

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Document No. AMS–LP–19–0022]

#### 2019 Rates Charged for AMS Services

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing the 2019 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, and cotton and tobacco. The 2019 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year more than half of AMS user fee rates will remain unchanged or will decrease, but increases are necessary to many fees to cover costs. For consistency, audit fees will now be the same for all commodities at \$115.00 per hour.

**DATES:** May 1, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Charles Parrott, AMS, U.S. Department of Agriculture, Room 3070–S, 1400 Independence Ave. SW, Washington, DC 20250; telephone (202) 260–9144, fax (202) 692–0313, email [Charles.parrott@usda.gov](mailto:Charles.parrott@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Agricultural Marketing Act of 1946, as amended, (AMA) (7 U.S.C. 1621–1627), provides for the collection of fees to cover costs of various inspection, grading, certification or auditing services covering many agricultural

commodities and products. The AMA also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471–476) and the U.S. Cotton Standards Act (7 U.S.C. 51–65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services and the Tobacco Inspection Act (7 U.S.C. 511–511s) provides for tobacco inspection and grading. These Acts also provide for the recovery of costs associated with these services.

On November 13, 2014, the Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user-funded programs.

This notice announces the 2019 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. The fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws.

The rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection or certification of quality factors in accordance with established U.S. Grade Standards or other specifications; audits or accreditation according to International Organization

for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471–476), consultations regarding the establishment of the fee for cotton classification with U.S. cotton industry representatives are held in the beginning of the year when most industry stakeholder meetings take place. Representatives of all segments of the cotton industry, including producers, ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of the fees during various industry-sponsored forums.

#### Rates Calculations

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage

of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage

of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

AMS adjusts the rates to cover all of its expenses and to provide for reasonable operating reserves. To avoid an undue burden on industry operations in these cases, AMS started to phase in some of the increases over a multi-year

period. AMS continued this process and reassessed whether the fee rates and phase-in period were appropriate based on the formula and established operating reserve. Fees are being adjusted accordingly.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2019 RATES

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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**Cotton Fees**

**7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation**

Subpart A—Regulations; §§ 27.80–27.90 Costs of Classifications and Micronaire

**Cotton Standardization**

Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers).	\$4.25/bale		X	August 1, 2019.
Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed).	\$0.20/bale		X	August 1, 2019.

**7 CFR Part 28—Cotton Classing, Testing, and Standards**

Subpart A—Regulations Under the United States Cotton Standards Act; §§ 28.115–28.126 Fees and Costs

Subpart D—Cotton Classification and Market News Service for Producers; § 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification.

**Cotton Grading**

Form 1: Grading Services for Producers (submitted by licensed sampler).	\$2.30/bale		X	July 1, 2019.
Form 1 Review (new sample submitted by licensed sampler).	\$2.30/bale		X	July 1, 2019.
Form A Determinations (sample submitted by licensed warehouse).	\$2.30/bale		X	July 1, 2019.
Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision).	\$2.30/bale		.....	July 1, 2019.
Form D Determination (sample submitted by owner or agent; classification represents sample only).	\$2.30/bale		X	July 1, 2019.
Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only).	\$6.00/sample		X	August 1, 2019.
Arbitration (comparison of a sample to the official standards or a sample type).	\$6.00/sample		X	August 1, 2019.
Practical Cotton Classing Exam (for non-USDA employees).	Exam: \$150/applicant; Reexamination: \$130/applicant		X	July 1, 2019.
Special Sample Handling (return of samples per request).	\$0.50/sample		X	July 1, 2019.
Electronic Copy of Classification Record .....	\$0.05/bale (\$5.00/month minimum with any records received)		X	July 1, 2019.
Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination).	\$0.15/bale or \$5.00/page minimum		X	August 1, 2019.
Form R (reissuance of Form 1 classification only) .....	\$0.15/bale or \$5.00/page minimum		X	July 1, 2019.

2019 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
International Instrument Level Assessment .....	\$4.00/sample			X	July 1, 2019.

Dairy Fees

**7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products**  
 Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; §§ 58.38–58.46  
 Fees and Charges

Continuous Resident Grading Service .....	\$76.00	\$90.92	\$107.24	X	Oct 1, 2019.
Non-resident and Intermittent Grading Service; State Graders; Equipment Review.	82.00	96.76	116.64	X	Oct 1, 2019.
Non-resident Services 6 p.m.–6 a.m. (10 percent night differential).	90.20	106.44	128.32	X	Oct 1, 2019.
Export Certificate Services .....	82.00	N/A	N/A	.....	Oct 1, 2019.
Special Handling .....	41.00	N/A	N/A	.....	Oct 1, 2019.
Fax Charge .....	4.00	N/A	N/A	.....	Oct 1, 2019.
Derogation Application .....	123.00	N/A	N/A	.....	Oct 1, 2019.

Specialty Crops Fees

**7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards)**  
 Subpart A—Regulations; §§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets  
 § 51.45 Schedule of Fees and Charges at Shipping Point Areas

Quality and Condition Inspections for Whole Lots .....	\$210.00 per lot			.....	Oct 1, 2019.
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots.	\$174.00 per lot			.....	Oct 1, 2019.
Condition—Half Lot .....	\$161.00 per lot			.....	Oct 1, 2019.
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product.	\$96.00 per lot			.....	Oct 1, 2019.
Dockside Inspections—Each package weighing <30 lbs.	\$0.044 per pkg.			.....	Oct 1, 2019.
Dockside Inspections—Each package weighing >30 lbs.	\$0.068 per pkg.			.....	Oct 1, 2019.
Charge per Individual Product for Dockside Inspection ...	\$210.00 per lot			.....	Oct 1, 2019.
Charge per Each Additional Lot of the Same Product ....	\$96.00 per lot			.....	Oct 1, 2019.
Inspections for All Hourly Work .....	\$93.00	\$113.00	\$134.00	.....	Oct 1, 2019.
Audit Services—Federal .....	\$115.00			.....	Oct 1, 2019.
Audit Services—State .....	\$115.00			.....	Oct 1, 2019.
GFSI Certification Fee .....	\$250 per audit			.....	Oct 1, 2019.

**7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products**  
 Subpart—Regulations Governing Inspection and Certification; §§ 52.41–52.51 Fees and Charges

Lot Inspections .....	\$75.00	\$82.00	\$101.00	X	Oct 1, 2019.
In-plant Inspections Under Annual Contract (year-round)	75.00	80.00	98.00	X	Oct 1, 2019.
Additional Graders (in-plant) or Less Than Year-Round ..	85.00	93.00	111.00	X	Oct 1, 2019.
Audit Services—Federal .....	\$115.00			.....	Oct 1, 2019.
Audit Services—State .....	\$115.00			.....	Oct 1, 2019.
GFSI Certification Fee .....	\$250 per audit			.....	Oct 1, 2019.

Meat Fees

**7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)**  
 Subpart A—Regulations; §§ 54.27–54.28 Charges for Service

Commitment/Scheduled <sup>1</sup> Grading .....	\$84.00	\$103.00	\$121.00	X	Oct 1, 2019.
Non-commitment/Unscheduled Grading .....	114.00	132.00	154.00	.....	Oct 1, 2019.
Night Differential (6 p.m.–6 a.m.) .....	93.00	113.00	121.00	X	Oct 1, 2019.

2019 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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**7 CFR Part 62—Livestock, Meat and Other Agricultural Commodities (Quality Systems Verification Programs)**

Subpart A—Quality Systems Verification Definitions; § 62.300 Fees and Other Costs for Service

Auditing Activities .....		\$115.00		.....	Oct 1, 2019.
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**Poultry Fees**

**7 CFR Part 56—Voluntary Grading of Shell Eggs**

Subpart A—Grading of Shell Eggs; §§ 56.45–56.54 Fees and Charges

**7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products**

Subpart A—Grading of Poultry and Rabbit Products; §§ 70.70–70.78 Fees and Charges

Resident/Scheduled <sup>2</sup> Service (in-plant) .....	<sup>3</sup> \$62.00	<sup>3</sup> \$80.00	<sup>3</sup> \$97.00	X	Oct 1, 2019.
Resident/Scheduled, Night Differential (6 p.m.–6 a.m.) ...	<sup>3</sup> 68.00	<sup>3</sup> 89.00	<sup>3</sup> 97.00	X	Oct 1, 2019.
Resident/Scheduled, Sunday Differential .....	<sup>3</sup> 79.00	<sup>3</sup> 103.00	N/A	X	Oct 1, 2019.
Resident/Scheduled, Sunday and Night Differential .....	<sup>3</sup> 88.00	<sup>3</sup> 114.00	N/A	X	Oct 1, 2019.
Fee Service (non-scheduled) .....	99.00	122.00	147.00	.....	Oct 1, 2019.
Audit Service .....		\$115.00		.....	Oct 1, 2019.

**Science and Technology Fees**

**7 CFR Part 91—Services and General Information (Science and Technology)**

Subpart I—Fees and Charges; §§ 91.37–91.45

Laboratory Testing Services .....	\$98.00	\$115.00	\$131.00	.....	Oct 1, 2019.
Laboratory Approval Services <sup>4</sup> .....	188.00	212.00	237.00	X	Jan 1, 2019.

**7 CFR Part 75—Regulations for Inspection and Certification of Quality of Agricultural and Vegetable Seeds**

§ 75.41 General

Laboratory Testing .....	\$58.00	\$86.00	\$115.00	X	Oct 1, 2019.
Administrative Fee .....	\$14.50 per certificate			.....	Oct 1, 2019.

**Tobacco Fees**

**7 CFR Part 29—Tobacco Inspection**

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets;

Subpart B—Regulations; §§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area; § 29.9251 Fees and Charges

Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, re-testing of imported tobacco, and grading tobacco for research stations).	\$55.00	\$64.00	\$72.00	.....	July 1, 2019.
Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration).	\$0.0025/pound			X	July 1, 2019.
Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations).	\$0.015/pound			X	July 1, 2019.
Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing).	\$0.0065/kg or \$0.0029/pound			X	July 1, 2019.
Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping).	\$115.00/sample and \$55.00/hour			X	July 1, 2019.
Standards Course (training by USDA-certified instructor on tobacco grading procedures).	\$1,250.00/person			.....	July 1, 2019.

## 2019 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers).	\$0.0170/kg or \$0.0080/pound			X	July 1, 2019.

<sup>1</sup> Rulemaking is in progress to change Commitment and Non-commitment to Scheduled and Unscheduled, respectively.

<sup>2</sup> Rulemaking is in progress to change Resident and Fee Service to Scheduled and Unscheduled, respectively.

<sup>3</sup> Administrative changes are applied in addition to hourly rates for resident service as specified in Part 56, Subpart A, § 56.52(a)(4); Part 56, Subpart SA, § 56.54(a)(2); Part 70, Subpart A, § 70.76(a)(2); Part 70, Subpart A, § 70.77(a)(4) and Part 70.

<sup>4</sup> Travel costs outside the United States will be added to the fee, if applicable.

**Authority:** 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511, 511s; and 7 U.S.C. 1621–1627.

Dated: April 25, 2019.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2019–08701 Filed 4–29–19; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### Notice of Intent To Seek OMB Approval To Collect Information: Forms Pertaining to the Scientific Peer Review of ARS Research Projects

**AGENCY:** Agricultural Research Service (ARS), USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 and OMB implementing regulations. The Department is soliciting public comments on the subject proposal.

**DATES:** Written comments on this notice should be submitted on or before July 1, 2019.

**ADDRESSES:** All comments concerning this notice should be directed to the Director and Program Coordinator listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Dr. Marquee D. King, Director and Program Coordinator, Office of Scientific Quality Review (OSQR), Agricultural Research Service, 5601 Sunnyside Avenue, Beltsville, Maryland 20705; Telephone: 301–504–3283; Fax: 301–504–1251; email: [marquee.king@usda.gov](mailto:marquee.king@usda.gov).

**SUPPLEMENTARY INFORMATION:** The OSQR will seek approval from OMB to update six existing forms to ensure that ARS can efficiently manage data associated

with the peer review of agricultural research. All forms are transferred and received electronically and may include on-line submissions in the future.

**Abstract:** The OSQR was established in September 1999 as a result of the Agricultural Research, Extension, and Education Reform Act 1998 (“The Act”) (Pub. L. 105–185). The Act included mandates to perform scientific peer reviews of all research activities conducted by USDA. The office manages the ARS peer review system by centrally coordinating all intramural peer review functions for ARS research projects on a 5-year cycle.

Each set of reviews is assigned a chairperson to govern the panel review process. Peer reviewers are external to the Agency and non-ARS scientists. Peer review panels are convened to assess the technical/scientific quality and correctness of each research project plan. Each panel reviewer receives information on a range of two to five ARS research projects.

On average, 150 research projects are reviewed annually by an estimated 185 reviewers. Whereby approximately 130 are reviewed by a panel and approximately 20 are reviewed through an ad hoc (written review) process. The management and execution of this peer review process is vastly dependent on the use of these forms.

The OSQR will seek OMB approval of the following forms:

1. **Confidentiality Agreement Form:** USDA uses this form to document that a selected reviewer is responsible for keeping confidential any information learned during the subject peer review process. The Confidentiality Agreement is signed before the reviewer’s involvement in the peer review process. The form requires an original signature and can be submitted electronically.

2. **Panelist Information Form:** USDA uses this form to gather the most recent background information and diversity and inclusion data about the reviewer, and information relevant to paying an honorarium and travel expenses when needed. Sensitive information is

transmitted on this form and destroyed after payment is received.

3. **Peer Review of an ARS Research Project Form (Peer Review Form):** USDA uses this form to guide the reviewer’s expert comments in written form on the assigned project plan. The form contains the criteria for plan review and seeks the reviewer’s narrative comments and evaluation.

3. **Additional Reviewer Comment Form:** This form is supplied to members of a panel not assigned as a primary or secondary reviewer on a particular project plan; however, it encourages additional expert comments or recommendations for any plan regardless of a reviewer’s assignment as primary or secondary.

4. **Ad Hoc Review Form:** USDA uses this in select cases (e.g., for reviewers not participating in a panel review). It contains a check-off listing of action classes that allows reviewers to provide an overall rating of the plan.

5. **Recommendations for ARS Research Project Form**

(**Recommendations Form**): USDA uses this form to guide the panel’s evaluation and critique of the review process. The form combines both primary and secondary reviewers’ recommendations of the research project plan.

6. **Panel Expense Report Form (Expense Report):** USDA uses this form to document a panel reviewer’s expense incurred traveling to and attending a peer review meeting. The expense report asks reviewers to list lodging, meal, and transportation expenses. When completed, the form contains sensitive information and is held in compliance with ARS travel guidelines. This form is used only in rare circumstance when a panel meeting requires that reviewers travel.

(1) USDA’s collection of information on the Confidentiality Agreement Form is needed to document that a selected reviewer is responsible for keeping confidential any information learned during the subject peer review process. The Confidentiality Agreement would be signed before the reviewer’s involvement in the peer review process.