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and shall give such person an opportunity to show in duplicate to the Administrator within 20 days after the receipt of such notice why the alleged violation should not be reported to the Department of Justice. The person so notified may within the period stated apply for an opportunity to present his views in person, or by his attorney. If the Administrator deems the request appropriate he will designate a time and place for hearing the applicant.

§ 160.96 Report of violations for prosecution.

In the event of failure of the person notified of an apparent violation of the act to submit to the Administrator a written answer as provided in §160.95, or if, after such person has filed his answer or in addition, been given an opportunity to present his views orally, no sufficient reason has been shown why the alleged violation should not be reported for prosecution, the General Counsel of the Department, acting for and on behalf of the Administrator, shall report the alleged violation to the Department of Justice for appropriate action.

§ 160.97 Publication.

Composite data regarding inspections, analyses, classifications, and grading of naval stores made under any provision of the act or the provisions in this part may be published from time to time in such mediums as the Administrator may designate for the purpose.

SPECIFIC FEES PAYABLE FOR SERVICES RENDERED

§ 160.201 Fees generally for field inspection and certification of naval stores and drum containers of rosin.

Except as provided in §160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperative agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.*

(1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In drums (see Note 1) per drum—\$1.24.

(ii) In 100 pound bags (see Note 1) per bag—\$.23.

(iii) In tank cars, per car—\$67.50.

(iv) In tank trucks, per truck—\$34.00.

(2) Turpentine (Grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums, per drum—\$2.25.

(ii) In tank cars or trucks, per unit of 100 gallons—\$1.41.

(iii) In bulk for delivery to tank steamer, per unit of 100 gallons—\$2.25.

(b) Inspections by regularly employed, salaried Federal inspectors.

(1) Rosin.

(i) Grading and weighing at concentration and storage yards, per drum—\$4.05.

(ii) Irregular inspection and grading at distillation or processing plants, up to 400 drums, per drum—\$3.60; all over 400 drums, per drum—\$2.25.

(iii) Weighing at concentration and storage yards, subsequent to grading, per drum—\$2.25.

(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein—See Note 2 and §160.204.

(v) Re-certification under L.S. Certificate of rosin moving in commerce, per drum—\$.23.

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.).

(i) In drums of 55 gallons, per drum—\$3.38.

(ii) In tank cars or trucks, per unit of 100 gallons—\$2.81.

(iii) For bulk delivery to tank steamer, per unit of 100 gallons—\$2.25.

NOTE 1: When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total of 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of \$1.01 per drum and \$.18 per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rate of \$1.24 per drum and \$.23 per bag.

NOTE 2: The inspection or related examination of containers of rosin and their contents under Section B(1)(iv) shall be performed only after the inspector or the Chief of the Marketing Programs Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the

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charge to be made therefore has been submitted to and accepted by the requesting person.

[47 FR 3345, Jan. 25, 1982]

§ 160.202 Fees generally for laboratory analysis and testing.

Except as provided in § 160.204, the following fees shall be paid to the United States for laboratory analysis and testing of naval stores, when not performed in the conduct of a cooperative agreement with respect to such products:

(a) *Rosin and turpentine.* (See Note 3).

(1) Comprehensive analysis to determine purity, specification compliance, or other chemical and physical properties related thereto:

(i) Single Sample—\$40.00.

(ii) Two or more samples analyzed at same time per sample—\$35.00.

(2) Limited testing to determine kind, grade, or other factors related to quality of utility.

(i) Single Sample:

(A) Rosin—\$14.00.

(B) Turpentine—\$10.00.

(ii) Two or more samples tested at same time:

(A) Rosin—per sample—\$10.00.

(B) Turpentine—per sample—\$8.00.

NOTE 3: The analysis and testing of rosin involves many different types of laboratory procedures, requiring variable time for performance, and including other cost factors. The charge for such analysis and testing will depend on the type and extent of the work required to supply the information desired by the interested person requesting the service. When it appears that the charges indicated in this section will not defray the costs of making the tests required, the interested person shall be informed before any work is performed and will be supplied with a cost estimate of the actual charges to be made. See also § 160.204.

[47 FR 3345, Jan. 25, 1982]

§ 160.203 Fees for inspection and certification of other naval stores material.

Whenever it shall be deemed practical and in the interest of the naval stores trade to sample, inspect, analyze and certify any naval stores material other than spirits of turpentine or rosin, at the request of an interested person, the fees for such inspection

shall be the same as the fees prescribed for spirits of turpentine.

[17 FR 189, Jan. 8, 1952]

§ 160.204 Fees for extra cost and hourly rate service.

The fees specified in §§ 160.201 and 160.202 apply to the routine field inspection and usual laboratory work incident to the certification of commodities covered by those sections. Should additional work be required to provide special information desired by the person requesting service, or should it be necessary for an inspector to make a special trip or to deviate from his regular schedule of travel, or should the fees prescribed in §§ 160.201 and 160.202 otherwise be insufficient to defray the cost to the Government for rendering such service, then the person requesting the service shall pay, in lieu of the prescribed fees, an amount computed by the Department as sufficient to defray the total cost thereof, including allowances for time spent in collecting and preparing samples obtaining identification records, traveling, performing laboratory tests or other necessary work, and also any expense incurred for authorized transportation and subsistence of the inspector or analyst while in travel status. The charge for time so spent shall be computed at the rate of \$17.80 per hour for laboratory and field inspection work. The overtime rate for services performed outside the inspector's regularly scheduled tour of duty shall be \$21.30. The rate of \$26.70 shall be charged for work performed on Sundays or holidays.

[47 FR 3345, Jan. 25, 1982]

§ 160.205 Permit fees for eligible processing plants under licensed inspection.

Initial permit fee—\$20.00.

Annual renewal permit fee—\$20.00.

NOTE: The renewal permit fee shall be reduced to \$10 per year when the inspection fees paid by the eligible processing plant aggregate \$200 or more during the preceding fiscal year ended September 30, and shall be waived when such fees aggregate \$400 or more during such fiscal year. Such reduced permit fee shall apply only in case the eligible processing plant has made use of the licensed inspection service.

[47 FR 3346, Jan. 25, 1982]