

Agricultural Marketing Service, USDA

§ 202.4

should be admitted into the United States.

202.44 Proceedings under section 305(b) to determine whether foreign alfalfa or red clover seed is not adapted for general agricultural use in the United States.

AUTHORITY: Secs. 302, 305, 402, 408, 409, 413, 414, 53 Stat. 1275, as amended; 7 U.S.C. 1582, 1585, 1592, 1598, 1599, 1603, 1604.

SOURCE: 36 FR 1314, Jan. 27, 1971, unless otherwise noted.

Subpart A—General

§ 202.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 202.2 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) The term *Act* means the Federal Seed Act, approved August 9, 1939 (53 Stat. 1275, 7 U.S.C. 1551 *et seq.*) and any legislation amendatory thereof.

(b) *Complaint* means any formal complaint and notice of hearing or other document by virtue of which a proceeding under the Act is instituted.

(c) *Complainant* means the party upon whose complaint the proceeding is instituted.

(d) *Decision and Order* includes the Secretary's findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions and orders submitted by the parties not theretofore ruled upon.

(e) *Director* means the Director of the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(f) *Administrative Law Judge* means an Administrative Law Judge in the Office of Administrative Law Judge, U.S. Department of Agriculture.

(g) *Administrative Law Judge Recommended Decision* means the Administrative Law Judge's report to the Secretary consisting of the proposed: (1) Findings of facts and conclusions with respect to all material issues of fact, law or discretion, as well as the rea-

sons or basis for conclusions and (2) order.

(h) The term *hearing* means that part of a proceeding which involves the submission of evidence and means either an oral or written hearing.

(i) *Hearing Clerk* means the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250.

(j) The term *person* includes any individual, partnership, corporation, company, society, association, receiver, or trustee.

(k) The term *regulations* means the regulations promulgated pursuant to the Act (7 CFR part 201).

(l) *Respondent* means the party proceeded against.

(m) *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead, including the Judicial Officer.

§ 202.3 Institution of proceedings.

Any person having information of any violation of the Act or of any of the regulations promulgated thereunder may file with the Director an application requesting the institution of such proceedings as may be authorized under the Act. Such application shall be in writing, signed by or on behalf of the applicant, and shall contain a short and simple statement of the facts constituting the alleged violation and the name and address of the applicant and the party complained of. If, after investigation of the matters complained of in the application or after investigation made on his own motion, the Director has reason to believe that any person has violated or is violating any of the provisions of the Act or the regulations made and promulgated thereunder, he may institute such proceedings as may be authorized by the Act.

§ 202.4 Status of applicant.

The person filing an application shall not be a party to any proceeding which may be instituted under the Act, unless he be permitted by the Secretary or by the Administrative Law Judge to intervene therein. The Director shall