

Agricultural Marketing Service, USDA

§ 28.917

sample will be granted for services provided under this section when billing is made to voluntary agents.

[46 FR 48115, Oct. 1, 1981, as amended at 48 FR 30938, July 6, 1983; 48 FR 44452, Sept. 29, 1983; 51 FR 22063, June 23, 1992; 58 FR 41993, Aug. 6, 1993; 60 FR 21034, May 1, 1995; 61 FR 19512, May 2, 1996; 62 FR 25800, May 12, 1997; 63 FR 33237, June 18, 1998; 64 FR 28884, May 28, 1999; 65 FR 35808, June 6, 2000]

CLASSIFICATION

§ 28.910 Classification of samples and issuance of classification data.

(a) (1) The samples submitted as provided in the subpart shall be classified by employees of the Division and classification memoranda showing the official quality determination of each sample according to the official cotton standards of the United States shall be issued by any one of the following methods at no additional charge:

- (i) Computer diskettes,
- (ii) Computer tapes, or
- (iii) Telecommunications, with all long distance telephone line charges paid by the receiver of data.

(2) When an additional copy of the classification memorandum is issued by any method listed in paragraph (a)(1), there will be a charge of five cents per bale. If provided as an additional method of data transfer, the minimum fee for each tape or diskette issued shall be \$10.00.

(3) Upon request, computer punch cards may be issued. The fee for this service shall be 10 cents per card.

(b) Owners of cotton, other than producers, may receive classification data showing the official quality determination of each sample by means of telecommunications from a central data base to be maintained by the Division. The fee for this service shall be five cents per bale, with all long distance telephone line charges paid by the receiver of data. The minimum charge assessed for services obtained from the central database shall be \$5.00 per monthly billing period.

(c) Upon request of an owner of cotton for which classification memoranda have been issued under the subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memo-

randum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be 15 cents per bale or a minimum of \$5.00 per sheet.

[56 FR 24674, May 31, 1991, as amended at 57 FR 27892, June 23, 1992; 58 FR 41993, Aug. 6, 1993; 61 FR 19512, May 2, 1996; 63 FR 33237, June 18, 1998]

§ 28.911 Review classification.

(a) A producer may request one review classification for each bale of eligible cotton. The fee for review classification is \$1.35 per bale.

(b) Samples for review classification must be drawn by gins or warehouses licensed pursuant to §§ 28.20 through 28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification, the samples shall become the property of the Government unless the producer requests the return of the samples. The proceeds from the sale of samples that become Government property shall be used to defray the costs of providing the services under this subpart. Producers who request return of their samples after classing will pay a fee of 40 cents per sample in addition to the fee established above in this section.

[57 FR 27893, June 23, 1992, as amended at 59 FR 26410, May 20, 1994; 60 FR 21034, May 1, 1995; 61 FR 19512, May 2, 1996; 62 FR 25800, May 12, 1997; 63 FR 33237, June 18, 1998; 64 FR 28884, May 28, 1999; 65 FR 35808, June 6, 2000]

LIMITATION OF SERVICES

§ 28.917 Limitation of services.

The Director, or an authorized representative, may suspend, terminate, or withhold cotton classing and market news services to any producer upon any failure of the producer to comply with the act or these regulations. Failure to

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remit fees for classification services shall result in loss of service.

[46 FR 48115, Oct. 1, 1981]

Subpart E—Cotton Fiber and Processing Tests

AUTHORITY: Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c; sec. 3d, 55 Stat. 131 (7 U.S.C. 473d).

SOURCE: 35 FR 8532, June 3, 1970, unless otherwise noted.

DEFINITIONS

§ 28.950 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Regulations.* Regulations mean the provisions in this subpart.

(b) *Service.* The Agricultural Marketing Service of the U.S. Department of Agriculture.

(c) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has been delegated to act for the Administrator.

(d) *Division.* The Cotton Division of the Agricultural Marketing Service.

(e) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has been delegated to act for the Director.

(f) *Laboratories.* Laboratories of the Cotton Division that perform the fiber and processing tests described in this subpart.

[35 FR 8532, June 3, 1970, as amended at 46 FR 30073, June 5, 1981; 46 FR 51593, Oct. 21, 1981]

ADMINISTRATION

§ 28.951 Director.

The Director shall perform, for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the regulations in this subpart.

FIBER AND PROCESSING TESTS

§ 28.952 Testing of samples.

The Director or an authorized representative, upon written requests, shall make fiber and processing tests of

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the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this subpart and to the payment by them of fees as prescribed herein.

[46 FR 30073, June 5, 1981; 46 FR 51593, Oct. 21, 1981]

§ 28.953 Requirements as to samples.

Each sample of ginned cotton lint submitted for fiber and processing tests shall weigh approximately as shown below unless otherwise specified in the particular test item as prescribed herein:

- 1 ounce or more for fiber tests.
- 6 pounds or more for carded yarn spinning tests.
- 8 pounds or more for combed yarn spinning tests.
- 10 pounds or more for carded and combed yarn spinning tests.

Each individual sample submitted for testing shall contain a tag or coupon bearing a number or other identification symbol. Individually labeled samples may be sent in one or more parcels, each of which shall bear on the outside thereof the name and address of the person submitting it. Persons who submit samples to laboratories for testing shall comply with any Federal or State quarantine requirements applicable to counties from which such samples are shipped.

§ 28.954 Costs of submitting samples.

The transportation of samples to a laboratory for testing shall be without expense to the Government.

§ 28.955 Disposition of samples.

The remnants of samples accumulated in the making of tests under the regulations in this subpart shall become the property of the Government unless the applicant requests that such remnants be returned. Returns will be at the applicant's expense.

[46 FR 30073, June 5, 1981; 46 FR 51593, Oct. 21, 1981]

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below: