

Agricultural Marketing Service, USDA

§ 29.9240

set out procedures for requesting a Tobacco Classification Certificate which would certify that the inspected tobacco is readily and distinguishably different from all kinds of quota tobacco, as determined through application of the standards for inspection and identification of tobacco.

ADMINISTRATION

§ 29.9231 Administration.

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC, 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the act. The conduct of all services and the licensing or employment of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin. Information concerning such administration may be obtained from the Director.

§ 29.9232 Where certification is available.

Nonquota tobacco may be inspected and certified by class or type, upon request of an interested party, when the tobacco is displayed at an approved receiving station where the tobacco is accessible to the inspector.

§ 29.9233 When certification will be made.

Certification services for the nonquota tobacco shall be made when inspectors are available and such sales will not interfere with scheduled sales on designated auction markets.

§ 29.9234 Who may obtain certification.

Certification of nonquota tobacco may be requested by an interested party (applicant) by filing an application in accordance with §§ 29.9236 and 29.9237.

§ 29.9235 How to make application.

Application for certification by class or type of nonquota tobacco shall be made to the office of inspection, not less than 14 days before the date of requested certification. The application

shall be in writing and signed by the applicant.

§ 29.9236 Form of application.

Application for inspection and certification of class or type of nonquota tobacco shall include the following information;

- (a) The date of the application;
- (b) The producer's certification of the type of the tobacco, the crop year when produced, and where produced;
- (c) The name and post office address of the applicant;
- (d) The financial interest of the applicant in the tobacco;
- (e) The exact nature of the service desired;
- (f) A statement that the tobacco is (1) in commerce, as defined in the act, or (2) entering such commerce; and
- (g) Such other necessary information as the Director may require.

§ 29.9237 When application deemed filed.

An application shall be deemed filed when delivered to the office of inspection. When an application is filed, the date and time of filing shall be recorded by the official receiving it.

§ 29.9238 When application may be rejected.

An application may be rejected (a) for noncompliance with the act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124 of subpart B of this part.

§ 29.9239 When application may be withdrawn.

An application may be withdrawn at any time before the requested service is rendered. Payment of expenses incurred in connection therewith shall be paid by the applicant as provided in § 29.124 and subpart B of this part.

§ 29.9240 Responsibilities of applicant.

Any applicant requesting class or type certification on nonquota tobacco produced in a quota area, shall obtain from the appropriate county office of

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the Agricultural Stabilization and Conservation Service a certificate showing the acreage of nonquota tobacco grown on each affected farm and the identification number. It shall also be the responsibility of the applicant to:

- (a) Make available to the inspector any or all information required by the inspector for completion of the Tobacco Classification Certificate,
- (b) Make the tobacco accessible to the inspector, and
- (c) Surrender to the inspector at time of certification a copy of the ASCS certificate and sale bill.

§ 29.9241 Accessibility of tobacco.

All tobacco to be inspected and certified by class or type upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade, class, type, or other characteristics or for drawing of samples. Each croplot shall be displayed at an approved receiving station in a continuous and orderly sequence with no other quota, nonquota, or other producer's tobacco in between. The lots shall be arranged in rows 18 inches apart with the leaves of adjacent lots not touching within the rows. Coverings shall be removed by the applicant in such manner as may be prescribed by the inspector.

FEES AND CHARGES

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services shall comprise the cost of salaries, travel, per diem, and related expenses to cover the costs of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be \$47.40. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$53.70. The rate of \$64.45 shall be charged for work performed on Sundays and holidays.

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CERTIFYING PROCEDURES

§ 29.9261 Procedure to be followed.

In certifications based on permissive inspection of nonquota tobacco produced in a state where any quota tobacco is produced, the inspector shall use the Official Standard Grades for all types of quota tobacco. The inspector shall determine by inspecting each lot in the crop-lot whether the crop-lot can be certified as the nonquota tobacco requested by the applicant. If the inspector determines upon inspection that any individual *lot* in the crop-lot meets the specifications of any grade of any quota tobacco, no certificate will be issued on any tobacco in the crop-lot.

§ 29.9262 Issuance of certificates.

A "Tobacco Classification Certificate" may be issued upon request of an applicant for nonquota tobacco certified in accordance with § 29.9261. The Tobacco Classification Certificate will be supplied by the inspection office.

§ 29.9263 Tobacco classification certificate.

Each tobacco classification certificate shall show:

- (a) The caption "Tobacco Classification Certificate";
- (b) Whether it is an original, first, second, or other copy;
- (c) The number of the certificate;
- (d) The sale bill identification number;
- (e) The location of the tobacco at the time of inspection and certification;
- (f) The date of certification;
- (g) The class or type of tobacco;
- (h) The number of lots in the crop-lot;
- (i) The weight of each lot;
- (j) The signature of the inspector and,
- (k) Such additional information as may be required by the Director.

§ 29.9264 Forms.

Each certificate issued under this regulation shall:

- (a) Show that it was issued under the Tobacco Inspection Act;
- (b) Be in a form approved for the purpose by the Director, and