§ 800.129 Certificating reinspecon and review of weighing results.

(a) General. Except as provided in paragraph (a)(1) of this paragraph, official certificates shall be issued according to § 800.160 and the instructions. Except as provided in paragraph (b)(2) of this section, only the result of the reinspecon service shall be reported.

(1) Results of material portion sublots. When results of a reinspecon on a material portion do not detect a material error, they shall be averaged with the original inspection results. For purposes of this section, a material error is deﬁned as results differing by more than two standard deviations. The averaged inspection results shall replace the original inspection results recorded on the ofﬁcial inspection log. Reinspecon results shall replace the original inspection results recorded on the ofﬁcial inspection log if a material error is detected. No certiﬁcates will be issued unless requested by the applicant or deemed necessary by ofﬁcial personnel.

(2) Reporting review of weighing results. When the review of weighing service results indicate that the original weighing results were correct, the applicant will be notiﬁed in writing. When the original weighing service results are incorrect, a corrected weight certiﬁcate or, if applicable, a corrected combination inspection and Class X weight certiﬁcate will be issued according to the provisions of § 800.165.

(b) Required statements on reinspecon certiﬁcates. Each reinspecon certiﬁcate shall show the statements required by this section, § 800.161, and applicable instructions.

(1) Each reinspecon certiﬁcate must clearly show (i) the term “Reinspecon” and (ii) a statement identifying the superseded certiﬁcate. The superseded certiﬁcate will be considered null and void as of the date of the reinspecon certiﬁcate.

(2) When ofﬁcial grade or ofﬁcial fac tors, Class X weighing results, and ofﬁcial criteria are reported on the same certiﬁcate, the reinspecon certiﬁcate shall show a statement indicating that the reinspecon results are based on ofﬁcial grade, or ofﬁcial factors, or ofﬁcial criteria and that all other results are those of the original service.

(3) If the superseded certiﬁcate is in the custody of the agency or ﬁeld ofﬁce, the superseded certiﬁcate shall be marked “Void.” If the superseded certiﬁcate is not in the custody of the agency or ﬁeld ofﬁce at the time the reinspecon certiﬁcate is issued, a statement indicating that the superseded certiﬁcate has not been surrendered shall be shown on the reinspecon certiﬁcate.

(4) As of the date of issuance of the ofﬁcial certiﬁcate, the superseded certiﬁcate for the original service will be void and shall not be used to represent the grain.

(5) When certiﬁcates are issued under paragraph (a)(1) of this section, the reinspecon certiﬁcate shall show a statement indicating that the results replaced the original results and that
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Who may request appeal inspection services.

(a) General. Any interested person may request appeal inspection or Board appeal inspection services, except as provided for in §800.86(c)(5). When more than one interested person requests an appeal inspection or Board appeal inspection service, the first person to file is the applicant of record. Only one appeal inspection may be obtained from any original inspection or reinspection service. Only one Board appeal inspection may be obtained from an appeal inspection. Board appeal inspections will be performed on the basis of the official file sample. Board appeal inspections are not available on stowage examination services.

(b) Kind and scope of request. An appeal inspection service is limited to the kind and scope of the original or reinspection service; or, in the case of a Board Appeal inspection service, the kind and scope of the appeal inspection service. If the request specifies a different kind or scope, the request shall be dismissed but may be resubmitted as a request for original services: Provided, however, that an applicant for service may request an appeal or Board Appeal inspection of a specific factor(s), official grade and factors, or official criteria. In addition, appeal and Board Appeal inspections for grade may include a review of any pertinent factor(s), as deemed necessary by official personnel. Official criteria are considered separately from official grade or official factors when determining kind and scope. When requested, an appeal inspection for grade, or official factors, and official criteria may be handled separately even though both results are reported on the same certificate. Moreover, an appeal inspection may be requested on the inspection results when both inspection and Class X weighing results are reported on a combination inspection and Class X weight certificate.

(Approved by the Office of Management and Budget under control number 0580–0013.)

§ 800.136 How to request appeal inspection services.

(a) General. Requests shall be filed with the field office responsible for the area in which the original service was performed. Requests for Board appeal inspections may be filed with the Board of Appeals and Review or the field office that performed the appeal inspection. All requests shall include the information specified in §800.46. Verbal requests shall be confirmed in writing when requested by official personnel as specified in §800.46. Copies of request forms may be obtained from the field office upon request. If at the time the request is filed the documentation required by §800.46 is not available, official personnel may, at their discretion, withhold service pending the receipt of the required documentation. An appeal inspection certificate will not be issued unless (1) documentation requested under §800.46 has been submitted or (2) office personnel determine that sufficient information has been made available so as to perform the request. A record that sufficient information has been made available must be included in the record of the official service.

(b) Filing requirements. Requests will be considered filed on the date they are received by official personnel. A record shall be maintained for all requests. Requests must be filed (1) before the grain has left the specified service point where the grain was located when the original inspection was performed, (2) no later than the close of business on the second business day following the date of the last inspection, and (3) before the identity of the grain has been lost. If a representative file sample as prescribed in §800.82 is available, official personnel may waive the requirements pursuant to this paragraph. The requirements of paragraph (b)(1) of this section may be waived only upon written consent of the applicant and...