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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

RIN 0580-AA40

Fees for Official Inspection and Official Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule and Withdrawal of Interim final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is changing the way it collects user fees for official inspection and weighing services performed in the United States under the United States Grain Standards Act (USGSA), as amended. The new fee structure establishes fees for specific services using hourly rates and/or unit fees. This structure provides customers with information to better assess the cost of specific services, and allows FGIS to pass savings (in the form of fewer billable hours) to customers who invest in operational efficiencies. The new fee structure includes a 4 percent increase to recover salary increases.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA, GIPSA, Room 0623 South Building, STOP 3649, 1400 Independence Avenue, SW, Washington, DC 20250-3649, or telephone (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

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

The change in the way user fees are collected provides customers with information to better assess the costs of specific inspection services because the fees will be more service specific than under the current hourly rate. Further, it allows savings to be passed on to users of the service who invest in operational efficiencies. Currently, applicants choose only those services they want, but individual service costs are supported by hourly rates without segregation. Fiscal year 1993 financial and volume data were used in developing the new fee structure. While certain fees are increased and new fees are established, the revenue generated using fiscal year 1993 data is equivalent to the \$23,192,178 collected that year.

The new fee structure does include a 4 percent increase to recover salary increases since 1993, and would have generated sufficient revenue to cover costs for fiscal year 1994 and the costs for fiscal year 1995. For information, fiscal year 1994 revenues were \$20,662,062 with obligations of \$21,415,400. For fiscal year 1995, revenues were \$23,382,253 with obligations of \$24,015,289, and for the first half of fiscal year 1996 revenues were \$1,924,516 with obligations of \$1,916,609. Obligations include buyout costs, along with costs associated with office consolidations.

Presently, users of the inspection service are charged on an hourly basis. This hourly rate includes the salary and benefits for each service representative providing the service, as well as a portion of overhead and program support costs. The overall cost of a wide variety of services, e.g., grading, weighing, wheat protein measurement, soybean protein and oil measurement, and aflatoxin detection, are averaged together and recovered through an hourly service rate. Under the new system, customers will be charged a lower base hourly rate plus a unit fee to cover the cost of the specific service they request, such as wheat protein. Overhead and program costs will be recovered through a per-metric-ton volume fee assessed on all grain loaded from a facility.

This rule may have an economic impact on infrequent users of the service. FGIS incurs difficulty balancing costs and revenue in some locations where customers desire local FGIS service capacity but use the service

infrequently. The new fee schedule is designed to shift the cost of non-revenue producing time to those users responsible for incurring it.

Consequently, infrequent users of the service may find the net effect of the new hourly fees and per-metric-ton administrative fee increases their total per-metric-ton cost for inspection service. Conversely, highly efficient and/or high-volume users of the service may realize a decrease in their per-metric-ton cost for inspection service due to the reduced contract hourly rate and the use of an administrative fee to cover overhead and program support expenses.

Most users of the official inspection and weighing services do not meet the requirements for small entities. Further, FGIS is required by statute to make services available and to recover costs of providing such services as nearly as practicable. Therefore, James R. Baker, Administrator, GIPSA, has determined that this final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action does not have a retroactive effect. The USGSA provides in § 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this final rule does not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to provisions of this rule.

Information Collection and Recordkeeping Requirements

In compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 3504), the previously approved information collection and recordkeeping requirements concerning applications for inspection and weighing services have been approved by the Office of Management and Budget under control number 0580-0013.

Background

On November 30, 1995, FGIS proposed in the Federal Register (60 FR 61499) to change the way it collects user fees for official inspection and weighing services performed under the USGSA.

The USGSA fees for inspection and weighing services were last increased and became effective on May 20, 1991 (56 FR 15803). Currently, they appear in 7 CFR § 800.71, Schedule A, Fees for Official Inspection, Weighing, and Appeal Inspection Services Performed in the United States.

FGIS is revising § 800.71, Schedule A—Fees for Official Inspection, Weighing, and Appeal Inspection Services Performed in the United States. Instead of one schedule covering all services, there are now three new tables. The new tables are: Table 1, “Fees for Official Services Performed at an Applicant’s Facility in an Onsite FGIS Laboratory;” Table 2, “Services Performed at Other Than an Applicant’s Facility in an FGIS Laboratory;” and Table 3, “Miscellaneous Services.”

Schedule A, Table 1. This table covers all services performed onsite at an applicant’s facility and continues the existing provision for using contract and noncontract hourly rates. The hourly rates are calculated to include only those costs directly related to labor and do not include overhead. The current 1 year contract is retained, but provisions are included for 3- and 6-month contracts. FGIS will evaluate the use of 3- and 6-month contracts after 1-year to determine if they shall be continued. The rate differences between 1-year, 6-month, and 3-month contracts reflect the costs associated with increased staff production under a contract.

1. Hourly Rates

The new hourly rates are divided into four categories related to how FGIS employees are paid: regular time (6 a.m. to 6 p.m.), 10 percent night differential (6 p.m. to 6 a.m.), overtime at 1½ the regular hourly rate (for applicant-caused or requested overtime), and holiday rates at double the regular hourly rate (all hourly rates other than those of regular time are calculated using only the average base hourly rate; this does not include personnel benefits).

2. Additional Tests

Additional unit fees for certain tests such as Aflatoxin, Vomitoxin, Soybean protein and/or oil, Sunflower oil, Wheat protein, Waxy corn, and Class Y weighing are implemented. These fees will recover additional costs incurred such as testing materials, equipment, and hazardous waste disposal which are

not recovered through the hourly fee or administrative fee.

3. Administrative Fee

A per-metric-ton administrative charge is implemented to recover the indirect costs of FGIS field offices and headquarters such as the salaries and benefits for office management and support staff, and rent. This charge is assessed on all *outbound* grain inspected and/or weighed at an applicant’s facility. Six levels of fees are implemented ranging from 1 metric ton or less to over 7,000,001 metric tons with fees decreasing as the number of metric tons inspected increases. The charge is assessed in addition to the base hourly rate. At the beginning of each fiscal year (October 1), all applicants pay the same per-metric-ton fee. Once a level has been reached, the fee for additional metric tons is reduced until the maximum volume level is reached. Inspections performed on grain that cannot be captured as part of the metric ton charge has a unit fee assessed in addition to the hourly rate to recover overhead costs. Inspections such as submitted samples, factor only, and sacked grain are included.

Schedule A, Table 2, covers fees for inspection and weighing services where FGIS does not have an onsite laboratory at an applicant’s facility. The fees in this table are a mixture of hourly rates and unit fees. They cover a vast array of specific services presently provided under the current hourly rates. The hourly rates applied in Table 2 are the appropriate rates from Table 1, unless specific hourly rates are identified. Unit fees cover the time required to perform the service plus a portion for overhead. The types of service provided under these fees include inspection for grade and factor for specific carriers probe sampled or sampled online, additional services and testing (i.e., individual tests), Board appeals and appeals, weighing (Class X and Y), and stowage examinations.

Schedule A, Table 3, provides fees to cover a variety of services not included in the previous tables. As with Table 2, the change in the fee structure from an hourly fee that recovers all costs to a service-specific fee structure requires a listing of specific services currently funded by the hourly rate. These service-specific fees are a mixture of hourly rates and unit fees and apply to Grain Grading Seminars, Certification of Diverter Samplers, Special Services, Scale Testing and Certification, Evaluation of Weighing and Material Handling Systems, National Type Evaluation Program (NTEP) Prototype Evaluation (this hourly rate applies to

scales, moisture meters and NIR analyzers), NTEP Prototype Evaluation of Railroad Track Scales, Mass Standards Calibration and Reverification, Special Projects, Foreign Travel, Online Customized Data Export Grain Information System (EGIS) Service, Samples Provided to Interested Parties, Divided-Lot Certificates, Extra Copies of Certificates, Faxing, Special Mailing, and Preparing Certificates Onsite.

Further, FGIS is establishing a unit fee to recover expenses incurred when FGIS employees are requested to provide consulting services outside the United States. Currently, there is no fee for recovering costs of salary, travel, per diem, and related costs which is not related to an official service provided on a shipment of grain at the time of export from the United States. For example, an exporter may ask for an FGIS microbiologist to consult with microbiologists in an importing country to resolve a dispute on the presence of grain fungi; or a USDA cooperator may request an FGIS inspector to conduct training for inspectors in an importing country.

FGIS is also changing §§ 800.72 and 800.73 of the regulations to further clarify the application of fees covered in Schedule A. Specifically, service provided under Schedule A covers service provided within 25 miles of the employee’s assigned duty point. Travel, per diem, and other related costs are assessed for providing service beyond the 25-mile limit. A minimum fee is established for services identified in Table 2 performed outside of normal business hours Monday through Friday.

Comment Review

FGIS received four comments during the 60-day comment period. Two comments were from grain handling trade associations, one from a State, and one from a steamship association. Both comments from the grain handling trade associations were generally supportive of the proposed rule; however, one commented that under the current hourly fees FGIS field office managers are encouraged to assign more employees to a shift than may be prudent. The commentator went on to say that the proposed fee structure does promote a more fair allocation of costs, but does not go far enough to reduce direct labor costs through job consolidation or by assigning supervisory personnel collateral duty for performing additional tests in those situations where the shift supervisor or journeyman grader are qualified or capable of doing the additional test.

FGIS does not agree that its field office managers are over staffing shifts under the current hourly fees. FGIS further believes that direct labor costs will be reduced through the new lower hourly rate fee structure which includes a lower hourly rate for online supervisory personnel and the recovery of overhead through a per-metric-ton administrative fee. FGIS does utilize its inspection personnel to their maximum potential.

The comment from the State was entirely supportive and encouraged FGIS to adopt a unit fee for direct services provided to the industry with minimum hourly rates.

The comment from the steamship association requested that FGIS maintain the current hourly rate with a small increase, that FGIS increase the number of hours and personnel available for stowage examinations, and that stowage examinations and stowage re-examinations will cost more to the steamship line if the inspections are done in different parts of the country.

FGIS has determined that changing the way it collects fees from an hourly rate to a combination of reduced hourly rates and unit fees is the most equitable

way to recover its costs and provide the grain industry quality service. FGIS agrees re-examining ship holds will cost more to the steamship line if the inspections are done in different parts of the country. Therefore, FGIS is modifying the provisions for charging for stowage examinations when the initial examination was performed at a different port. FGIS will not charge the minimum fee and will charge the per hold charge if the ship has moved from one port to another.

While the comment concerning FGIS increasing the hours and personnel available for inspection is not within the scope of this rulemaking, we do note that stowage examination is conducted generally during daylight hours.

Withdrawal of Interim Final Rule

On January 8, 1993 (58 FR 3213), FGIS published an interim rule, which would have implemented fee increases for official inspection and weighing services, effective February 1, 1993. On January 21, 1993, FGIS published in the Federal Register, a document indefinitely postponing the fee increase. This action withdraws the interim final rule published at 58 FR 3213.

October 1, 1996, Effective Date

The changes to the fee schedules made in this final rule are effective October 1, 1996. That date corresponds to the beginning of the 1997 fiscal year and the start of a new accounting cycle.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure; Grain.

For the 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: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. Section 800.71 is amended by revising Schedule A to read as follows:

§ 800.71 Fees assessed by the Service.

(a) * * *

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

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

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and Over- time ²	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative)				
1-year contract	\$23.00	\$24.80	\$32.40	\$39.00
6-month contract	25.00	26.80	34.40	43.60
3-month contract	28.00	29.80	37.40	46.60
Noncontract	33.00	35.00	42.80	52.60
(2) Additional Tests (cost per test, assessed in addition to the hourly rate) ³				
(i) Aflatoxin (other than Thin Layer Chromatography)				\$8.50
(ii) Aflatoxin (Thin Layer Chromatography method)				20.00
(iii) Soybean protein and oil (one or both)				1.50
(iv) Wheat protein (per test)				1.50
(v) Sunflower oil (per test)				1.50
(vi) Vomitoxin (qualitative)				7.50
(vii) Vomitoxin (quantitative)				12.50
(viii) Waxy corn (per test)				1.50
(ix) Fees for other tests not listed above will be based on the lowest noncontract hourly rate.				
(x) Other services				
(a) Class Y Weighing (per carrier).				
(1) Truck/container30
(2) Railcar				1.25
(3) Barge				2.50
(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 (per-metric-ton) ⁴				
(a) 1-1,000,000				\$0.090
(b) 1,000,001-1,500,000				0.082
(c) 1,500,001-2,000,000				0.042
(d) 2,000,001-5,000,000				0.032
(e) 5,000,001-7,000,000				0.017

(f) 7,000,001–	0.002
(ii) Additional services (assessed in addition to all other fees) ³	
(a) Submitted sample (per sample-grade and factor)	1.50
(b) Submitted sample—Factor only (per factor)	0.70

¹ Fees apply for original inspection and weighing, reinspection, and appeal inspection service 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 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.

³ Appeal and reinspection services will be assessed the same fee as the original inspection service.

⁴ The administrative fee is assessed on an accumulated basis beginning at the start of the Service's fiscal year (October 1 each year).

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, and check-loading)	
(a) Truck/trailer/container (per carrier)	\$17.60
(b) Railcar (per carrier)	\$27.00
(c) Barge (per carrier)	\$173.60
(d) Sacked grain (per hour per service representative plus an administrative fee per hundred-weight) (CWT)	\$0.02
(iii) Lots sampled online during loading (sampling charge under (i) above plus)	
(a) Truck/trailer container (per carrier)	\$9.40
(b) Railcar (per carrier)	\$18.80
(c) Barge (per carrier)	\$107.60
(d) Sacked grain (per hour per service representative plus an administrative fee per hundred-weight) (CWT)	\$0.02
(iv) Other services	
(a) Submitted sample (per sample—grade and factor)	\$10.00
(b) Warehouseman inspection (per sample)	\$17.00
(c) Factor only (per factor—maximum 2 factors)	\$4.10
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundred-weight if not previously assessed) (CWT)	\$0.02
(e) Reinspection (grade and factor only. Sampling service additional, item (i) above)	\$11.00
(f) Class X Weighing (per hour per service representative)	\$43.60
(v) Additional tests (excludes sampling)	
(a) Aflatoxin (per test—other than TLC method)	\$25.00
(b) Aflatoxin (per test—TLC method)	\$100.50
(c) Soybean protein and oil (one or both)	\$7.80

Table 2.—Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory^{1 2}—Continued

(d) Wheat protein (per test)	\$7.80
(e) Sunflower oil (per test)	\$7.80
(f) Vomitoxin (qualitative)	\$25.00
(g) Vomitoxin (quantitative)	\$30.00
(h) Waxy corn (per test)	\$9.00
(i) Canola (per test—00 dip test)	\$9.00
(j) Pesticide Residue Testing ³	
(1) Routine Compounds (per sample)	\$200.00
(2) Special Compounds (per service representative)	\$100.00
(k) 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. ⁴	
(i) Board Appeals and Appeals (grade and factor)	\$74.60
(a) Factor only (per factor—max 2 factors)	\$38.00
(b) Sampling service for Appeals additional (hourly rates from Table 1).	
(ii) Additional tests (assessed in addition to all other applicable fees)	
(a) Aflatoxin (per test, other than TLC)	\$25.00
(b) Aflatoxin (TLC)	\$110.00
(c) Soybean protein and oil (one or both)	\$15.30
(d) Wheat protein (per test)	\$15.30
(e) Sunflower oil (per test)	\$15.30
(f) Vomitoxin (per test—qualitative)	\$35.00
(g) Vomitoxin (per test—quantitative)	\$40.00
(h) Vomitoxin (per test—HPLC Board Appeal)	\$125.70
(i) Pesticide Residue Testing ³	
(1) Routine Compounds (per sample)	\$200.00
(2) Special Compounds (per service representative)	\$100.00

Table 2.—Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory^{1 2}—Continued

(j) 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)	\$63.50
(3) Stowage examination (service-on-request) ³	
(i) Ship (per stowage space) (minimum \$250 per ship)	\$50.00
(ii) Subsequent ship examinations (same as original) ⁵ (minimum \$150 per ship)	
(iii) Barge (per examination)	\$40.00
(iv) All other carriers (per examination)	\$15.00

¹ Fees apply for original inspection and weighing, reinspection, and appeal inspection service 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 If performed outside of normal business, 1½ times the applicable unit fee will be charged.

⁴ If, at the request of the Service, a file sample is located and forwarded by the Agency for an official appeal, the Agency may, upon request, be reimbursed at the rate of \$2.50 per sample by the Service.

⁵ If a ship has had, and passed, a stowage examination at one port location but not loaded all holds examined, then moved to another port, the subsequent stowage examination shall charged the minimum hold fee but only the per hold unit charge.

Table 3.—Miscellaneous Services¹

(1) Grain grading seminars (per hour per service representative)	\$43.60
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*Table 3.—Miscellaneous Services¹—
Continued*

(2) Certification of diverter-type mechanical samplers (per hour per service representative)	\$43.60
(3) Special services (per hour per service representative):.	
(i) Scale testing and certification	\$43.60
(ii) Evaluation of weighing and material handling systems	\$43.60
(iii) NTEP Prototype evaluation (other than Railroad Track Scales)	\$43.60
(iv) NTEP Prototype evaluation of Railroad Track Scales (usage fee per day for test car)	\$100.00
(v) Mass standards calibration and reverification	\$43.60
(vi) Special projects	\$43.60
(4) Foreign travel (per day per service representative)	\$416.00
(5) Online customized data EGIS service	
(i) One data file per week for 1 year	\$500.00
(ii) One data file per month for 1 year	\$300.00
(6) Samples provided to interested parties (per sample)	\$2.50
(7) Divided-lot certificates (per certificate)	\$1.50
(8) Extra copies of certificates (per certificate)	\$1.50
(9) Faxing (per page)	\$1.50
(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 the applicable non-contract hourly rate.

² Regular business hours—Monday thru Friday—service provided at other than regular hours charged at the applicable overtime hourly rate.

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3. Section 800.72 is revised to read as follows:

§ 800.72 Explanation of additional service fees for services performed in the United States only.

(a) When transportation of the service representative to the service location (at other than a specified duty point) is more than 25 miles from an FGIS office, the actual transportation cost in addition to the applicable hourly rate for each service representative will be assessed from the FGIS office to the service point and return. When commercial modes of transportation (e.g., airplanes) are required, the actual expense incurred for the round-trip travel will be assessed. When services are provided to more than one applicant, the travel and other related

charges will be prorated between applicants.

(b) In addition to a 2-hour minimum charge for service on Saturdays, Sundays, and holidays, an additional charge will be assessed when the revenue from the services in § 800.71, Schedule A, Table 2, does not equal or exceed what would have been collected at the applicable hourly rate. The additional charge will be the difference between the actual unit fee revenue and the hourly fee revenue. Hours accrued for travel and standby time shall apply in determining the hours for the minimum fee.

4. Section 800.73 is revised to read as follows:

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* The applicable hourly rate will be assessed in quarter hour increments for:

(1) Travel from the FGIS field office or assigned duty station to the service point and return;

(2) The performance of the requested service, less mealtime.

(b) *Application of fees when service is delayed or dismissed by the applicant.* The applicable hourly rate will be assessed for the entire period of scheduled service when:

(1) Service has been requested at a specified location;

(2) A service representative is on duty and ready to provide service but is unable to do so because of a delay not caused by the Service; and

(3) FGIS officials determine that the service representative cannot be utilized to provide service elsewhere without cost to the Service.

(c) *Application of fees when an application for service is withdrawn or dismissed.* The applicable hourly rate will be assessed to the applicant for the entire period of scheduled service if the request is withdrawn or dismissed after the service representative departs for the service point, or if the service request is not canceled by 2 p.m., local time, the business day preceding the date of scheduled service. However, the applicable hourly rate will not be assessed to the applicant if FGIS officials determine that the service representative can be utilized elsewhere or released without cost to the Service.

(d) *To whom fees are assessed.* Fees for inspection, weighing, and related services performed by service representatives, including additional fees as provided in § 800.72, shall be assessed to and paid by the applicant for the service.

(e) *Monthly payment of administrative fee.* At the option of the

applicant, an agreement for 12 equal monthly payments may be entered into for payment of the administrative fee. These monthly payments will be based on the previous fiscal year's volume applied to the current year's administrative fee schedule. If the volume of grain inspected is more than the amount of grain agreed upon at the beginning of the fiscal year, at the point the agreed upon volume is exceeded, the current year's administrative fee schedule shall apply to the remaining amount of grain for the rest of the fiscal year. If the volume of grain inspected is less than the agreed upon amount, any excess monies paid to the Service shall be applied to the next fiscal year's administrative fee unless a request for a refund is made by the applicant.

(f) *Advance payment.* As necessary, the Administrator may require that fees shall be paid in advance of the performance of the requested service. Any fees paid in excess of the amount due shall be used to offset future billings, unless a request for a refund is made by the applicant.

(g) *Form of payment.* Bills for fees assessed under the regulations in this part for official services performed by FGIS shall be paid by check, draft, or money order, payable to the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration.

Dated: August 16, 1996.

Shirley Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96-21391 Filed 8-21-96; 8:45 am]

BILLING CODE 3410-EN-P

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 96-025-2]

Change in Disease Status of Spain Because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations by declaring Spain free of African swine fever. This action is appropriate because there have been no confirmed outbreaks of African swine fever in Spain since September 1994. This rule relieves restrictions on the importation of pork and pork products into the United States from Spain. However, because Spain shares common land borders with countries affected by certain swine diseases and because