certificates (per certificate)	1.90
(8) Extra copies of certificates (per certificate)	1.90
(9) Faxing (per page)	1.90
(10) Special mailing	Actual cost
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

¹ Any requested service that is not listed will be performed at \$67.20 per hour.

² Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at 1½ times the applicable hourly rate. (See § 800.0(b)(14) for definition of “business day.”)

³ Foreign travel charged hourly fee of \$87.40 plus travel, per diem, and related expenditures.

Schedule B—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the U.S.

The supervision fee charged by the Service is \$0.011 per metric ton of domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico.

(a) *Registration certificates and renewals.* (1) The nature of your business will determine the fees that your business must pay for registration certificates and renewals:

(i) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce, you must pay \$135.00.

(ii) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce and you are also in a control relationship (see definition in section 17A(b)(2) of the Act) with respect to a business that buys, handles, weighs, or transports grain for sale in interstate commerce, you must pay \$270.00.

(2) If you request extra copies of registration certificates, you must pay \$1.90 for each copy.

(b) *Designation amendments.* If you submit an application to amend a designation, you must pay \$75.00.

(c) If you submit an application to operate as a scale testing organization, you must pay \$250.00.

Schedule A—Fees for Official Inspection and Weighing Services Performed in the United States and Canada ¹

Effective October 1, 2013 through September 30, 2014

(Fiscal Year 2014)

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT’S FACILITY IN AN ONSITE FGIS LABORATORY ²

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative):				
1-year contract (\$ per hour)	\$38.60	\$40.30	\$46.20	\$68.60
Noncontract (\$ per hour)	68.60	68.60	68.60	68.60
(2) Additional Tests (cost per test, assessed in addition to the hourly rate): ⁴				
(i) Aflatoxin (rapid test kit method)				10.80
(ii) Aflatoxin (rapid test kit method-applicant provides kit) ⁵				8.80
(iii) All other Mycotoxins (rapid test kit method)				19.90
(iv) All other Mycotoxins (rapid test kit method-applicant provides kit) ⁵				17.90
(v) NIR or NMR Analysis (protein, oil, starch, etc.)				2.50
(vi) Waxy corn (per test)				2.50
(vii) Fees for other tests not listed above will be based on the lowest noncontract hourly rate.				
(viii) Other services				
(a) Class Y Weighing (per carrier):				
(1) Truck/container				0.50
(2) Railcar				1.50
(3) Barge				2.80
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier):				
(i) All outbound carriers serviced by the specific field office (per-metric ton):				

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT’S FACILITY IN AN ONSITE FGIS LABORATORY²—
Continued

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(a) League City				0.184
(b) New Orleans				0.090
(c) Portland				0.183
(d) Toledo				0.294
(e) Delegated States ⁶				0.057
(f) Designated Agencies ⁶				0.057

¹ Canada fees include the noncontract hourly rate, the Toledo field office administrative fee, and the actual cost of travel.

² Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee’s assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

³ Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

⁴ Appeal and re-inspection services will be assessed the same fee as the original inspection service.

⁵ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁶ Administrative fee is assessed on export grain inspected and/or weighed, excluding land carrier shipments to Canada and Mexico

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

(1) Original Inspection and Weighing (Class X) Services:	
(i) Sampling only (use hourly rates from Table 1).	
(ii) Stationary lots (sampling, grade/factor, & checkloading):	
(a) Truck/trailer/container (per carrier)	\$21.50
(b) Railcar (per carrier)	31.90
(c) Barge (per carrier)	200.90
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.06
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	12.90
(b) Railcar (per carrier)	26.90
(c) Barge (per carrier)	137.30
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.06
(iv) Other services:	
(a) Submitted sample (per sample—grade and factor)	12.90
(b) Warehouseman inspection (per sample)	22.60
(c) Factor only (per factor—maximum 2 factors)	6.20
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.06
(e) Re-inspection (grade and factor only. Sampling service additional, item (i) above)	14.00
(f) Class X Weighing (per hour per service representative)	68.60
(v) Additional tests (excludes sampling):	
(a) Aflatoxin (rapid test kit method)	32.20
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	30.20
(c) All other Mycotoxins (rapid test kit method)	41.40
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	39.40
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	10.80
(f) Waxy corn (per test)	10.80
(g) Canola (per test-00 dip test)	10.80
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	231.40
(2) Special Compounds (Subject to availability)	123.30
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(2) Appeal inspection and review of weighing service: ⁵	
(i) Board Appeals and Appeals (grade and factor)	87.90
(a) Factor only (per factor—max 2 factors)	46.20
(b) Sampling service for Appeals additional (hourly rates from Table 1)	
(ii) Additional tests (assessed in addition to all other applicable tests):	
(a) Aflatoxin (rapid test kit method)	32.20
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	30.20
(c) All other Mycotoxins (rapid test kit method)	50.40
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	48.40
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	19.00
(f) Sunflower oil (per test)	19.00
(g) Mycotoxin (per test-HPLC)	151.10
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	231.40
(2) Special Compounds (Subject to availability)	123.30
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(iii) Review of weighing (per hour per service representative)	88.60
(3) Stowage examination (service-on-request): ⁴	
(i) Ship (per stowage space) (minimum \$273.50 per ship)	54.70

TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY¹ ²—Continued

(ii) Subsequent ship examinations (same as original) (minimum \$164.10 per ship)	54.70
(iii) Barge (per examination)	44.00
(iv) All other carriers (per examination)	17.20

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

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

³ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁴ If performed outside of normal business, 1½ times the applicable unit fee will be charged.

⁵ If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$3.30 per sample by the Service.

TABLE 3—MISCELLANEOUS SERVICES¹

(1) Grain grading seminars (per hour per service representative) ²	\$68.60
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	68.60
(3) Special weighing services (per hour per service representative): ²	
(i) Scale testing and certification	89.20
(ii) Scale testing and certification of railroad track scales	89.20
(iii) Evaluation of weighing and material handling systems	89.20
(iv) NTEP Prototype evaluation (other than Railroad Track Scales)	89.20
(v) NTEP Prototype evaluation of Railroad Track Scale	89.20
(vi) Use of GIPSA railroad track scale test equipment per facility for each requested service. (Track scales tested under the Association of American Railroads agreement are exempt.)	535.50
(vii) Mass standards calibration and re-verification	89.20
(viii) Special projects	89.20
(4) Foreign travel (hourly fee) ³	89.20
(5) Online customized data service:	
(i) One data file per week for 1 year	535.50
(ii) One data file per month for 1 year	321.30
(6) Samples provided to interested parties (per sample)	3.30
(7) Divided-lot certificates (per certificate)	2.00
(8) Extra copies of certificates (per certificate)	2.00
(9) Faxing (per page)	2.00
(10) Special mailing	Actual cost
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

¹ Any requested service that is not listed will be performed at \$68.60 per hour.

² Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at 1½ times the applicable hourly rate. (See § 800.0(b)(14) for definition of "business day.")

³ Foreign travel charged hourly fee of \$89.20 plus travel, per diem, and related expenditures.

Schedule B—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the U.S.

The supervision fee charged by the Service is \$0.011 per metric ton of domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico.

(a) *Registration certificates and renewals.* (1) The nature of your business will determine the fees that your business must pay for registration certificates and renewals:

(i) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce, you must pay \$135.00.

(ii) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce and you are also in a control relationship (see definition in section 17A(b)(2) of the Act) with respect to a business that buys, handles, weighs, or transports grain for sale in interstate commerce, you must pay \$270.00.

(2) If you request extra copies of registration certificates, you must pay \$2.00 for each copy.

(b) *Designation amendments.* If you submit an application to amend a designation, you must pay \$75.00.

(c) If you submit an application to operate as a scale testing organization, you must pay \$250.00.

Schedule A—Fees for Official Inspection and Weighing Services Performed in the United States and Canada¹

Effective October 1, 2014 Through September 30, 2015

(Fiscal Year 2015)

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY²

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative):				
1-year contract (\$ per hour)	\$39.40	\$41.20	\$47.20	\$70.00
Noncontract (\$ per hour)	70.00	70.00	70.00	70.00

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT’S FACILITY IN AN ONSITE FGIS LABORATORY²—
Continued

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(2) Additional Tests (cost per test, assessed in addition to the hourly rate): ⁴				
(i) Aflatoxin (rapid test kit method)				11.10
(ii) Aflatoxin (rapid test kit method-applicant provides kit) ⁵				9.10
(iii) All other Mycotoxins (rapid test kit method)				20.30
(iv) All other Mycotoxins (rapid test kit method-applicant provides kit) ⁵				18.30
(v) NIR or NMR Analysis (protein, oil, starch, etc.)				2.60
(vi) Waxy corn (per test)				2.60
(vii) Fees for other tests not listed above will be based on the lowest noncontract hourly rate:				
(viii) Other services:				
(a) Class Y Weighing (per carrier):				
(1) Truck/container				0.60
(2) Railcar				1.60
(3) Barge				2.90
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier):				
(i) All outbound carriers serviced by the specific field office (per-metric ton):				
(a) League City				0.188
(b) New Orleans				0.092
(c) Portland				0.187
(d) Toledo				0.300
(e) Delegated States ⁶				0.059
(f) Designated Agencies ⁶				0.059

¹ Canada fees include the noncontract hourly rate, the Toledo field office administrative fee, and the actual cost of travel.

² Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee’s assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

³ Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

⁴ Appeal and re-inspection services will be assessed the same fee as the original inspection service.

⁵ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁶ Administrative fee is assessed on export grain inspected and/or weighed, excluding land carrier shipments to Canada and Mexico.

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

(1) Original Inspection and Weighing (Class X) Services:	
(i) Sampling only (use hourly rates from Table 1).	
(ii) Stationary lots (sampling, grade/factor, & checkloading):	
(a) Truck/trailer/container (per carrier)	\$22.00
(b) Railcar (per carrier)	32.60
(c) Barge (per carrier)	205.00
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.07
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	13.20
(b) Railcar (per carrier)	27.50
(c) Barge (per carrier)	140.10
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.07
(iv) Other services	
(a) Submitted sample (per sample—grade and factor)	13.20
(b) Warehouseman inspection (per sample)	23.10
(c) Factor only (per factor—maximum 2 factors)	6.40
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.07
(e) Re-inspection (grade and factor only. Sampling service additional, item (i) above)	14.30
(f) Class X Weighing (per hour per service representative)	70.00
(v) Additional tests (excludes sampling):	
(a) Aflatoxin (rapid test kit method)	32.90
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	30.90
(c) All other Mycotoxins (rapid test kit method)	42.30
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	40.30
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	11.10
(f) Waxy corn (per test)	11.10
(g) Canola (per test-00 dip test)	11.10
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	236.10
(2) Special Compounds (Subject to availability)	125.80
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(2) Appeal inspection and review of weighing service. ⁵	
(i) Board Appeals and Appeals (grade and factor)	89.70

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

(a) Factor only (per factor—max 2 factors)	47.20
(b) Sampling service for Appeals additional (hourly rates from Table 1).	
(ii) Additional tests (assessed in addition to all other applicable tests):	
(a) Aflatoxin (rapid test kit method)	32.90
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	30.90
(c) All other Mycotoxins (rapid test kit method)	51.50
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	49.50
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	19.40
(f) Sunflower oil (per test)	19.40
(g) Mycotoxin (per test-HPLC)	154.20
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	236.10
(2) Special Compounds (Subject to availability)	125.80
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(iii) Review of weighing (per hour per service representative)	90.40
(3) Stowage examination (service-on-request): ⁴	
(i) Ship (per stowage space) (minimum \$279.00 per ship)	55.80
(ii) Subsequent ship examinations (same as original) (minimum \$167.40 per ship)	55.80
(iii) Barge (per examination)	44.90
(iv) All other carriers (per examination)	17.60

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

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

³ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁴ If performed outside of normal business, 1½ times the applicable unit fee will be charged.

⁵ If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$3.40 per sample by the Service.

TABLE 3—MISCELLANEOUS SERVICES¹

(1) Grain grading seminars (per hour per service representative) ²	\$70.00
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	70.00
(3) Special weighing services (per hour per service representative): ²	
(i) Scale testing and certification	91.00
(ii) Scale testing and certification of railroad track scales	91.00
(iii) Evaluation of weighing and material handling systems	91.00
(iv) NTEP Prototype evaluation (other than Railroad Track Scales)	91.00
(v) NTEP Prototype evaluation of Railroad Track Scale	91.00
(vi) Use of GIPSA railroad track scale test equipment per facility for each requested service. (Track scales tested under the Association of American Railroads agreement are exempt.)	546.30
(vii) Mass standards calibration and re-verification	91.00
(viii) Special projects	91.00
(4) Foreign travel (hourly fee) ³	91.00
(5) Online customized data service:	
(i) One data file per week for 1 year	546.30
(ii) One data file per month for 1 year	327.80
(6) Samples provided to interested parties (per sample)	3.40
(7) Divided-lot certificates (per certificate)	2.10
(8) Extra copies of certificates (per certificate)	2.10
(9) Faxing (per page)	2.10
(10) Special mailing	Actual Cost
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

¹ Any requested service that is not listed will be performed at \$70.00 per hour.

² Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at 1½ times the applicable hourly rate. (See § 800.0(b)(14) for definition of "business day.")

³ Foreign travel charged hourly fee of \$91.00 plus travel, per diem, and related expenditures.

Schedule B—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the U.S.

The supervision fee charged by the Service is \$0.011 per metric ton of domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico.

(a) *Registration certificates and renewals.* (1) The nature of your business will determine the fees that your business must pay for registration certificates and renewals:

(i) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce, you must pay \$135.00.

(ii) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce and

you are also in a control relationship (see definition in section 17A(b)(2) of the Act) with respect to a business that buys, handles, weighs, or transports grain for sale in interstate commerce, you must pay \$270.00.

(2) If you request extra copies of registration certificates, you must pay \$2.10 for each copy.

(b) *Designation amendments.* If you submit an application to amend a designation, you must pay \$75.00.

(c) If you submit an application to operate as a scale testing organization, you must pay \$250.00.

Schedule A—Fees for Official Inspection and Weighing Services Performed in the United States and Canada ¹

Effective October 1, 2015 Through September 30, 2016

(Fiscal Year 2016)

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT’S FACILITY IN AN ONSITE FGIS LABORATORY ²

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative):				
1-year contract (\$ per hour)	\$40.20	\$42.10	\$48.20	\$71.40
Noncontract (\$ per hour)	71.40	71.40	71.40	71.40
(2) Additional Tests (cost per test, assessed in addition to the hourly rate): ⁴				
(i) Aflatoxin (rapid test kit method)				11.40
(ii) Aflatoxin (rapid test kit method-applicant provides kit) ⁵				9.40
(iii) All other Mycotoxins (rapid test kit method)				20.80
(iv) All other Mycotoxins (rapid test kit method-applicant provides kit) ⁵				18.80
(v) NIR or NMR Analysis (protein, oil, starch, etc.)				2.70
(vi) Waxy corn (per test)				2.70
(vii) Fees for other tests not listed above will be based on the lowest noncontract hourly rate.				
(viii) Other services:				
(a) Class Y Weighing (per carrier):				
(1) Truck/container				0.70
(2) Railcar				1.70
(3) Barge				3.00
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier):				
(i) All outbound carriers serviced by the specific field office (per-metric ton):				
(a) League City				0.192
(b) New Orleans				0.094
(c) Portland				0.191
(d) Toledo				0.306
(e) Delegated States ⁶				0.061
(f) Designated Agencies ⁶				0.061

¹ Canada fees include the noncontract hourly rate, the Toledo field office administrative fee, and the actual cost of travel.

² Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee’s assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

³ Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

⁴ Appeal and re-inspection services will be assessed the same fee as the original inspection service.

⁵ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁶ Administrative fee is assessed on export grain inspected and/or weighed, excluding land carrier shipments to Canada and Mexico.

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

(1) Original Inspection and Weighing (Class X) Services:	
(i) Sampling only (use hourly rates from Table 1)	
(ii) Stationary lots (sampling, grade/factor, & checkloading):	
(a) Truck/trailer/container (per carrier)	\$22.50
(b) Railcar (per carrier)	33.30
(c) Barge (per carrier)	209.10
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.08
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	13.50
(b) Railcar (per carrier)	28.10
(c) Barge (per carrier)	143.00
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.08
(iv) Other services:	
(a) Submitted sample (per sample—grade and factor)	13.50
(b) Warehouseman inspection (per sample)	23.60
(c) Factor only (per factor—maximum 2 factors)	6.60
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.08
(e) Re-inspection (grade and factor only. Sampling service additional, item (i) above)	14.60
(f) Class X Weighing (per hour per service representative)	71.40

TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY¹ 2—Continued

(v) Additional tests (excludes sampling):	
(a) Aflatoxin (rapid test kit method)	33.60
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	31.60
(c) All other Mycotoxins (rapid test kit method)	43.20
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	41.20
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	11.40
(f) Waxy corn (per test)	11.40
(g) Canola (per test-00 dip test)	11.40
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	240.90
(2) Special Compounds (Subject to availability)	128.40
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1..	
(2) Appeal inspection and review of weighing service. ⁵	
(i) Board Appeals and Appeals (grade and factor)	91.50
(a) Factor only (per factor—max 2 factors)	48.20
(b) Sampling service for Appeals additional (hourly rates from Table 1)	
(ii) Additional tests (assessed in addition to all other applicable tests):	
(a) Aflatoxin (rapid test kit method)	33.60
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	31.60
(c) All other Mycotoxins (rapid test kit method)	52.60
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	50.60
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	19.80
(f) Sunflower oil (per test)	19.80
(g) Mycotoxin (per test-HPLC)	157.30
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	240.90
(2) Special Compounds (Subject to availability)	128.40
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(iii) Review of weighing (per hour per service representative)	92.30
(3) Stowage examination (service-on-request): ⁴	
(i) Ship (per stowage space) (minimum \$285.00 per ship)	57.00
(ii) Subsequent ship examinations (same as original) (minimum \$171.00 per ship)	57.00
(iii) Barge (per examination)	45.80
(iv) All other carriers (per examination)	18.00

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

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

³ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁴ If performed outside of normal business, 1½ times the applicable unit fee will be charged.

⁵ If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$3.50 per sample by the Service.

TABLE 3—MISCELLANEOUS SERVICES¹

(1) Grain grading seminars (per hour per service representative) ²	\$71.40
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	71.40
(3) Special weighing services (per hour per service representative): ²	
(i) Scale testing and certification	92.90
(ii) Scale testing and certification of railroad track scales	92.90
(iii) Evaluation of weighing and material handling systems	92.90
(iv) NTEP Prototype evaluation (other than Railroad Track Scales)	92.90
(v) NTEP Prototype evaluation of Railroad Track Scale	92.90
(vi) Use of GIPSA railroad track scale test equipment per facility for each requested service. (Track scales tested under the Association of American Railroads agreement are exempt.)	557.30
(vii) Mass standards calibration and re-verification	92.90
(viii) Special projects	92.90
(4) Foreign travel (hourly fee) ³	92.90
(5) Online customized data service:	
(i) One data file per week for 1 year	557.30
(ii) One data file per month for 1 year	334.40
(6) Samples provided to interested parties (per sample)	3.50
(7) Divided-lot certificates (per certificate)	2.20
(8) Extra copies of certificates (per certificate)	2.20
(9) Faxing (per page)	2.20
(10) Special mailing	Actual Cost
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

¹ Any requested service that is not listed will be performed at \$71.40 per hour.

² Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at 1½ times the applicable hourly rate. (See § 800.0(b)(14) for definition of "business day.")

³ Foreign travel charged hourly fee of \$92.90 plus travel, per diem, and related expenditures.

Schedule B—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the U.S.

The supervision fee charged by the Service is \$0.011 per metric ton of domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico.

(a) *Registration certificates and renewals.* (1) The nature of your business will determine the fees that your business must pay for registration certificates and renewals:

(i) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce, you must pay \$135.00.

(ii) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce and you are also in a control relationship (see definition in section 17A(b)(2) of the Act) with respect to a business that buys, handles, weighs, or transports grain for sale in interstate commerce, you must pay \$270.00.

(2) If you request extra copies of registration certificates, you must pay \$2.20 for each copy.

(b) *Designation amendments.* If you submit an application to amend a designation, you must pay \$75.00.

(c) If you submit an application to operate as a scale testing organization, you must pay \$250.00.

Schedule A—Fees for Official Inspection and Weighing Services Performed in the United States and Canada¹

Effective October 1, 2016 Through September 30, 2017

(Fiscal Year 2017)

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT’S FACILITY IN AN ONSITE FGIS LABORATORY²

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime ³	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative):				
1-year contract (\$ per hour)	\$41.10	\$43.00	\$49.20	\$72.90
Noncontract (\$ per hour)	72.90	72.90	72.90	72.90
(2) Additional Tests (cost per test, assessed in addition to the hourly rate): ⁴				
(i) Aflatoxin (rapid test kit method)				11.70
(ii) Aflatoxin (rapid test kit method-applicant provides kit) ⁵				9.70
(iii) All other Mycotoxins (rapid test kit method)				21.30
(iv) All other Mycotoxins (rapid test kit method-applicant provides kit) ⁵				19.30
(v) NIR or NMR Analysis (protein, oil, starch, etc.)				2.80
(vi) Waxy corn (per test)				2.80
(vii) Fees for other tests not listed above will be based on the lowest noncontract hourly rate				
(viii) Other services				
(a) Class Y Weighing (per carrier)				
(1) Truck/container				0.80
(2) Railcar				1.80
(3) Barge				3.10
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier):				
(i) All outbound carriers serviced by the specific field office (per-metric ton):				
(a) League City				0.196
(b) New Orleans				0.096
(c) Portland				0.195
(d) Toledo				0.313
(e) Delegated States ⁶				0.063
(f) Designated Agencies ⁶				0.063

¹ Canada fees include the noncontract hourly rate, the Toledo field office administrative fee, and the actual cost of travel.

² Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee’s assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

³ Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

⁴ Appeal and re-inspection services will be assessed the same fee as the original inspection service.

⁵ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁶ Administrative fee is assessed on export grain inspected and/or weighed, excluding land carrier shipments to Canada and Mexico.

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

(1) Original Inspection and Weighing (Class X) Services:	
(i) Sampling only (use hourly rates from Table 1)	
(ii) Stationary lots (sampling, grade/factor, & checkloading):	
(a) Truck/trailer/container (per carrier)	\$23.00
(b) Railcar (per carrier)	34.00
(c) Barge (per carrier)	213.30
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.09
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	13.80
(b) Railcar (per carrier)	28.70
(c) Barge (per carrier)	145.90
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.09

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

(iv) Other services:	
(a) Submitted sample (per sample—grade and factor)	13.80
(b) Warehouseman inspection (per sample)	24.10
(c) Factor only (per factor—maximum 2 factors)	6.80
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.09
(e) Re-inspection (grade and factor only. Sampling service additional, item (i) above)	14.90
(f) Class X Weighing (per hour per service representative)	72.90
(v) Additional tests (excludes sampling):	
(a) Aflatoxin (rapid test kit method)	34.30
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	32.30
(c) All other Mycotoxins (rapid test kit method)	44.10
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	42.10
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	11.70
(f) Waxy corn (per test)	11.70
(g) Canola (per test-00 dip test)	11.70
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	245.80
(2) Special Compounds (Subject to availability)	131.00
(i) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(2) Appeal inspection and review of weighing service: ⁵	
(i) Board Appeals and Appeals (grade and factor)	93.40
(a) Factor only (per factor—max 2 factors)	49.20
(b) Sampling service for Appeals additional (hourly rates from Table 1)	
(ii) Additional tests (assessed in addition to all other applicable tests):	
(a) Aflatoxin (rapid test kit method)	34.30
(b) Aflatoxin (rapid test kit method-applicant provides kit) ³	32.30
(c) All other Mycotoxins (rapid test kit method)	53.70
(d) All other Mycotoxins (rapid test kit method-applicant provides kit) ³	51.70
(e) NIR or NMR Analysis (protein, oil, starch, etc.)	20.20
(f) Sunflower oil (per test)	20.20
(g) Mycotoxin (per test-HPLC)	160.50
(h) Pesticide Residue Testing: ⁴	
(1) Routine Compounds (per sample)	245.80
(2) Special Compounds (Subject to availability)	131.00
(iii) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(iii) Review of weighing (per hour per service representative)	94.20
(3) Stowage examination (service-on-request): ⁴	
(i) Ship (per stowage space) (minimum \$291.00 per ship)	58.20
(ii) Subsequent ship examinations (same as original) (minimum \$174.60 per ship)	58.20
(iii) Barge (per examination)	46.80
(iv) All other carriers (per examination)	18.40

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

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

³ Applicant must provide the test kit, instrument hardware, calibration control, and all supplies required by the test kit manufacturer.

⁴ If performed outside of normal business, 1½ times the applicable unit fee will be charged.

⁵ If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$3.60 per sample by the Service.

TABLE 3—MISCELLANEOUS SERVICES¹

(1) Grain grading seminars (per hour per service representative) ²	\$72.90
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	72.90
(3) Special weighing services (per hour per service representative): ²	
(i) Scale testing and certification	94.80
(ii) Scale testing and certification of railroad track scales	94.80
(iii) Evaluation of weighing and material handling systems	94.80
(iv) NTEP Prototype evaluation (other than Railroad Track Scales)	94.80
(v) NTEP Prototype evaluation of Railroad Track Scale	94.80
(vi) Use of GIPSA railroad track scale test equipment per facility for each requested service. (Track scales tested under the Association of American Railroads agreement are exempt.)	568.50
(vii) Mass standards calibration and re-verification	94.80
(viii) Special projects	94.80
(4) Foreign travel (hourly fee) ³	94.80
(5) Online customized data service:	
(i) One data file per week for 1 year	568.50
(ii) One data file per month for 1 year	341.10
(6) Samples provided to interested parties (per sample)	3.60
(7) Divided-lot certificates (per certificate)	2.30
(8) Extra copies of certificates (per certificate)	2.30
(9) Faxing (per page)	2.30

TABLE 3—MISCELLANEOUS SERVICES ¹—Continued

(10) Special mailing	Actual Cost
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

¹ Any requested service that is not listed will be performed at \$72.90 per hour.
² Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at ½ times the applicable hourly rate. (See § 800.0(b)(14) for definition of “business day.”)
³ Foreign travel charged hourly fee of \$94.80 plus travel, per diem, and related expenditures.

Schedule B—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the United States

The supervision fee charged by the Service is \$0.011 per metric ton of domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico.

(a) *Registration certificates and renewals.* (1) The nature of your business will determine the fees that your business must pay for registration certificates and renewals:

(i) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce, you must pay \$135.00.

(ii) If you operate a business that buys, handles, weighs, or transports grain for sale in foreign commerce and you are also in a control relationship (see definition in section 17A(b)(2) of the Act) with respect to a business that buys, handles, weighs, or transports grain for sale in interstate commerce, you must pay \$270.00.

(2) If you request extra copies of registration certificates, you must pay \$2.30 for each copy.

(b) *Designation amendments.* If you submit an application to amend a designation, you must pay \$75.00.

(c) If you submit an application to operate as a scale testing organization, you must pay \$250.00.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2013-08809 Filed 4-12-13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2013-0263; Directorate Identifier 2013-NE-12-AD; Amendment 39-17416; AD 2013-07-12]

RIN 2120-AA64

Airworthiness Directives; BRP-Powertrain GmbH & Co KG Rotax Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain BRP-Powertrain GmbH & Co KG Rotax 912 F2; 912 F3; 912 F4; 912 S2; 912 S3; 912 S4; 914 F2; 914 F3; and 914 F4 reciprocating engines. This AD requires a one-time visual inspection for excessive oil deposits or carbon deposits on the No. 2 and No. 3 spark plug center and grounding electrodes, and if found, replacement of the cylinder head before further flight. This AD was prompted by a report of certain No. 2 and No. 3 cylinder heads not manufactured to proper specification. We are issuing this AD to prevent excessive oil consumption, which could result in an in-flight engine shutdown, forced landing, and damage to the airplane.

DATES: This AD becomes effective April 30, 2013.

We must receive comments on this AD by May 30, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

For service information identified in this AD, contact BRP-Powertrain GmbH

& Co KG, Welser Strasse 32, A-4623 Günskirchen, Austria, or go to: <http://www.FLYROTAX.com>. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7125.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800-647-5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7779; fax: 781-238-7199; email: frederick.zink@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Emergency Airworthiness Directive 2013-0055-E, dated March 6, 2013 (referred to hereinafter as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

During a production test run, a non-compliance of the installed cylinder head assembly of cylinder No. 2 and 3 (2/3) was detected, which may result in a latent defect on a limited number of engines. The affected cylinder heads may not have been manufactured in accordance with the specification.

This condition, if not detected and corrected, could lead to an oil leak in the intake channel in the area of the valve guide. The affected non-conforming cylinder heads may have small machined through holes, which can increase the oil consumption and can lead to oil starvation, possibly resulting in engine stoppage or in-flight engine