

for remarks. If the superseded certificates are in the custody of official personnel, the superseded certificates shall be clearly marked "Void."

(i) *Further combining.* After a combined-lot inspection certificate has been issued, there shall be no further combining and no dividing of the certificate.

(j) *Limitation.* No combined-lot inspection certificate shall be issued (1) for any official inspection service other than as described in this section or (2) which shows a quantity of grain in excess of the quantity in the single lots.

[50 FR 49672, Dec. 4, 1985]

**§ 800.86 Inspection of shiplot, unit train, and lash barge grain in single lots.**

(a) *General.* Official inspection for grade of bulk or sacked grain aboard, or being loaded aboard, or being unloaded from a ship, unit train, or lash barges as a single lot shall be performed according to the provisions of this section and procedures prescribed in the instructions.

(b) *Application procedure.* Applications for the official inspection of shiplot, unit train, and lash barges as a single lot shall:

(1) Be filed in advance of loading or unloading;

(2) Show the estimated quantity of grain to be certificated;

(3) Show the contract grade and official criteria if applicable; and

(4) Identify the carrier and stowage area into which the grain is being loaded, or from which the grain is being unloaded, or in which the grain is at rest.

(c) *Inspection procedures*—(1) *General information.* Shiplot, unit train, and lash barge grain officially inspected as a single lot shall be sampled in a reasonably continuous operation. Representative samples shall be obtained from the grain offered for inspection and inspected and graded in accordance with a statistical acceptance sampling and inspection plan according to the provisions of this section and procedures prescribed in the instructions.

(2) *Tolerances.* The probability of accepting or rejecting portions of the lot during loading or unloading is dependent on inspection results obtained from preceding portions and the applied breakpoints and procedures. Breakpoints shall be periodically reviewed and revised based on new estimates of inspection variability. Tables 1 through 24 list the breakpoints for all grains.

TABLE 1—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR SIX-ROWED MALTING BARLEY AND SIX-ROWED BLUE MALTING BARLEY

Grade	Minimum limits of—						Maximum limits of—									
	Test weight per bushel (pounds)		Suitable malting types (percent)		Sound barley (percent) <sup>1</sup>		Damaged kernels (percent)		Foreign material (percent)		Other grains (percent)		Skinned and broken kernels (percent)		Thin barley (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1 .....	47.0	-0.5	95.0	-1.3	97.0	-1.0	2.0	0.8	0.5	0.1	2.0	0.8	4.0	1.1	7.0	0.6
U.S. No. 2 .....	45.0	-0.5	95.0	-1.3	94.0	-1.4	3.0	0.9	1.0	0.4	3.0	0.9	6.0	1.4	10.0	0.9
U.S. No. 3 .....	43.0	-0.5	95.0	-1.3	90.0	-1.6	4.0	1.1	2.0	0.5	5.0	1.3	8.0	1.5	15.0	0.9
U.S. No. 4 .....	43.0	-0.5	95.0	-1.3	87.0	-1.9	5.0	1.3	3.0	0.6	5.0	1.3	10.0	1.6	15.0	0.9

<sup>1</sup> Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

TABLE 2—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR TWO-ROWED MALTING BARLEY

Grade	Minimum limits of—						Maximum limits of—							
	Test weight per bushel (pounds)		Suitable malting types (percent)		Sound barley <sup>1</sup> (percent)		Wild oats (percent)		Foreign material (percent)		Skinned and broken kernels (percent)		Thin barley (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1 .....	50.0	-0.5	97.0	-1.0	98.0	-0.8	1.0	0.6	0.5	0.1	5.0	1.3	5.0	0.4
U.S. No. 2 .....	48.0	-0.5	97.0	-1.0	98.0	-0.8	1.0	0.6	1.0	0.4	7.0	1.3	7.0	0.5
U.S. No. 3 .....	48.0	-0.5	95.0	-1.3	96.0	-1.1	2.0	0.8	2.0	0.5	10.0	1.8	10.0	0.9

TABLE 2—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR TWO-ROWED MALTING BARLEY—Continued

Grade	Minimum limits of—			Maximum limits of—			
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley <sup>1</sup> (percent)	Wild oats (percent)	Foreign material (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 4 .....	48.0 -0.5	95.0 -1.3	93.0 -1.1	3.0 0.9	3.0 0.6	10.0 1.8	10.0 0.9

<sup>1</sup> Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley. NOTE: Malting barley shall not be infested in accordance with § 810.107(b) and shall not contain any special grades as defined in § 810.206. Six- and two-rowed barley varieties not meeting the above requirements shall be graded in accordance with standards established for the class Barley.

TABLE 3—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR BARLEY

Grade	Minimum limits of—		Maximum limits of—					
	Test weight per bushel (pounds)	Sound barley (percent)	Damaged kernels <sup>1</sup> (percent)	Heat damaged kernels (percent)	Foreign material (percent)	Broken kernels (percent)	Thin barley (percent)	
	GL BP	GL BP	GL BP	GL BP	GL BP	GL BP	GL BP	
U.S. No. 1 .....	47.0 -0.5	97.0 -1.1	2.0 0.8	0.2 0.1	1.0 0.4	4.0 1.0	10.0 0.9	
U.S. No. 2 .....	45.0 -0.5	94.0 -1.4	4.0 1.0	0.3 0.1	2.0 0.4	8.0 1.5	15.0 0.9	
U.S. No. 3 .....	43.0 -0.5	90.0 -1.6	6.0 1.4	0.5 0.2	3.0 0.5	12.0 1.8	25.0 1.3	
U.S. No. 4 .....	40.0 -0.5	85.0 -2.2	8.0 1.5	1.0 0.5	4.0 0.5	18.0 1.8	35.0 1.9	
U.S. No. 5 .....	36.0 -0.5	75.0 -2.2	10.0 1.8	3.0 0.6	5.0 0.6	28.0 2.4	75.0 2.3	

<sup>1</sup> Includes heat-damaged kernels. Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels.

TABLE 4—BREAKPOINTS FOR BARLEY SPECIAL GRADES AND FACTORS

Special grade or factor	Grade or range limit	Breakpoint
Dockage .....	As specified by contract or load order .....	0.23
Two-rowed Barley .....	Not more than 10.0% of Six-rowed in Two-rowed .....	1.8
Six-rowed Barley .....	Not more than 10.0% of Two-rowed in Six-rowed .....	1.8
Malting (Blue Aleurone Layers) .....	Not less than 90.0% .....	-1.3
Malting (White Aleurone Layers) .....	Not less than 90.0% .....	-1.3
Smutty .....	More than 0.20% .....	0.06
Garlicky .....	3 or more in 500 grams .....	2 <sup>1</sup> / <sub>3</sub>
Ergoty .....	More than 0.10% .....	0.13
Infested .....	Same as in § 810.107 .....	0
Blighted .....	More than 4.0% .....	1.1
Injured-by-Frost Kernels .....	Not more than 1.9% .....	0.1
Injured-by-Heat Kernels .....	Not more than 0.2% .....	0.04
Frost-damaged Kernels .....	Not more than 0.4% .....	0.05
Heat-damaged Kernels .....	Not more than 0.1% .....	0.1
Other Grains .....	Not more than 25.0% .....	2.4
Moisture .....	As specified by contract or load order grade .....	0.5

TABLE 5—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR CORN

Grade	Minimum test weight per bushel (pounds)		Maximum limits of—					
			Damaged kernels				Broken corn and foreign material (percent)	
			Heat-damaged kernels (percent)		Total (percent)			
	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1 .....	56.0	-0.4	0.1	0.1	3.0	1.0	2.0	0.2
U.S. No. 2 .....	54.0	-0.4	0.2	0.2	5.0	1.3	3.0	0.3
U.S. No. 3 .....	52.0	-0.4	0.5	0.3	7.0	1.5	4.0	0.3
U.S. No. 4 .....	49.0	-0.4	1.0	0.5	10.0	1.8	5.0	0.4
U.S. No. 5 .....	46.0	-0.4	3.0	0.9	15.0	2.1	7.0	0.4

TABLE 6—BREAKPOINTS FOR CORN SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Flint .....	95 percent or more of flint corn .....	- 1.0
Flint and Dent .....	More than 5 percent, but less than 95 percent of flint corn .....	1.0 or - 1.0
Infested .....	Same as in §810.107 .....	0
Corn of other colors:		
White .....	Not more than 2.0 percent .....	0.8
Yellow .....	Not more than 5.0 percent .....	1.0
Waxy .....	95 percent or more .....	-3.0
High BCFM .....	As specified by contract or load order grade .....	10 percent of the load order grade
Moisture .....	As specified by contract or load order grade .....	0.4

TABLE 7—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR FLAXSEED

Grade	Minimum test weight per bushel (pounds)		Maximum limits of-damaged kernels			
			Heat-damaged kernels (percent)		Total (percent)	
	GL	BP	GL	BP	GL	BP
U.S. No. 1 .....	49.0	-0.1	0.2	0.1	10.0	0.9
U.S. No. 2 .....	47.0	-0.1	0.5	0.1	15.0	1.1

TABLE 8—BREAKPOINTS FOR FLAXSEED SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Moisture .....	As specified by load order or contract grade .....	0.4
Dockage .....	0.99 percent or above .....	0.32

TABLE 9—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR MIXED GRAIN

Grade	Moisture (percent)	Maximum Limits of—			
		Damaged kernels		Heat-damaged kernels (percent)	
		Total (percent)		GL	BP
U.S. Mixed Grain .....	16.0	15.0	0.6	3.0	0.4

Note: There is no tolerance for U.S. Sample grade Mixed Grain.

TABLE 10—BREAKPOINTS FOR MIXED GRAIN SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Smutty .....	15 or more in 250 grams (wheat, rye, or triticale predominates) .....	6
	More than 0.2% (all other mixtures) .....	0.05
Ergoty .....	More than 0.30% (rye wheat predominates) .....	0.13
	More than 0.10% (all other mixtures) .....	0
Garlicky .....	2 or more per 1,000 grams (wheat, rye, or triticale predominates) .....	1
	4 or more per 500 grams (all other mixtures) .....	2
Infested .....	Same as in §810.107 .....	0
Blighted .....	More than 4.0% (barley predominates) .....	1.1
Treated .....	Same as in §810.805 .....	0
Moisture .....	As specified by contract or load order grade .....	0.5

TABLE 11—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR OATS

Grade	Minimum limits of—				Maximum limits of—					
	Test weight per bushel (pounds)		Sound Oats (percent)		Heat-damaged kernels (percent)		Foreign material (percent)		Wild Oats (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1 .....	36.0	-0.5	97.0	-0.8	0.1	0.1	2.0	0.4	2.0	0.6

TABLE 11—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR OATS—Continued

Grade	Minimum limits of—				Maximum limits of—					
	Test weight per bushel (pounds)		Sound Oats (percent)		Heat-damaged kernels (percent)		Foreign material (percent)		Wild Oats (percent)	
U.S. No. 2 .....	33.0	-0.5	94.0	-1.2	0.3	0.4	3.0	0.4	3.0	0.8
U.S. No. 3 <sup>1</sup> .....	30.0	-0.5	90.0	-1.4	1.0	0.5	4.0	0.5	5.0	1.1
U.S. No. 4 <sup>2</sup> .....	27.0	-0.5	80.0	-1.9	3.0	0.8	5.0	0.5	10.0	1.4

<sup>1</sup> Oats that are Slightly Weathered shall be graded not higher than U.S. No. 3.  
<sup>2</sup> Oats that are Badly Stained or Materially Weathered shall be graded not higher than U.S. No. 4.

TABLE 12—BREAKPOINTS FOR OATS SPECIAL GRADES AND FACTORS

Special grade or factors	Grade limit	Breakpoint
Heavy .....	38 pounds or more .....	-0.5
Extra Heavy .....	40 pounds or more .....	-0.5
Moisture .....	As specified by contract or load order grade .....	0.5
Thin .....	More than 20.0% .....	0.5
Smutty .....	More than 0.2% .....	0.05
Ergoty .....	More than 0.10% .....	0.10
Garlicky .....	4 or more in 500 grams .....	2 1/3
Infested .....	Same as in § 810.107 .....	0
Bleached .....	Same as in § 810.1005 .....	0

TABLE 13—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR RYE

Grade	Minimum test weight per bushel (pounds)		Maximum limits of—								Thin rye (percent)	
			Foreign Material				Damaged kernels(percent)					
			Foreign matter other than wheat (percent)		Total (percent)		Heat-damaged (percent)		Total (percent)			
U.S. No. 1 .....	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 2 .....	56.0	-0.5	1.0	0.4	3.0	0.8	0.2	0.1	2.0	0.8	10.0	0.6
U.S. No. 3 .....	54.0	-0.5	2.0	0.5	6.0	1.1	0.2	0.1	4.0	1.1	15.0	0.8
U.S. No. 4 .....	52.0	-0.5	4.0	0.8	10.0	1.4	0.5	0.4	7.0	1.4	25.0	0.9
U.S. No. 4 .....	49.0	-0.5	6.0	0.8	10.0	1.4	3.0	0.8	15.0	2.0	.....	.....

TABLE 14—BREAKPOINTS FOR RYE SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Moisture .....	As specified by contract or load order grade .....	0.3
Light Garlicky .....	2 or more per 1,000 grams .....	1 1/3
Garlicky .....	More than 6 per 1,000 grams .....	7 1/3
Ergoty .....	More than 0.30% .....	0.10
Plump .....	Not more than 5.0% through 0.064×3/8 sieve .....	0.5
Light Smutty .....	More than 14 per 250 grams .....	6
Smutty .....	More than 30 per 250 grams .....	10
Infested .....	Same as in § 810.107 .....	0
Dockage .....	As specified by contract or load order grade .....	0.2

TABLE 15—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR SORGHUM

Grade	Minimum test weight per bushel (pounds)		Maximum limits of—									
			Damaged kernels				Broken kernels and foreign material					
			Heat-damaged (percent)		Total (percent)		Total (percent)		Foreign material (percent)			
U.S. No. 1 .....	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 2 .....	57.0	-0.4	0.2	0.1	2.0	1.1	3.0	0.5	1.0	0.4	.....	.....
U.S. No. 2 .....	55.0	-0.4	0.5	-0.4	5.0	1.8	6.0	0.6	2.0	0.5	.....	.....
U.S. No. 3 <sup>1</sup> .....	53.0	-0.4	1.0	0.5	10.0	2.3	8.0	0.7	3.0	0.6	.....	.....

TABLE 15—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR SORGHUM—Continued

Grade	Minimum test weight per bushel (pounds)	Maximum limits of—							
		Damaged kernels				Broken kernels and foreign material			
		Heat-damaged (percent)		Total (percent)		Total (percent)	Foreign material (percent)		
U.S. No. 4 .....	51.0 -0.4	3.0	0.8	15.0	2.8	10.0	0.8	4.0	0.7

<sup>1</sup> Sorghum that is distinctly discolored shall be graded not higher than U.S. No. 3.

TABLE 16—BREAKPOINTS FOR SORGHUM SPECIAL GRADES AND FACTORS

Special grade or factors	Grade limit	Breakpoint
Class Tannin .....	Not less than 90.0% .....	- 1.9
Sorghum .....	Not less than 97.0% .....	- 1.0
White .....	Not less than 98.0% .....	- 0.9
Smutty .....	20 or more in 100 grams .....	8
Infested .....	Same as in § 810.107 .....	0
Dockage .....	0.99% and above .....	0.32
Moisture .....	As specified by contract or load order grade .....	0.5

TABLE 17—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR SOYBEANS

Grade	Maximum limits of—											
	Damaged kernels						Foreign material (percent)		Splits (percent)		Soybeans of other colors (percent)	
	Heat-damaged (percent)			Total (percent)								
	GL	BP		GL	BP		GL	BP	GL	BP	GL	BP
U.S. No. 1	0.2	0.2	2.0	0.8	1.0	0.2	10.0	1.6	1.0	1.0	0.7	
U.S. No. 2	0.5	0.3	3.0	0.9	2.0	0.3	20.0	2.2	2.0	2.0	1.0	
U.S. No. 3 <sup>1</sup>	1.0	0.5	5.0	1.2	3.0	0.4	30.0	2.5	5.0	5.0	1.6	
U.S. No. 4 <sup>2</sup>	3.0	0.9	8.0	1.5	5.0	0.5	40.0	2.7	10.0	10.0	2.3	

<sup>1</sup> Soybeans that are purple mottled or stained which will not be graded higher than U.S. No. 3.

<sup>2</sup> Soybeans that are materially weathered which will not be graded not higher than U.S. No. 4.

TABLE 18—BREAKPOINTS FOR SOYBEAN SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Garlicky .....	5 or more per 1,000 grams .....	2
Infested .....	Same as in § 810.107 .....	0
Soybeans of other colors .....	Not more than 10.0% .....	2.3
Moisture .....	As specified by contract or load order grade .....	0.3
Test Weight .....	As specified by contract or load order .....	-0.4

TABLE 20—BREAKPOINTS FOR SUNFLOWER SEED SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Moisture .....	As specified by contract or load order grade .....	0.5
Foreign Material .....	1.25% and less .....	0.27
	1.26% and above .....	0.39
Admixture .....	As specified by contract or load order grade .....	0.6

TABLE 21—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR TRITICALE

Grade	Minimum test weight per bushel (percent)		Maximum limits of—											
			Damaged kernels				Foreign material				Shrunken and broken kernels (percent)		Defects <sup>3</sup> (percent)	
			Heat-damaged (percent)		Total <sup>1</sup> (percent)		Material other than wheat or rye (percent)		Total <sup>2</sup> (percent)					
GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	
U.S. No. 1 .....	48.0	-0.5	0.2	0.1	2.0	0.8	1.0	0.4	2.0	0.6	5.0	0.8	5.0	1.3
U.S. No. 2 .....	45.0	-0.5	0.2	0.1	4.0	1.1	2.0	0.5	4.0	0.9	8.0	0.8	8.0	1.3
U.S. No. 3 .....	43.0	-0.5	0.5	0.4	8.0	1.5	3.0	0.6	7.0	1.2	12.0	1.6	12.0	2.3
U.S. No. 4 .....	41.0	-0.5	3.0	0.8	15.0	2.0	4.0	0.8	10.0	1.4	20.0	2.3	20.0	2.3

<sup>1</sup> Includes heat-damaged kernels.  
<sup>2</sup> Includes material other than wheat or rye.  
<sup>3</sup> Defects includes damaged kernels (total), foreign material (total), and shrunken and broken kernels. The sum of these three factors may not exceed the limit for defects for each numerical grade.

TABLE 22—BREAKPOINTS FOR TRITICALE SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
Garlicky .....	2 or more per 1,000 grams .....	1 1/3
Ergoty .....	More than 0.10% .....	0.1
Smutty .....	More than 14 per 250 grams .....	6
Infested .....	Same as in § 810.107 .....	0
Dockage .....	0.99% or above .....	0.32
Moisture .....	As specified by contract or load order grade .....	0.5

TABLE 23—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR WHEAT

Grade	Minimum limits of—		Maximum limits of—															
	Test weight per bushel		Damaged kernels		Foreign material (percent)	Shrunken and broken kernels (percent)	Defects <sup>3</sup> (percent)	Wheat of other classes <sup>4</sup>										
	Hard red spring wheat or white club wheat <sup>1</sup> (pounds)	All other classes and sub-classes (pounds)	Heat-damaged kernels (percent)	Total <sup>2</sup> (percent)				Contrasting classes (percent)	Total <sup>5</sup> (percent)									
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP								
U.S. No. 1 .....	58.0	-0.3	60.0	-0.3	0.2	0.2	2.0	1.0	0.4	0.2	3.0	0.7	1.0	0.7	3.0	1.6		
U.S. No. 2 .....	57.0	-0.3	58.0	-0.3	0.2	0.2	4.0	1.5	0.7	0.3	5.0	0.4	5.0	0.9	2.0	1.0	5.0	2.1
U.S. No. 3 .....	55.0	-0.3	56.0	-0.3	0.5	0.3	7.0	1.9	1.3	0.4	8.0	0.5	8.0	1.2	3.0	1.3	10.0	2.9

TABLE 23—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR WHEAT—Continued

Grade	Minimum limits of—		Maximum limits of—						
	Test weight per bushel		Damaged kernels		Foreign material (percent)	Shrunken and broken kernels (percent)	Defects <sup>3</sup> (percent)	Wheat of other classes <sup>4</sup>	
	Hard red spring wheat or white club wheat <sup>1</sup> (pounds)	All other classes and subclasses (pounds)	Heat-damaged kernels (percent)	Total <sup>2</sup> (percent)				Contrasting classes (percent)	Total <sup>5</sup> (percent)
U.S. No. 4 .....	53.0 –0.3	54.0 –0.3	1.0 0.4	10.0 2.3	3.0 0.6	12.0 0.6	12.0 1.4	10.0 2.3	10.0 2.9
U.S. No. 5 .....	50.0 –0.3	51.0 –0.3	3.0 0.7	15.0 2.7	5.0 0.7	20.0 0.7	20.0 1.5	10.0 2.3	10.0 2.9

<sup>1</sup> These requirements also apply when Hard Red Spring or White Club wheat predominate in a sample of Mixed wheat.  
<sup>2</sup> Includes heat-damaged kernels.  
<sup>3</sup> Defects include damaged kernels (total), foreign material, and shrunken and broken kernels. The sum of these factors may not exceed the limit for defects for each numerical grade.  
<sup>4</sup> Unclassed wheat of any grade may contain not more than 10.0 percent of wheat of other classes.  
<sup>5</sup> Includes contrasting classes.

TABLE 24—BREAKPOINTS FOR WHEAT SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Break-point
Moisture .....	As specified by contract or load order grade .....	0.3
Garlicky .....	More than 2 bulblets per 1,000 grams .....	1½
Light smutty .....	More than 5 smut balls per 250 grams .....	3
Smutty .....	More than 30 smut balls per 250 grams .....	10
Infested .....	Same as in § 810.107 .....	0
Ergoty .....	More than 0.05% .....	0.03
Treated .....	Same as in § 810.2204 .....	0
Dockage .....	As specified by contract or load order grade .....	0.2
Protein .....	As specified by contract or load order grade .....	0.5
Class and Subclass		
Hard red spring:		
DNS .....	75% or more DHV .....	–5.0
NS .....	25% or more DHV but less than 75% DHV .....	–5.0
Durum:		
HADU .....	75% or more HVAC .....	–5.0
ADU .....	60% or more HVAC but less than 75% of HVAC .....	–5.0
Soft white:		
SWH .....	Not more than 10% white club wheat .....	2.0
WHCB .....	Not more than 10% of other soft white wheat .....	2.0
WWH .....	More than 10% WHCB and more than 10% of other soft white wheat .....	–3.0

(3) *Grain accepted by the inspection plan.* Grain which is offered for inspection as part of a single lot and accepted by a statistical acceptance sampling and inspection plan according to the provisions of this section and procedures prescribed in the instructions shall be certificated as a single lot provided it was sampled in a reasonably continuous operation. Official factor and official criteria information shown on the certificate shall be based on the weighted or mathematical averages of the analysis of sublots.

(4) *Grain rejected by the inspection plan.* When grain which is offered for inspection as part of a single lot is rejected by the plan or is not sampled in a reasonably continuous operation, the grain in each portion shall be certifi-

cated separately. If any portion of grain is not accepted by the plan and designated a material portion, the applicant shall be promptly notified and have the option of:

- (i) Removing the material portion from the carrier; or
- (ii) Requesting the material portion be separately certificated; or
- (iii) Requesting either a reinspection or an appeal inspection of the material portion; or
- (iv) Requesting a reinspection service and/or an appeal inspection service on the entire lot.

(5) *Reinspection service and appeal inspection service.* A reinspection or an appeal inspection may be requested on a material portion. A Board appeal inspection may also be requested on a



material portion after the reinspection or appeal inspection. A reinspection, an appeal inspection, and a Board appeal inspection may be requested on the total sublots in the lot.

(i) *Material portions.* A material portion designated by the plan may be re-inspected or appeal inspected once in the field, but not both, and once at the Board of Appeals and Review. The reinspection or appeal inspection result shall, unless a material error is found, be averaged with the original inspection determination. The Board appeal inspection result shall, unless a material error is found, be averaged with the previous inspection result. The inspection plan tolerances shall be re-applied to the material portion grain to determine acceptance or rejection. If a material error is found, the reinspection or appeal inspection result shall replace the original inspection result or the Board appeal result shall replace the previous inspection result. For purposes of this section, a material error is defined as results differing by more than two standard deviations. Acceptance or rejection of that portion of grain shall be based on the reinspection or appeal inspection and on the Board appeal inspection result alone when a material error is found.

(ii) *Entire lot.* The applicant may request a reinspection service, an appeal inspection service, and a Board appeal inspection service on the entire lot. Inspection results for these services shall replace the previous inspection results. The tolerances shall be reapplied to all portions of the entire lot to determine acceptance or rejection.

(d) *Infested grain*—(1) *Available options.* If grain or any portion of grain in a single shiplot, unit train, or lash barge lot is found to be infested, according to the provisions of the Official U.S. Standards for Grain, the applicant shall be promptly notified and have the option of:

(i) Unloading the portion of infested grain from the lot and an additional amount of other grain in common stowage with the infested grain; or

(ii) When applicable, completing the loading and treating all infested grain in the lot; or

(iii) When applicable, treating the infested grain for the purpose of destroy-

ing the insects, subject to subsequent examination by official personnel; or

(iv) Continue loading without treating the infested grain, in which case all of the infested grain in the lot and all grain in common stowage areas with the infested grain will be officially certificated as infested according to the provisions of the Official U.S. Standards for Grain.

(2) *Exception.* If infested grain in loaded into common stowage with a lot, or a portion of a lot, which has not been officially certificated as being infested, the applicant loading the infested grain may not use the option in paragraph (d)(1)(i) of this section.

(3) *With treatment.* If infested grain is treated with a fumigant in accordance with the instructions and the treatment is witnessed by official personnel, the official sampling, inspection, grading, and certification of the lot shall continue as though the infested condition did not exist.

(e) *Special certification procedures*—(1) *Rejected grain.* When grain is rejected by the inspection plan under paragraph (c)(4) of this section, the official inspection certificate for each different portion of different quality shall show:

(i) A statement that the grain has been loaded aboard with grain of other quality;

(ii) The grade, location, or other identification and approximate quantity of grain in the portions; and

(iii) Other information required by the regulations and the instructions.

The requirement of paragraph (e)(1)(i) of this section does not apply to grain that is inspected as it is unloaded from the carrier or to portions loaded in separate carriers or stowage space.

(2) *Common stowage.* (i) *Without separation.* When bulk grain is offered for official inspection as it is loaded aboard a ship and is loaded without separation in a stowage area with other grain or another commodity, the official inspection certificate for the grain in each lot shall show the kind, the grade, if known, and the location of the other grain, or the kind and location of the other commodity in the adjacent lots.

(ii) *With separation.* When separations are laid between lots, the official inspection certificates shall show the

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kind of material used in the separations and the locations of the separations in relation to each lot.

(iii) *Exception.* The common stowage requirements of this paragraph are not applicable to the first lot in a stowage area unless a second lot is loaded, in whole or in part, in the stowage area prior to issuing the official inspection certificate for the first lot.

(3) *Protein.* A special statement indicating the actual protein range of a lot shall be shown on the official inspection certificate if the difference between the lowest and highest protein determinations for the lot exceeds 1.0 percent when protein is officially determined and a specific range limit is not established by the contract grade.

(4) *Part lot.* If part of a lot of grain in an inbound carrier is unloaded and part is left in the carrier, the unloaded grain shall be officially inspected and certificated in accordance with the provisions of § 800.84(g).

(5) *Official mark.* If the grain in a single lot is officially inspected for grade as it is being loaded, upon request, the following official mark shall be shown on the inspection certificate: "Loaded under continuous official inspection."

[55 FR 24042, June 13, 1990; 55 FR 46131, Nov. 1, 1990, as amended at 56 FR 4675, Feb. 5, 1991; 57 FR 58965, 58970, Dec. 14, 1992; 61 FR 18490, Apr. 26, 1996; 63 FR 20056, Apr. 23, 1998; 64 FR 6783, Feb. 11, 1999; 71 FR 52405, Sept. 6, 2006; 71 FR 77853, Dec. 27, 2006; 73 FR 39732, July 20, 2007]

**§ 800.87 New inspections.**

(a) *Identity lost.* An applicant may request official personnel to perform a new original inspection service on an identified lot of grain, or on an identified carrier or container, if the identity of the lot or the carrier or container has been lost.

(b) *Identity not lost.* If the identity of the grain or the carrier or container is not lost, a new original inspection shall not be performed on the same identified lot of grain or carrier or container in the same assigned area of responsibility within 5 business days after the last official inspection.

[50 FR 49674, Dec. 4, 1985]

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**§ 800.88 Loss of identity.**

(a) *Lots.* Except as noted in paragraph (d) of this section, the identity of a lot of grain shall be considered lost if (1) a portion of the grain is unloaded, transferred, or otherwise removed from the carrier or container in which the grain was located at the time of the original inspection; or (2) a portion of grain or other material, including additives, is added to the lot after the original inspection was performed, unless the addition of the additive was performed in accordance with the regulations and the instructions. At the option of official personnel performing a reinspection, appeal inspection, or Board appeal inspection service, the identity of grain in a closed carrier or container shall be considered lost if the carrier or container is not sealed or if the seal record is incomplete.

(b) *Carriers and containers.* The identity of a carrier or container shall be considered lost when (1) the stowage area is cleaned, painted, treated, fumigated, or fitted after the original inspection was performed; or (2) the identification of the carrier or container has been changed since the original inspection was performed.

(c) *Submitted samples.* The identity of a submitted sample of grain shall be considered lost when (1) the identifying number, mark, or symbol for the sample is lost or destroyed or (2) the samples have not been retained and protected by official personnel as prescribed in the instructions.

(d) *Additives.*<sup>1</sup> If additives are applied during loading to outbound, including export, grain after sampling or during unloading to inbound grain before sampling for the purpose of insect or fungi control, dust suppression, or identification, the inspection certificate shall show a statement showing the type and purpose of the additive application, except that no statement is required to

<sup>1</sup>Elevators, other handlers of grain, and their agents are responsible for the additive's proper usage and application. Compliance with this section does not excuse compliance with applicable Federal, State, and local laws.