

## § 29.124

standards, administrative, and supervisory costs, as follows:

(a) *Mandatory inspection.* The inspection and certification fee is \$.0100 per pound. The fee shall be paid by sellers of tobacco at auction and assessed against the warehouse irrespective of ownership or interest in the tobacco. When the warehouse pays the Department, it is presumed the fee was collected from the seller. Inspection and related services shall be suspended or denied if the warehouse operator fails to pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold at auction during each calendar month. The fee shall be due and payable on the first day of the immediately following month and on the day immediately following the last sale in the warehouse each marketing year. Inspection and certification services on designated auction markets shall take precedence over permissive inspections, other than reinspections.

(b) *Domestic permissive inspection and certification.* Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for the actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be \$32.40. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$38.70. The rate of \$48.45 shall be charged for work performed on Sundays and holidays. These same fees or charges shall be applicable for hogshead, bale, cases, or sample inspections.

(c) *Export permissive inspection and certification.* The inspection and certification fee for export tobacco is \$.0025 per pound.

(d) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agri-

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cultural Marketing Service", United States Department of Agriculture.

(e) Fees for special tests and services will be determined by agreement between the Deputy Administrator, Tobacco Programs, and the applicant or applicants for service.

[46 FR 62393, Dec. 24, 1981, as amended at 47 FR 27058, June 23, 1982; 47 FR 51723, Nov. 17, 1982; 50 FR 45805, Nov. 4, 1985; 54 FR 3406, Jan. 24, 1989; 54 FR 27856, July 3, 1989; 54 FR 47756, Nov. 17, 1989; 56 FR 31534, July 11, 1991; 56 FR 41921, Aug. 26, 1991; 60 FR 33100, June 27, 1995; 64 FR 67470, Dec. 2, 1999; 65 FR 34040, May 26, 2000; 65 FR 36782, June 12, 2000]

### § 29.124 When application rejected or withdrawn.

When an application for inspection, sampling, or weighing is rejected in accordance with § 29.62, or withdrawn in accordance with § 29.63, the applicant may be required to pay a reasonable charge for the time used by an inspector, sampler, or weigher, and other expenses incurred in connection with such application prior to its rejection or withdrawal.

### § 29.125 Charge for appeals.

A charge of \$5 shall be made for each appeal filed under § 29.90 and the fee for an appeal inspection, sampling, or weighing shall equal the fee for the original inspection, sampling, or weighing from which the appeal is taken, plus any charges for travel or other expenses incurred in hearing the appeal: *Provided*, That when a material error in the certificate or sample from which the appeal is taken is found by the appeal inspector the charge and fee shall be waived.

[13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 46 FR 62394, Dec. 24, 1981]

### § 29.126 When appeal refused or withdrawn.

When an appeal is refused in accordance with § 29.93 or withdrawn in accordance with § 29.94, the appellant may be required to pay a reasonable charge for the time used by the appeal inspector and other expenses incurred in connection with such appeal prior to its denial, dismissal, or withdrawal.