

ADDITIONAL REQUIREMENTS FOR THE  
CERTIFICATION OF PLANT MATERIALS  
OF CERTAIN CROPS

**§ 201.77 Length of stand requirements.**

(a) *Alfalfa*. Limitations on the age of stand and certified seed classes through which a given variety may be multiplied both inside and outside its region of adaptation shall be specified by the originator or his designee. Certified seed production outside the region of adaptation shall not exceed 6 years if not otherwise specified by the originator, or his designee.

(b) *Red clover*. Only two seed crops are permitted of all certified seed classes.

(c) *White and alsike clover*. Only two successive seed crops are permitted following the year of establishment for Foundation and Registered classes, but 2 additional years are permitted if the field is reclassified to the next lower class. Four successive seed crops following seeding are permitted if the first and succeeding crops are of the Certified class, provided the stand of perennial plants is maintained.

(d) *Sainfoin*. All certified seed classes are eligible to produce five successive seed crops following seeding.

[38 FR 25664, Sept. 14, 1973]

**§ 201.78 Pollen control for hybrids.**

(a) *Wheat and barley*. Shedders in the seed parent, at any one inspection, are limited to 1:200 heads for Foundation A Line and 1:100 heads for Registered A Line, except that when the A Line is increased outside the area of the anticipated A×R production in order to utilize self-fertility produced by environmental effects, only isolation and genetic purity standards will be in effect. (An A Line is a cytoplasmic male sterile female line used to produce hybrid seed. An R Line is a pollinator line used to pollinate an A Line and to restore fertility in the resulting hybrid seed.)

(b) *Corn*. When 5 percent or more of the seed parent plants have receptive silks, shedding tassels in the seed parent plants shall be limited to 1 percent at any one inspection, or a total of 2 percent at any three inspections on different dates. Shedding tassels are those which have 2 inches or more of the cen-

tral stem or branches, or any combination thereof, shedding pollen.

(c) *Sorghum*. Shedders in the seed parent, at any one inspection, are limited to 1:3,000 plants for Foundation class and 1:1,500 plants for Certified class.

(d) *Sunflowers*. Seed parents flowering and shedding pollen before the male parents are shedding pollen must be removed. At least 50 percent of the male plants must be producing pollen when the seed parent is in full bloom.

(e) *Hybrid alfalfa*. When at least 75 percent of the plants are in bloom and there is no more than 15 percent seed set, 200 plants shall be examined to determine the pollen production index (PPI). Each plant is rated as 1, 2, 3 or 4 with "1" representing no pollen, "2" representing a trace of pollen, "3" representing substantially less than normal pollen, and "4" representing normal pollen. The rating is weighted as 0, 0.1, 0.6 or 1.0, respectively. The total number of plants of each rating is multiplied by the weighted rating and the values are totaled. The total is divided by the number of plants rated and multiplied by 100 to determine the PPI. The maximum PPI allowed is 14 for the Foundation class, and 6 for 95 percent hybrid seed, and 42 for 75 percent hybrid seed of the Certified class.

[38 FR 25664, Sept. 14, 1973, as amended at 41 FR 20158, May 17, 1976]

**PART 202—FEDERAL SEED ACT  
RULES OF PRACTICE**

**Subpart A—General**

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## § 202.1

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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