statute to make services available and to recover costs of providing such services as nearly as practicable.

Information Collection and Recordkeeping Requirements

The requirement to collect information included in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (44 U.S.C. 3504(h)). The additional requirement results from FGIS providing an opportunity for the service customers to pay the proposed administrative costs in 12 equal payments. Comments on the collection of information should be sent to the Office of Management and Budget, Attn.: Desk Officer for the Department of Agriculture, Office of Information and Regulatory Affairs, Washington, DC 20224.

The additional collection of information is required by FGIS to provide the necessary information to collect and assess fees. FGIS, under the USGSA, is required to recover the cost of providing inspection and weighing services through the assessment of fees on the requestor of the services. The respondents are users of FGIS inspection and weighing services.

The estimated annual increase in reporting burden is 14.4 hours.

The estimated annual burden per respondent is .43 hours.

The estimated number of respondents is 12.

The estimated annual frequency of responses is 4 times per year.

Background

The USGSA requires FGIS to charge and collect reasonable fees for performing official inspection and weighing services. The fees are to cover, as nearly as practicable, FGIS's costs for performing these services, including related administrative and supervisory costs.

The current USGSA fees became effective on May 20, 1991 (56 FR 15803). They appear in 7 CFR 800.71, Schedule A, Fees for Official Inspection, Weighing, and Appeal Inspection Services Performed in the United States. FGIS currently provides service on an hourly basis with provisions for contract and noncontract rates. Hourly fees provide cost recovery for all direct and indirect costs.

Over the years, technology has expanded the variety of testing services available at local service points and has reduced the number of service representatives required to provide service, especially export inspection and weighing service. These changes have enabled FGIS to provide improved and expanded services while maintaining a relatively constant cost to the grain industry when viewed as a cost per-metric-ton of grain exported. However, this trend toward increased services and fewer billable hours due to advances in technology makes it increasingly difficult to recover costs using an hourly rate basis.

The intent of the proposed change in the manner of fee collection is (1) to permit customers to realize more directly the costs of services requested and (2) to compensate FGIS for the imbalance between costs and revenue created due to technology, enabling a reduction in FGIS' direct costs and the corresponding billable hours at a greater rate than the reduction of indirect costs.

Proposed Action

FGIS proposes to: 1. Withdraw the Interim Final Rule: Fees for Official Inspection and Weighing Service published January 8, 1993 (58 FR 3213) and placed on indefinite hold pending review of need on January 23, 1993 (58 FR 5255).

2. Revise § 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, three tables are being proposed. The proposed 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 were calculated to include only those costs directly related to labor and do not include overhead. The current 1 year contract will be retained, but provisions have been included for 3and 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 predicted costs associated with increased staff production under a contract.

1. *Hourly Rates.* The proposed new hourly rates will be 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 1-1/2 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 are being proposed for certain tests such as Aflatoxin, Vomitoxin, Soybean protein and/or oil, Sunflower oil, Wheat protein, Waxy corn, and Class Y weighing. 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 being proposed 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 will be assessed on all outbound grain inspected and/or weighed at an applicant's facility. Six levels of fees are being proposed 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 will be assessed in addition to the base hourly rate. At the beginning of each fiscal year (October 1), all applicants will pay the same per-metric-ton fee. Once a level has been reached, the fee for additional metric tons will be reduced until the maximum volume level is reached. Inspections performed on grain that cannot be captured as part of the metric ton charge will have 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 proposed 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 will be 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,