

1982, for example, following the emergence of my September peace initiative, the King stated, "I have recognized Israel since I helped in formulating Security Council Resolution 242 and accepted it." This year, King Hussein reaffirmed his acceptance of 242 and 338, as well as his acknowledgment of Israel's right to exist. During his May visit to the United States, he also expressed his desire to move toward direct negotiations with Israel before the end of 1985. Before the September session of the United Nations General Assembly, King Hussein clearly and publicly reiterated his position that "we are prepared to negotiate under the appropriate auspices with the Government of Israel promptly and directly under the basic tenets of Resolutions 242 and 338." The King repeated this position in his subsequent statements in Washington, as well as his conviction that negotiations with Israel would take place in an environment free of belligerent or hostile acts.

King Hussein has not, however, merely expressed in words his commitment to a peaceful settlement. Last year, Jordan restored diplomatic relations with Egypt, asserting that no state should be isolated for making peace with Israel. In November, in defiance of Syrian opposition, Jordan hosted the Palestine National Council and challenged the Palestinian community to join with him in seeking a negotiated settlement with Israel on the basis of Resolution 242. Most recently, Jordanian officials forthrightly attended a meeting with the British Foreign Minister, even though PLO representatives proved unable to abide by previously agreed ground rules. Finally, Jordan has given ample, and recent, evidence that it eschews violence as the answer to the Arab-Israeli conflict. It has done its part for many years to maintain quiet along its frontier with Israel, and it was quick to condemn publicly the murder of the three Israelis in Larnaca.

I am fully aware of the conviction of the Congress that U.S. arms transfers in the Middle East should facilitate our efforts to bring about a just and lasting peace in the region. I share that conviction without reservation, and I am convinced that this sale promotes our shared objective. Progress towards peace in the Middle East requires another Arab state willing to negotiate with Israel. Jordan has indicated its willingness to do so.

Jordan, however, is a small and vulnerable state with legitimate security concerns; these concerns are heightened because of its interest in peace with Israel. King Hussein's bold moves toward the negotiating table have provoked repeated overt threats to his regime and associates from those who are determined to prevent a settlement with Israel. Because the sale to Jordan of a limited quantity of defensive arms will enhance Jordan's confidence and self-defense capabilities against such threats, it will enable Jordan more effectively to implement its commitment to peace. Moreover, the sale will convey to King Hussein a clear signal of our political support for his peace initiatives and our refusal to allow acts of terrorism to deter us from pursuit of the peace process. It is, therefore, in the context of our desire to move forward in the peace process that the Administration has notified Congress of our intent to sell to Jordan a limited quantity of defensive arms.

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 531 and 536

Appeal Rights for Denial of Within-Grade Increases and Termination of Grade and Pay Retention

AGENCY: Office of Personnel Management.

ACTION: Revocation of final rule.

SUMMARY: On January 4, 1985, the Office of Personnel Management promulgated a final rule amending §§ 531.410(d) and 536.302(e) of Title 5, Code of Federal Regulations (50 FR 427).

By order of July 15, 1985, Judge Harold H. Greene of the United States District Court for the District of Columbia ordered OPM to withdraw these regulations (*National Treasury Employees Union v. Cornelius*, Civil Action No. 85-0129 (D.D.C. July 15, 1985)). Accordingly, pursuant to the order of the Court, the changes in 5 CFR 531.410(d) and 5 CFR 536.302(e) published in the Federal Register on January 4, 1985, are hereby revoked.

Since the January 4, 1985, revision consisted of the removal of two regulatory provisions, the regulations must again be amended to reintroduce these two provisions.

EFFECTIVE DATE: January 4, 1985.

FOR FURTHER INFORMATION CONTACT: Jan B. Karicher, (202) 632-4834.

SUPPLEMENTARY INFORMATION:

E.O. 12291, Federal Regulation

I certify that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant impact on a substantial number of small entities because they concern administrative

practices that will affect only the Federal Government and its employees.

List of Subjects in 5 CFR Parts 531 and 536

Administrative practice and procedures, Government employees, Wages.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM amends 5 CFR Parts 531 and 536 as follows:

PART 531—PERFORMANCE BASED INCENTIVE SYSTEM FOR THE GENERAL SCHEDULE

Subpart D—Within-Grade Increases

1. The authority citation for Subpart D continues to read as follows:

Authority: 5 U.S.C. 5301, 5335, and 5338 and E.O. 11721 as amended, section 402, unless otherwise noted.

2. In § 531.410, paragraph (d) is revised to read as follows:

§ 531.410 Reconsideration of a negative determination.

(d) When a negative determination is sustained after reconsideration, an employee shall be informed in writing of the reasons for the decision and of his or her right to appeal the decision to the Merit Systems Protection Board. However, for an employee covered by a collective bargaining agreement a reconsideration decision that sustains a negative determination is only reviewable in accordance with the terms of the agreement.

PART 536—GRADE AND PAY RETENTION

Subpart C—Miscellaneous Provisions

3. The authority citation for Part 536 continues to read as follows:

Authority: 5 U.S.C. 5361-5368.

4. In § 536.302, paragraph (e) is redesignated as paragraph (f), and a new paragraph (e) is added to read as follows:

§ 536.302 Appeal of termination of benefits because of reasonable offer.

(e) Termination of benefits based on a declination of a reasonable offer by an employee in an exclusively recognized

bargaining unit may be reviewed under the negotiated grievance and arbitration procedures in accordance with chapter 71 of title 5, United States Code, and the terms of any applicable collective bargaining agreement. An employee in an exclusively recognized bargaining unit may not appeal a termination of benefits to the Office of Personnel Management if the grievance procedure of the agreement by which he or she is covered provides for this review.

[FR Doc. 85-25986 Filed 10-30-85; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Kinds of Official Services, Original Services, Official Reinspection Services and Review of Weighing Services, Appeal Inspection Services, and Official Certificates

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is finalizing its proposed rule concerning Kinds of Official Services, Original Services, Official Reinspection Services and Review of Weighing Services, Appeal Inspection Services, and Official Certificates published in the Federal Register April 19, 1985. This final rule deletes the requirements for showing certain information on application-for-service forms; for dismissing requests for service which appear elsewhere in the regulations; for not permitting the issuance of divided-lot certificates on shiplot grain commingled with grain of a different kind or quality; and for issuing certificates on shiplot grain when a portion is returned to the elevator or a portion is determined to be uniform on the basis of a reinspection or appeal inspection are deleted. This final rule establishes provisions for certain present scale testing services as official services listed in the regulations; for certificating reinspections, appeal inspections, and reviews of weighing services; and for obtaining reinspections and appeal inspections on carriers that have left the point of original inspection.

In addition, miscellaneous revisions reorganize, condense, simplify certain language, and make corresponding changes to references in other sections. These changes clarify and simplify the regulations, conform certain provisions to present trading practices, and facilitate the use of the regulations.

EFFECTIVE DATE: December 2, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Information Resources Management Branch (RM), FGIS, USDA, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirements for small entities, and this action poses no new or additional duties or obligations to business entities.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504(b) of that Act, the information collection and recordkeeping requirements contained in the final rule have been approved by OMB.

Final Action

The review of the regulations concerning Kinds of Official Services (7 CFR 800.75-800.78), Original Services (7 CFR 800.115-800.119), Official Reinspection Services and Review of Weighing Services (7 CFR 800.125-800.131), Appeal Inspection Services (7 CFR 800.135-800.140), and Official Certificates (7 CFR 800.160-800.166) included a determination of continued need for and consequences of the regulations. The objective of the review was to ensure that the regulations are

serving their intended purpose, the language is clear, and the regulations are consistent with FGIS policy and authority. FGIS has determined that, in general, these regulations are serving their intended purpose, are consistent with FGIS policy and authority, and should remain in effect. In the April 19, 1985, *Federal Register* (50 FR 15569), FGIS proposed that §§ 800.75-800.78, 800.115-800.119, 800.125-800.131, 800.135-800.140, and 800.160-800.166 be revised. Except as discussed below, these proposed changes appear in this final rule which revises these sections by:

1. Clarifying, condensing, and deleting unnecessary language. These changes are in addition to the changes specified below. They are nonsubstantive changes which facilitate the use of the regulations. Some of the language that is condensed or deleted appears generally in §§ 800.160-166 which relates to official certificates, their issuance and distribution, content requirements, their correction and the like. The substance of these sections remains unchanged. For example, in § 800.161 certain official certificate requirements are specified while others are summarized. The reference to specific color requirements is deleted, but continues to appear in the instructions as do all format requirements. Similarly, certain statements on official certificates, such as captions, which presently appear in the regulations, are described, but not specified. The actual statements will appear in the instructions. Further in § 800.162(b), the required official factor information which appears on certificates of grade and which are specified for each kind of grain are described as a certificate requirement only without stating the specified factors. The specified factors appear in each official grade standard and the present duplication is eliminated. Since the provisions of the present § 800.131, *Reporting results of review of weighing services*, is combined with § 800.130, *Reporting results of official reinspection services*, § 800.131 is deleted.

2. Reorganizing §§ 800.75-800.78, *Kinds of Official Services*, to combine and consolidate compatible sections. The reorganization combined the general text in § 800.75, the *Kinds of official inspection services* in § 800.76, the *Kinds of weighing services* in § 800.77 into a revised § 800.75 entitled *Kinds of official inspection and weighing services*; and § 800.78, *Prohibited services: restricted services*, is renumbered as § 800.76. Accordingly, §§ 800.77-800.78 is deleted. The revised § 800.75 contains the same regulatory requirements currently in §§ 800.75-77.

However, it was proposed that the mandatory prior-to-loading stowage examination requirements in the proposed § 800.75(f) (2) and (3) for intracompany shipments of outbound domestic grain sampled during loading be deleted. Stowage examinations are performed to inform the buyer that the grain was loaded into fit carriers. Since an intracompany shipment is a one party transaction, it was thought that prior-to-loading stowage examinations may be unnecessary and should only be performed upon request. The proposal to delete the requirement for mandatory prior-to-loading stowage examinations on intracompany shipments in the current § 800.76(f)(2)(ii) would have allowed applicants to request prior-to-loading stowage examinations on intracompany shipments. As discussed below, based upon comments received, this portion of the proposal is not being adopted. The mandatory stowage examination requirements are being retained for all shipments of outbound grain sampled during loading. Section 800.75 includes *Testing weight reverification services, Railroad track scale testing services, and Hopper and truck scale testing services* in the list of official services. The Service has tested or supervised the testing of all test weights and scales used for official purposes since 1976 under the authority of section 7B of the Act. This action merely incorporates presently available test weight and scale testing services offered by the Service into the list of services which appear in this section of the regulations.

3. Revising §§ 800.46(c)(1) and 800.48(a)(1) to make conforming changes to the reference cited in these sections. Currently, §§ 800.46(c)(1), *Special requirements for official Class X and Class Y weighing services—General*, and 800.48(a)(1), *Conditions for dismissal—General*, reference § 800.115(b) and 800.78. The reference in § 800.46(c)(1) is changed to § 800.115, and the reference in § 800.48(a)(1) to § 800.76.

4. Deleting the provisions for requiring certain specified information on application forms for official services in § 800.116(b), § 800.126(b), and § 800.136(b). Also, by deleting the provisions for dismissal of requests for official services, official reinspection and review of weighing services, and appeal inspection services in §§ 800.117, 800.127, and 800.137. A final rule (49 FR 30911) was published on August 2, 1984, incorporating the regulatory requirements currently in these sections into §§ 800.46 and 800.48 as applicable. This final rule deletes §§ 800.117,

800.127 and 800.137 to avoid duplication of the language. Other sections are renumbered accordingly.

5. Deleting the requirement in § 800.160(b) for issuing separate original inspection and weighing certificates before performing a reinspection, appeal inspection, or review of weighing service when the original services were shown together on a combination certificate. Currently, when original inspection or Class X weighing results are shown on a combination certificate and a reinspection, appeal inspection, or review of weighing service is requested, the combination certificate shall be surrendered to official personnel and voided. Separate original inspection and Class X weighing certificates shall then be prepared. These certificates contain the same information as the original combination certificate and supersede the combination certificate. After the requested service is performed, an appropriate certificate (reinspection, appeal inspection, or review of weighing) is issued. Under the revised procedures, when a reinspection (or appeal inspection or review of weighing) is requested, the results of the service will be reported on a new combination certificate with the original results of the other service.

The new combination certificate will supersede the original combination certificate and identify the types of services performed (e.g., reinspection and original Class X weighing). This will permit the use of combination certificates when a reinspection, appeal, or review of weighing is requested and will streamline the certification process.

6. Adding provisions of §§ 800.126(b)(1) and 800.136(b) for obtaining reinspection and appeal inspection services upon written request by the applicant and interested persons on carriers that have left the specified service point. Currently, requests for reinspection and appeal inspection services must be filed before the carrier leaves the specified service point. On November 18, 1980, this requirement was first waived to provide more flexibility to both applicants and other interested persons. Since that time, the Administrator has granted such waivers on a case-by-case basis without impairing the objectives of the Act. This revision reflects that policy.

7. Deleting the restrictions in § 800.163(c) that prohibit divided-lot certificates from being issued when shiplot grain is commingled in a stowage area with other grain of a different kind or quality. Currently, divided-lot certificates may be issued on the first lot loaded on a vessel upon request. If a second lot loaded on top of the first lot

is not the same kind of quality, divided-lot certificates cannot be issued for the second lot. This restriction is deleted for the second lot making divided-lot certificates available to all applicants upon request. In addition, a required statement indicating that the grain was loaded on board with grain of another kind or quality shall be shown on the divided-lot certificate. This statement informs all parties as to the kind, quality, and location of the lots.

8. Deleting the requirements in §§ 800.130(a), 800.140(a), and 800.160(a) for issuing official certificates on (1) a portion of a shiplot that is returned to the elevator or (2) a portion of a shiplot that was initially found to be nonuniform in quality and then found to be uniform based on the results of the reinspection or appeal inspection. Currently, when shiplot grain is offered for inspection as a single lot and a portion of the lot is returned, an official certificate is issued on the returned portion. In the past, these certificates were used for documenting inspections and for billing purposes. Presently, inspection results are documented on the ship loading log and improved methods are used for billing purposes. In the case of reinspections and appeal inspections, if the results of the reinspection or appeal inspection indicate that a nonuniform portion is uniform, these results replace the original results and are used in determining the final grade. Official certificates are being issued for the original and all subsequent inspections of the portion. These certificates are qualified to indicate they are invalid for trading purposes since the reinspection or appeal inspection results are averaged with the remaining original results to determine the final grade. With the elimination of this requirement, inspection results continue to be reported on official work records, but official certificates will be issued only when requested by the applicant or deemed necessary by official personnel. This action will not have an adverse impact on the buyer but will reduce paperwork and provide regulatory relief and greater program flexibility for the Service, agencies, and the trade.

Comments on the April 19, 1985, proposal were to be submitted by June 18, 1985. A total of nine comments were received on the proposed changes.

Four commenters agreed with all the proposed changes. Two commenters agreed with the proposed changes but offered several specific recommendations for consideration. Three commenters agreed with all of the proposed changes but one.

Five commenters supported the proposed changes to § 800.75(f) deleting the stowage examination requirements for intracompany shipments of outbound domestic grain sampled during loading. Three commenters strongly opposed this proposal and one requested it be expanded to include intercompany shipments when both buyer and seller mutually agree.

The opposing commenters generally recognized that the basis for the proposal was to reduce costs by eliminating unnecessary services. They questioned whether savings from eliminating this service would be significant and stated that it could be a potential source of trade and quality problems. They went on to say that shipments are being redirected while in transit even though the shipment was originally an intracompany shipment, and that sales under these circumstances could lead to disputes which could not be handled on a contract basis. Even though certificates will indicate whether a stowage examination was performed, this indication will not eliminate the need for shipments to be redirected and prevent misrepresentation. Also, the receiving company, in many instances, does not know whether a stowage examination was performed since they do not normally receive origin certificates. After reviewing these comments, FCIS has concluded that the mandatory stowage examination requirements be retained for all shipments of outbound grain sampled during loading including intracompany shipments.

One commenter pointed out several typographical and printing errors. These errors have been corrected.

One commenter requested the requirement for service performed outside normal hours be received by 2:00 p.m. the preceding business day in § 800.116(b) be relaxed so that individual agencies may have latitude when applying this provision. Latitude for agencies in applying this provision presently exists in the definition of *Business day*, § 800.0(13). With respect to agencies, *Business day* is defined as the working hours and days established by an agency. If agencies use the latitude provided in § 800.0(13), applying the provisions contained in § 800.116(b) should not create any hardships. Accordingly, § 800.116(b) is being finalized as written.

One commenter requested the requirement that results for official services be reported on the date the service was completed and that certificates be issued as soon as possible but no later than the close of

business on the next business day in § 800.160(c) contain a waiver provision. The commenter indicated that, in some instances, it is impractical to issue certificates by the next business day. FGIS reviewed this comment and agrees that latitude should be provided. FGIS has included a provision in § 800.160(c) whereby the requirement to issue certificates no later than the close of business on the next business day may be waived when results have been reported.

One commenter requested the certificate hearing requirements in § 800.161(c) be clarified as it pertains to delegated States. FGIS concurs with this comment and has revised § 800.161(c) to state that the certificate hearing requirement pertains to agencies issuing export certificates.

One commenter requested the requirement to always certificate moisture in § 800.162(a)(3) be revised to only certificate moisture in grains where moisture is not a grading factor when it exceeds storability levels or when requested by the applicant. The official standards for corn, soybeans, and sorghum have recently been amended eliminating moisture as a grade determining factor. This change places all grains on the same basis regarding moisture. In the individual rulemakings regarding deletion of moisture as a grade determining factor, it was noted that moisture content would continue to be shown on all certificates which show an official grade determination, as required in § 800.162(a)(3) of the regulations. The application of § 800.162(a)(3) was reviewed carefully by FGIS as part of the prior rulemakings and was considered an integral part of the revision made to the grain standards while addressing the concerns of the grain trade in this area. Therefore, FGIS is finalizing the proposed wording as written.

In addition, § 800.45 (a) and (b) are revised to reflect changes in references due to revisions made in this final rule. Miscellaneous nonsubstantive changes are being made in this final rule from that which was proposed. These changes are for clarity and would further facilitate usage of the regulations.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, and Grain.

Accordingly, 7 CFR Part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 97-582, 90 Stat., 2867, as amended (7 U.S.C. 71 *et seq.*)

1. Section 800.45 is amended by revising paragraphs (a) and (b) as follows:

§ 800.45 Availability of official services.

(a) *Original inspection and weighing services.* Original inspection and weighing services on grain are available according to this section and §§ 800.115 through 800.118 when requested by an interested person.

(b) *Reinspection, review of weighing, and appeal inspection services.* Reinspection, review of weighing, appeal inspection, and Board appeal inspection services are available when requested by an interested person, according to §§ 800.125 through 800.129 and §§ 800.135 through 800.139.

2. Section 800.46 is amended by revising paragraph (c)(1) as follows:

§ 800.46 Requirements for obtaining official services.

(c) *Special requirements for official Class X and Class Y weighing services.*—(1) *General.* Weighing services shall be provided only at weighing facilities which have met the conditions, duties, and responsibilities specified in section 7A(f) of the Act and this section of the regulations. Weighing services will be available only in accordance with the requirements of § 800.115. Facilities desiring weighing services should contact the Service in advance to allow the Service time to determine if the facility complies with the provisions of the Act and regulations.

3. Section 800.48 is amended by revising paragraph (a)(1) as follows:

§ 800.48 Dismissal of request for official services.

(a) *Conditions for dismissal.*—(1) *General.* An agency or the Service shall dismiss requests for official services when (i) § 800.76 prohibits the requested service; (ii) performing the requested service is not practicable; (iii) the agency or the Service lacks authority under the Act or regulations; or (iv) sufficient information is not available to make an accurate determination.

4. Section 800.75 is revised as follows:

Kinds of Official Services

§ 800.75 Kinds of official inspection and weighing services.

(a) *General.* Paragraphs (b) through (m) of this section describe the kinds of official service available. Each kind of

service has several levels. Sections 800.115, 800.116, 800.117, and 800.118 explain Original Services, §§ 800.125, 800.126, 800.127, 800.128, and 800.129 explain Reinspection Services and Review of Weighing Services, and §§ 800.135, 800.136, 800.137, 800.138, and 800.139 explain Appeal Inspection Services. The results of each official service listed in paragraphs (b) through (j) will be certificated according to § 800.160.

(b) *Official sample-lot inspection service.* This service consists of official personnel (1) sampling an identified lot of grain and (2) analyzing the grain sample for grade, official factors, or official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, instructions, and the request for inspection.

(c) *Warehouseman's sample-lot inspection service.* This service consists of (1) a licensed warehouseman sampler (i) sampling an identified lot of grain using an approved diverter-type mechanical sampler and (ii) sending the sample to official personnel and (2) official personnel analyzing the grain sample for grade, official factors, official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, instructions, and the request for inspection.

(d) *Submitted sample inspection service.* This service consists of an applicant or an applicant's agent submitting a grain sample to official personnel, and official personnel analyzing the grain sample for grade, official factors, official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, instructions, and the request for inspection.

(e) *Official sampling service.* This service consists of official personnel (1) sampling an identified lot of grain and (2) forwarding a representative portion(s) of the sample along with a copy of the certificate, as requested by the applicant.

(f) *Official stowage examination service.* (1) This service consists of official personnel visually determining if an identified carrier or container is clean; dry; free of infestation, rodents, toxic substances, and foreign odor; and is suitable to store or carry grain.

(2) A stowage examination may be obtained as a separate service or with one or more other services. Approval of the stowage space is required for official sample-lot inspection services on all export lots of grain and all official sample-lot inspection services performed on outbound domestic lots of

grain which are sampled and inspected at the time of loading. Also, approval of the stowage space is required for any weighing services performed on all outbound land carriers.

(g) *Class X weighing service.* This service consists of official personnel (1) completely supervising the loading or unloading of an identified lot of grain and (2) physically weighing or completely supervising approved weighers weighing the grain.

(h) *Class Y weighing service.* This service consists of (1) approved weighers physically weighing the grain and (2) official personnel partially or completely supervising the loading or unloading of an identified lot of grain.

(i) *Checkweighing service (sacked grain).* This service consists of official personnel or approved weighers under the supervision of official personnel (1) physically weighing a selected number of sacks from a grain lot and (2) determining the estimated total gross, tare, and new weights, or the estimated average gross or net weight per filled sack according to the regulations, instructions, and request by the applicant.

(j) *Checkloading service.* This service consists of official personnel (1) performing a stowage examination; (2) computing the number of filled grain containers loaded aboard a carrier; and (3) if practicable, sealing the carrier for security.

(k) *Test weight reverification service.* This service consists of official personnel (1) comparing the weight of elevator test weights with known weights; (2) correcting the elevator test weights, when necessary; and (3) issuing a Report of Test.

(l) *Railroad track scale testing service.* This service consists of official personnel (1) testing railroad track scales with Service-controlled test cars and (2) issuing a Report of Test.

(m) *Hopper and truck scale testing service.* This service consists of official personnel (1) testing hopper and truck scales and (2) issuing a Report of Test.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

5. Section 800.76 is revised as follows:

§ 800.76 Prohibited services; restricted services.

(a) *Prohibited services.* No agency shall perform any function or provide any service on the basis of unofficial standards, procedures, factors, or criteria if the agency is designated or authorized to perform the service or provide the service on an official basis under the Act.

(b) *Restricted services—(1) Not standardized grain.* When an inspection or weighing service is requested on a sample or a lot of grain which does not meet the requirements for grain as set forth in the Official U.S. Standards for Grain, a certificate showing the words "Not Standardized Grain" shall be issued according to the instructions.

(2) *Grain screening.* The inspection or weighing of grain screenings may be obtained from an agency or field office according to the instructions.

6. Sections 800.77 and 800.78 are removed:

§ 800.77 [Removed]

§ 800.78 [Removed]

7. Section 800.115 is revised as follows:

§ 800.115 Who may request original services.

(a) *General.* Any interested person may request original inspection and weighing services. The kinds of inspection and weighing services are described in § 800.75.

(b) *Class Y weighing services.* A request for Class Y weighing services at an export elevator at an export port location shall cover all lots shipped or received in a specific type of carrier. At all other elevators, the request shall cover all lots shipped from or to a specific location in a specific type of carrier. Each request shall be for a contract period of at least 3 months, but a facility may, upon satisfactory notification, exempt specific unit trains from the request.

(c) *Contract services.* Any interested person may enter into a contract with an agency or the Service whereby the agency or Service will provide original services for a specified period and the applicant will pay a specified fee.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0012).

8. Section 800.116 is revised as follows:

§ 800.116 How to request original services.

(a) *General.* Requests shall be filed with the agency or field office responsible for the areas in which the original service is to be performed. 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 agency or field office upon request. If at the time the request is filed, the information

specified by § 800.46 is not available official personnel may at their discretion, withhold service pending receipt of the required information. An official certificate shall not be issued unless (1) the information as required by § 800.46 has been submitted or (2) official personnel determine that sufficient information has been made available so as to perform the requested service. A record that sufficient information was made available must be included in the record of the official service.

(b) *Request requirements.* Requests for original services, other than submitted sample inspections, must be made with the agency or field office responsible for the area in which the service will be provided. Requests for submitted sample inspections may be made with any agency, or any field office that provides original inspection service. Requests for inspection or Class X weighing of grain during loading, unloading, or handling must be received in advance of loading so official personnel can be present. All requests will be considered filed when the request is received by official personnel. A record shall be maintained for all requests. All requests for service that is to be performed outside normal business hours must be received by 2 p.m. the preceding day.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0012)

9. Section 800.117 is removed. Section 800.118 is redesignated as § 800.117 and revised as follows:

§ 800.117 Who shall perform.

Original services shall be performed by the agency or field office assigned the area in which the service will be provided.

10. Section 800.119 is redesignated as § 800.118 and revised as follows:

§ 800.118 Certification.

Official certificates shall be issued according to § 800.160. Upon request, a combination inspection and Class X weighing certificate may be issued when both services are performed in a reasonably continuous operation at the same location by the same agency or field office.

11. Section 800.125 is revised as follows:

§ 800.125 Who may request reinspection services or review of weighing services.

(a) *General.* Any interested person may request a reinspection or review of weighing service. Only one reinspection

or review of weighing service may be performed on any original service. When more than one interested person requests a reinspection or review of weighing service, the first person to file is the applicant of record.

(b) *Kind and scope of request.* The kind and scope of a reinspection or review of weighing service will be limited to the kind and scope of the original service. If the request specifies a different kind or scope, the request will be dismissed. The request may be resubmitted as a request for original services. Official criteria are considered separately from official grade or official factors when determining the kind and scope. When requested, a reinspection for official grade or official factors and official criteria may be handled separately even though both sets of results are reported on the same certificate. Moreover, a reinspection or review of weighing may be requested on either the inspection or Class X weighing results when both results are reported on a combination inspection and Class X weight certificate. Reinspections for grade shall include a review of all official factors that (1) may determine the grade; or (2) are reported on the original certificate; and (3) are required to be shown.

12. Section 800.126 is revised as follows:

§ 800.126 How to request reinspection or review of weighing services.

(a) *General.* Requests shall be made with the agency or field office that performed the original service. All requests shall include the information specified in § 800.46. Verbal requests shall be confirmed in writing when requested by official personnel. Copies of request forms may be obtained from the agency or field office. If at the time the request is filed the documentation required by § 800.46 is not available, official personnel may, at their discretion, withhold services pending the receipt of the required documentation. A reinspection certificate or the results of a review of weighing service shall not be issued unless (1) the documentation requested under § 800.46 has been submitted or (2) official personnel determine sufficient information has been made available so as to perform the requested service. A record that sufficient information was made available shall be included in the record of the official service.

(b) *Request requirements.* Requests will be considered filed on the date they are received by official personnel. A record shall be maintained for all requests.

(1) *Reinspection services.* Requests shall be received (i) before the grain has left the specified service point where the grain was located when the original inspection was performed; (ii) no later than the close of business on the second business day following the date of the original inspection; and (iii) 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 subparagraph. The requirements of paragraph (b)(1)(i) of this section may be waived only upon written consent of the applicant and all interested persons. The requirements of paragraph (b)(1)(ii) and (iii) of this section may be waived at the request of the applicant or other interested persons. The requirement of paragraph (b)(1)(ii) of this section may also be waived upon satisfactory showing by an interested person of evidence of fraud or that because of distance or other good cause, the time allowed for filing was not sufficient. A record of each waiver shall be included in the record of the reinspection service.

(2) *Review of weighing services.* Requests shall be received no later than 90 calendar days after the date of the original Class X or Class Y weighing service.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0012)

13. Section 800.127 is removed. Section 800.128 is redesignated as § 800.127 and revised as follows:

§ 800.127 Who shall perform reinspection or review of weighing services.

Reinspection or review of weighing services shall be performed by the agency or field office that performed the original service.

14. Section 800.129 is redesignated as § 800.128 and revised as follows:

§ 800.128 Conflicts of interest.

Official personnel cannot perform or participate in performing or issue an official certificate for a reinspection or a review of weighing service if they participated in the original service unless there is only one qualified person available at the time and place of the reinspection or review of weighing.

15. Section 800.130 is redesignated as § 800.129 and revised as follows:

§ 800.129 Certifying reinspection and review of weighing results.

(a) *General.* Except as provided in subparagraph (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 reinspection service shall be reported.

(1) *Results of sublots.* When results of a reinspection on a sublot involved in a material portion are within the tolerance of a specified inspection plan, they shall replace the original inspection results. Certificates for the original inspection and reinspection services shall not be issued unless requested by the applicant or deemed necessary by official personnel. The results, however, shall be recorded on the inspection log and used to determine the weighted/mathematical average of the lot.

(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 reinspection certificates.* Each reinspection certificate shall show the statements required by this section, § 800.161, and applicable instructions.

(1) Each reinspection certificate must clearly show (i) the term "Reinspection" and (ii) a statement identifying the superseded certificate. The superseded certificate will be considered null and void as of the date of the reinspection certificate.

(2) When official grade or official factors, Class X weighing results, and official criteria are reported on the same certificate, the reinspection certificate shall show a statement indicating that the reinspection 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 reinspection certificate is issued, a statement indicating that the superseded certificate has not been surrendered shall be shown on the reinspection 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 reinspection certificate shall show a

statement indicating that the results replaced the original results and that the reinspection certificate is not valid for trading purposes.

16. Section 800.131 is removed:

§ 800.131 [Removed]

17. Section 800.135 is revised as follows:

§ 800.135 Who may request appeal inspection services.

(a) *General.* Any interested person may request appeal inspection or Board appeal inspection services. 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 storage examination services.

(b) *Kind and scope of request.* The kind and scope of an appeal inspection service will be limited to the kind and scope of the original inspection, or reinspection, or, in the case of a Board appeal inspection service, the appeal inspection service. If the request specifies a different kind or scope, the request shall be dismissed. It may, however, be resubmitted as a request for original services. Official criteria is 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. An appeal inspection for grade shall include a review of all official factors that (1) may determine the grade; or (2) are reported on the original, reinspection, or in the case of a Board appeal inspection, the appeal inspection certificate; and (3) are required to be shown on a certificate of grade.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0012)

18. Section 800.136 is revised as follows:

§ 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 all interested persons. The requirements of paragraphs (b)(2) and (3) of this section may be waived at the request of the applicant or other interested persons. The requirement of paragraph (b)(2) of this section may also be waived upon satisfactory showing by an interested person of evidence of fraud or that because of distance or other good cause, the time allowed for filing was not sufficient. A record of each waiver shall be included in the record of the appeal inspection service.

19. Section 800.137 is removed. Section 800.138 is redesignated as § 800.137 and revised as follows:

§ 800.137 Who shall perform appeal inspection services.

(a) *Appeal.* Appeal inspection services shall be performed by the field office responsible for the area in which the original inspection was performed.

(b) *Board appeal.* Board appeal inspection services shall be performed only by the Board of Appeals and Review. The field office that performed the appeal inspection service will act as a liaison between the Board of Appeals and Review and the applicant.

20. Section 800.139 is redesignated as § 800.138 and revised as follows:

§ 800.138 Conflict of interest.

Official personnel cannot perform or participate in performing or issue an official certificate for an appeal inspection if they participated in the original inspection, reinspection, or, in the case of a Board appeal inspection, the appeal inspection service unless there is only one qualified person available at the time and place of the appeal inspection.

21. Section 800.140 is redesignated as § 800.139 and revised as follows:

§ 800.139 Certifying Appeal Inspections.

(a) *General.* Except as provided in paragraphs (b) of this section, official certificate shall be issued according to § 800.160 and the instructions. Except as provided in paragraph (c)(2) of this section, only the results of the appeal inspection service shall be reported.

(b) *Result of sublots.* When the results of an appeal inspection on a subplot involved in a material portion are within the tolerance of a specified inspection plan, they will replace the original inspection, reinspection, or appeal inspection results. No certificate will be issued unless requested by the applicant or deemed necessary by inspection personnel. The results shall be recorded on the inspection log and used to determine the weighted/mathematical average of the lot.

(c) *Required statements.* Each appeal certificate shall show the statements required by this section, § 800.161, and applicable instructions.

(1) Each appeal inspection certificate shall clearly show (i) the term "Appeal" or "Board appeal" and (ii) a statement identifying the superseded certificate. The superseded certificate will be considered null and void as of the date of the appeal inspection certificate.

(2) When official grade or official factors, Class X weighing results, and official criteria are reported on the same certificate, the appeal inspection certificate shall show a statement indicating that appeal or Board appeal

inspection results are based on official grade, official factors, or official criteria and that all other results are those of the original, reinspection, or, in the case of a Board appeal, the appeal inspection results.

(3) Superseded certificates held by the Service shall be marked "Void." If the superseded certificate is not in the custody of the Service at the time the appeal certificate is issued, a statement indicating that the superseded certificate has not been surrendered shall be shown on the appeal certificate.

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

(5) When certificates are issued under paragraph (b) of this section, the appeal inspection certificate shall show a statement indicating that the results replace the original inspection, reinspection, or, in the case of a Board appeal, the appeal inspection results and that the appeal inspection certificate is not valid for trading purposes.

(d) *Finality of Board appeal inspections.* A Board appeal inspection will be the final appeal inspection service.

22. Section 800.160 is revised as follows:

§ 800.160 Official certificates; issuance and distribution.

(a) *Required issuance.* An official certificate shall be issued for each inspection service and each weighing service except as provided by §§ 800.129 and 800.139 and paragraph (b) of this section.

(b) *Distribution.*—(1) *General.*—(i) *Export.* The original and at least three copies of each certificate will be distributed to the applicant or applicant's order. One copy of each certificate shall be retained by the agency, field office, or Board of Appeals and Review.

(ii) *Nonexport.* The original and at least one copy of each certificate will be distributed to the applicant or to the applicant's order. In the case of inbound trucklot grain, one copy shall be delivered by the applicant to the person who owned the grain at the time of delivery. One copy of each certificate shall be retained by the agency, field office, or Board of Appeals and Review.

(iii) *Local movements of shiplot grain.* When shiplot grain is offered for inspection as a single lot and a portion of the lot is returned to the elevator, certificates representing the inspection service shall not be issued unless (A)

requested by the applicant or (B) deemed necessary by official personnel.

(2) *Reinspection and appeal inspection services.* In addition to the distribution requirements of paragraph (b) of this section, one copy of each reinspection or appeal inspection certificate shall be distributed to each interested person of record or the interested person's order and to the agency or field office that issued the superseded certificate.

(3) *Additional copies.* Additional copies of certificates will be furnished to the applicant or interested person upon request. Fees for extra copies may be assessed according to the fee schedules established by the agency or the Service.

(c) *Prompt issuance.* The results of the inspection or weighing service shall be reported to the applicant on the date the inspection or weighing service is completed. Certificates shall be issued as soon as possible, but no later than the close of business on the next business day. Upon request of an agency or a field office, the requirements of this paragraph may be waived by the Service when results have been reported before issuing the certificate.

(d) *Who may issue certificates.*—(1) *Authority.* Certificates for inspection or Class X weighing services may be issued only by official personnel who are specifically licensed or authorized to perform and certify the results reported on the certificate. Certificates for Class Y weighing services may be issued only by individuals who are licensed or authorized or are approved to perform and certify the results.

(2) *Exception.* The person in the best position to know whether the service was performed in an approved manner and that the determinations are accurate and true should issue the certificate. If the service is performed by one person, the certificate should be issued by that person. If the service is performed by two or more persons, the certificate should be issued by the person who made the majority of the determinations or the person who makes the final determination. Supervisory personnel may issue a certificate when the individual is licensed or authorized to perform the service being certificated.

(e) *Name requirement.* On export certificates, the typewritten name and signature of the individual issuing the certificate shall appear on the original and all copies. On all other certificates, the name or signature of the individual issuing the certificate shall appear on the original and all copies. Upon request by the applicant, the name and signature may be shown on all other certificates.

(f) *Authorization to affix names.*—(1) *Requirements.* The name or signature of official personnel may be affixed to official certificates which are prepared from work records signed or initialed by the person whose name will be shown. An agent affixing the name and signature shall (i) be employed by the agency or Service; (ii) have been designated to affix names and signatures; and (iii) hold a power of attorney from the person whose name and signature will be affixed. The power of attorney shall be on file with the agency or Service.

(2) *Initialing.* When a name or signature is affixed by an authorized agent, the initials of the agent shall appear directly below or following the signature of the person.

(g) *Advance information.* Upon request, the contents of an official certificate may be furnished in advance to the applicant and any other interested party, or to their order, and any additional expense shall be borne by the requesting party.

(h) *Certification after dismissal.* An official certificate cannot be issued for a service after the request has been withdrawn or dismissed.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

23. Section 800.161 is revised as follows:

§ 800.161 Official certificate requirements.

(a) *General.* Official certificates shall show the information and statements required by § 800.161 through § 800.165 and the instructions. The Administrator shall approve any other information and statements reported. Information shall be reported in a uniform, accurate, and concise manner, be in English, be typewritten or handwritten in ink, and be clearly legible.

(b) *Required format.* Official certificates shall be uniform in size, shape, color, and format and conform to requirements prescribed in the instructions. Upon request and for good cause, the Service may approve special design certificates. All information and statements shall be shown on the front of the certificate, except that on domestic grain certificates, (1) approved abbreviations for official factors and official criteria, with their meanings, may be shown on the back and (2) the identification of carriers or containers in a combined-lot inspection may be shown on the back if ample space is not available on the front. When information is recorded on the back of the certificate, the statement "See

reverse side" must be shown on the front.

(c) *Required information.* Each official certificate shall show the following information in accordance with the instructions: (1) For a agency issuing export certificates or the Federal Grain Inspection Service, "United States Department of Agriculture—Federal Grain Inspection Service;" (2) for a designated agency, the name of the agency, as applicable; (3) captions identifying the kind of service; (4) a preprinted serial number and lettered prefix; (5) "original" or "copy," as applicable; (6) "divided lot," "duplicate," or "corrected," as applicable; (7) the identification of the carrier or container; (8) the date the service was performed; (9) the date and method of sampling; (10) the kind of movement and the level of service performed; (11) the grade and kind or "Not Standardized Grain," as applicable; (12) the results of the service performed; (13) the location of the issuing office; (14) the location of the grain when the service was performed; (15) a space for remarks; (16) whether a reinspection or appeal inspection service was based in whole or in part on file samples when file samples are used; (17) a statement reflecting the results of a stowage examination, when applicable; (18) seal records, when applicable; and (19) the name of the person issuing the certificate.

(d) *Required statements.* Each official certificate shall include the following statements according to the instructions: (1) A statement that the certificate is issued under the authority of the United States Grain Standards Act; (2) a nonnegotiability statement; (3) a warning statement; and (4) a statement referencing the certificate number and date. Each official certificate for an official sample-lot inspection service shall include a caption "U.S. Grain Standards Act" and a USDA-FGIS shield ghosted across the front. Each official certificate for a warehouseman's sample-lot inspection, a submitted sample inspection, or Class Y weighing service shall include a statement that the certificate does not meet the requirements of Section 5 of the Act of warehouseman's sample-lot inspection, the word "QUALIFIED," for submitted sample inspections, the words "Not Officially Sampled," for Class Y weighing, the words "Class Y Weighing" screened across the front.

(e) *Permissive information and statements.*—(1) *Certificates.* Information and statements requested by the applicant but not required by the

regulations or instructions may be shown on the certificate if the information or statements have been approved in the instructions or on a case-by-case basis by the Administrator.

(2) *Letterhead.* Information and statements requested by the applicant but not required by the regulations or instructions may be shown on letterhead stationary of the Service or an agency when (1) ample space is not available for reporting the information or statements on the certificate, (ii) letterhead stationary is determined to be more suitable than the official certificate, and (iii) the certificate is referenced on the letterhead stationary and distributed according to § 800.160. Letterhead stationary of the Service shall be used for all export grain.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

24. Section 800.162 is revised as follows:

§ 800.162 Certification of grade; special requirements.

(a) *General.* Each official certificate for grade shall show (1) the grade and factor information required by the Official U.S. Standards for Grain; (2) the test weight of the grain; (3) the moisture content of the grain; (4) the results for each official factor for which a determination was made; (5) the result for each official factor that determined the grade when the grain is graded other than U.S. No. 1; (6) any other factor information considered necessary to describe the grain; and (7) any additional factor results requested by the applicant for official factors defined in the Official U.S. Standards for Grain.

(b) *Cargo shipments.* Each official certificate for grade representing a cargo shipment shall show, in addition to the requirements of paragraph (a) of this section, the results of all official factors defined in the Official U.S. Standards for Grain for the type of grain being inspected.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

25. Section 800.163 is revised as follows:

§ 800.163 Divided-lot certificates.

(a) *General.* When shiplot grain is offered for inspection or Class X weighing as a single lot and is certificated as a single lot, the applicant may exchange the official certificate for

two or more divided-lot certificates. This applies to original inspection, reinspection, appeal inspection, Board appeal inspection, and Class X weighing services.

(b) *Application.* Requests for divided-lot certificates shall be made (1) in writing; (2) by the applicant who filed the initial request; (3) to the office that issued the outstanding certificate; (4) within 5 business days of the outstanding certificate date; and (5) before the identity of the grain has been lost.

(c) *Quantity restrictions.* Divided-lot certificates shall not show a aggregate quantity different than the total quantity shown on the superseded certificate.

(d) *Surrender of certificate.* The certificate that will be superseded shall (1) be in the custody of the agency or the Service; (2) be marked "Void;" and (3) show the identification of the divided-lot certificates.

(e) *Certification requirements.* The same information and statements, including permissive statements, that were shown on the superseded certificate shall be shown on each divided-lot certificate. Divided-lot certificates shall show (1) a statement indicating the grain was inspected or weighed as an undivided lot; (2) the terms "Divided Lot-Original," and the copies shall show "Divided Lot-Copies;" (3) the same serial number with numbered suffix (for example, 1764-1, 1764-2, 1764-3, and the like); and (4) the quantity specified by the request.

(f) *Issuance and distribution.* Divided-lot certificates shall be issued no later than the close of business on the next business day after the request and be distributed according to § 800.160.

(g) *Limitations.* No divided-lot certificate can be issued (1) for grain in any shipment other than shiplot grain inspected or weighed as a single lot or (2) for an export certificate which has been superseded by another export certificate. After divided-lot certificates have been issued, further dividing or combining is prohibited except with the approval of the Service.

(h) *Use of superseded certificate prohibited.* As of the date of the divided-lot certificate, the superseded certificate will be void and shall not be used or represent the grain.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

26. Section 800.164 is revised as follows:

§ 800.164 Duplicate certificates

Upon request, a duplicate certificate may be issued for a lost or destroyed official certificate.

(a) *Application.* Requests for duplicate certificates shall be filed: (1) in writing; (2) by the applicant who requested the service covered by the lost or destroyed certificate; and (3) with the office that issued the initial certificate.

(b) *Certification requirements.* The same information and statements, including permissive statements, that were shown on the lost or destroyed certificate shall be shown on the duplicate certificate. Duplicate certificates shall show (1) the terms "Duplicate-Original" and the copies shall show "Duplicate-Copies" and (2) a statement that the certificate was issued in lieu of a lost or destroyed certificate.

(c) *Issuance.* Duplicate certificates shall be issued as promptly as possible and distributed according to § 800.160.

(d) *Limitations.* Duplicate certificates will not be issued for certificates that have been superseded.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

27. Section 800.165 is revised as follows:

§ 800.165 Corrected certificates.

(a) *General.* The accuracy of the statements and information shown on official certificates shall be verified by the individual whose name or signature is shown on the certificate, or by the authorized agent who affixed the name or signature. Errors found during this process shall be corrected according to this section.

(b) *Who may correct.* Only official personnel or their authorized agents may make corrections, erasures, additions, or other changes to official certificates.

(c) *Corrections prior to issuance.*—(1) *Export certificates.* No corrections, erasures, additions, or other changes can be made to an export certificate. If any error is found prior to issuance, a new certificate shall be prepared and issued and the incorrect certificate marked "Void."

(2) *Other than export certificates.* No corrections, erasures, additions, or other changes shall be made to other than export certificates which involve identification, grade, gross, tare, or net weight. If errors are found, a new certificate shall be prepared and issued and the incorrect certificate marked "Void." Otherwise, errors may be

corrected provided that (i) the corrections are neat and legible, (ii) each correction is initialed by the individual who corrects the certificate, and (iii) the corrections and initials are shown on the original and all copies.

(d) *Corrections after issuance.*—(1) *General.* If errors are found on a certificate at any time up to a maximum of 1 year after issuance, the errors shall be corrected by obtaining the incorrect certificate and replacing it with a corrected certificate. When the incorrect certificate cannot be obtained, a corrected certificate can be issued superseding the incorrect one.

(2) *Certification requirements.* The same statements and information, including permissive statements, that were shown on the incorrect certificate, along with the correct statement or information, shall be shown on the corrected certificate. According to this section and the instructions, corrected certificates shall show (i) the terms "Corrected-Original" and "Corrected-Copy;" (ii) a statement identifying the superseded certificate and the corrections; (iii) a statement indicating the superseded certificate was not surrendered if the incorrect certificate was not surrendered; and (iv) a new serial number. In addition, the incorrect certificate shall be marked "Void" when submitted.

(e) *Limitations.* Corrected certificates cannot be issued for a certificate that has been superseded by another certificate or on the basis of a subsequent analysis for quality.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

(f) *Use of superseded certificate prohibited.* As of the date of issuance of the corrected certificate, the superseded certificate will be void and shall not be used to represent the grain.

28. Section 800.166 is revised as follows:

§ 800.166 Reproducing certificates.

Official certificates may be photo copied or similarly reproduced.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

Dated: October 17, 1985.

Kenneth A. Gilles,

Administrator.

[FR Doc. 85-25983 Filed 10-30-85; 8:45 am]

BILLING CODE 3410-EN-M

NUCLEAR REGULATORY COMMISSION**10 CFR Parts 2 and 72****Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors****Correction**

In FR Doc. 85-24584, beginning on page 41662 in the issue of Tuesday, October 15, 1985, make the following corrections:

1. On page 41666, third column, fifteenth line from the bottom of the page, "such as" should read "such a".
2. On page 41667, third column:
 - a. In the next to last paragraph, third line, "time" should read "timing".
 - b. In the last paragraph, first line, "time" should read "timing".
3. On page 41669, second column, first complete paragraph, fourteenth line, "regulation" should read "regulations".
4. On page 41671, § 2.1115(a), fourth line, "arguments" should read "argument".
5. On page 41672, first column:
 - a. In § 2.1115(c)(1), thirteenth line, "expend" should read "expand".
 - b. In § 2.1115(c)(2), first line, insert "issue" between "design" and "fully".
 - c. In § 2.1115(c)(2), seventh line, "or" should read "of".

BILLING CODE 1505-01-M

FEDERAL RESERVE SYSTEM**12 CFR Parts 207, 220, 221 and 224**

[Regulations G, T, U and X]

Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective August 13, 1985 and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: November 12, 1985.