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## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 945—TOMATOES GROWN IN FLORIDA SAFEGUARDS AND EXEMPTION PROCEDURES

Notice of proposed rule making regarding rules and regulations for the establishment of safeguards and exemption procedures, to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, was published in the *FEDERAL REGISTER* (December 9, 1955; 20 F. R. 9162). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were adopted and submitted for approval by the Florida Tomato Committee, established pursuant to the aforesaid marketing agreement and order, the following rules and regulations are hereby approved:

#### GENERAL

Sec.  
945.100 Communications.

#### DEFINITIONS

945.110 Order.  
945.111 Marketing Agreement.  
945.112 Terms.  
945.113 Registered handler.

#### SAFEGUARDS

945.120 Application for Certificate of Privilege.  
945.121 Issuance.  
945.122 Reports.  
945.123 Denial and appeal.

#### EXEMPTION PROCEDURES

945.130 Application.  
945.131 Investigations.  
945.132 Issuance.  
945.133 Disposition of certificates.  
945.134 Reports.  
945.135 Appeals.

AUTHORITY: §§ 945.100 to 945.135 Issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

## GENERAL

§ 945.100 *Communications.* Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Tomato Committee at its principal office.

## DEFINITIONS

§ 945.110 *Order.* "Order" means Order No. 45 (§§ 945.1 to 945.92; 20 F. R. 7357) regulating the handling of tomatoes grown in Florida.

§ 945.111 *Marketing agreement.* "Marketing Agreement" means Marketing Agreement No. 125.

§ 945.112 *Terms.* Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 945.113 *Registered handler.* For purposes of this part, a registered handler is a person who has adequate facilities for grading tomatoes for market and who assumes initial responsibility for compliance with inspection, assessment, and other regulatory requirements on the handling of tomatoes grown in the production area. Any person who wishes to become a registered handler shall make application for registration with the committee on forms prescribed by and available at the principal office of the committee. If such applicant has facilities which are determined by the committee as adequate for grading tomatoes, he may be approved as a registered handler. Persons who make deliveries of ungraded tomatoes to such registered handlers are hereby determined to be exempt from otherwise applicable regulations pursuant to this part.

## SAFEGUARDS

§ 945.120 *Application for Certificate of Privilege.* (a) Whenever handling is regulated pursuant to § 945.53, each handler desiring to make shipments of tomatoes for any of the following purposes shall, prior thereto, apply to the

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committee for and obtain a Certificate of Privilege permitting such shipment:

- (1) For relief or charity; or
- (2) For canning.

(b) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as such committee may require, such as, but not limited, to the quantity (by grade, size, quality, and variety) of tomatoes to be shipped, the mode of transportation, consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such tomatoes into trade channels other than those for which the Certificate of Privilege is granted.

**§ 945.121 Issuance.** The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship tomatoes for a specified purpose for a specified period of time.

**§ 945.122 Reports.** Each handler handling tomatoes under and pursuant to a Certificate of Privilege shall supply the committee with a report thereon within the time specified on the application for such certificate showing the name and address of the shipper, car or truck identification, loading point, destination, consignee, and, when inspection is required, the Federal-State Inspection Certificate number.

**§ 945.123 Denial and appeal.** The committee may rescind a Certificate of Privilege issued to a handler, or deny a Certificate of Privilege to a handler, upon proof satisfactory to such committee, that such handler has shipped tomatoes contrary to the provisions of this part. Such committee action denying a Certificate of Privilege shall apply to and not exceed a reasonable period of time as determined by such committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

## EXEMPTION PROCEDURES

**§ 945.130 Application.** Any person applying for exemption from regulations issued pursuant to § 945.52 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant, the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the tomatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State Inspection Certificate covering the specified quantity of tomatoes for which exemption is requested: *Provided*, That the committee may authorize the submission



of such Federal-State Inspection Certificate subsequent to the filing of the application for exemption and prior to consideration of such application. Applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section.

(a) The location of the farm on which tomatoes for which exemption is requested were produced, the location where such tomatoes are to be prepared for market, and the loading point from which such tomatoes are to be shipped if exemption is granted;

(b) Acreage and quantity (by grade, size, quality, and variety) of tomatoes harvested prior to the date of application and to be harvested, subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to this part); the quantity (by grade, size, quality, and variety) of tomatoes disposed of prior to the date of application and to be disposed of subsequent to such date; the location of the tomatoes to be disposed of, together with the place where such tomatoes will be handled; an estimate of the portion of such tomatoes which can be handled under regulation issued pursuant to § 945.52, during the remainder of the season; and the reasons why all of such tomatoes cannot be handled under such regulations.

§ 945.131 *Investigations.* The committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 945.132 *Issuance.* (a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 945.71: *Provided*, That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted tomatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted tomatoes to be contained in the respective lots shipped and the total quantity of exempted tomatoes covered by such certificates shall not exceed the total quantity of such tomatoes which would be authorized if only one certificate were issued to such applicant.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee rec-

ords. Each such certificate shall contain the name and address of the recipient, the location of all tomatoes authorized to be shipped thereunder, the quantity (by grade, size, quality and variety) of tomatoes which will be permitted in the exempted shipments and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted tomatoes.

§ 945.133 *Disposition of certificates.* Each lot of tomatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate, as the committee may require, to facilitate the administration of regulatory provisions applicable thereto.

§ 945.134 *Reports.* Persons handling tomatoes under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of the receivers of such tomatoes, the quantity shipped (by grade, size, quality, and variety), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to administer the regulatory provisions applicable thereto.

§ 945.135 *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate an appeal by such applicant may be taken to such committee in accordance with § 945.74.

Done at Washington, D. C., this 16th day of January 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL]

ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 56-436; Filed, Jan. 18, 1956;  
8:53 a. m.]

## TITLE 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

#### PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Effective 30 days after publication in the FEDERAL REGISTER, Part 50, 10 CFR, "Control of Facilities for the Production of Fissionable Material," is hereby amended to read as follows:

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50.2 Definitions.  
50.3 Interpretations.

##### REQUIREMENT OF LICENSE, EXCEPTIONS

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50.21 Class 104 licenses; for medical therapy and research and development facilities.

- Sec.  
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50.35 Extended time for providing technical information.  
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##### STANDARDS FOR LICENSES AND CONSTRUCTION PERMITS

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50.43 Additional standards and provisions affecting class 103 licenses for commercial power.  
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##### ISSUANCE, LIMITATIONS, AND CONDITIONS OF LICENSES AND CONSTRUCTION PERMITS

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##### REVOCATION, SUSPENSION, MODIFICATION, AMENDMENTS OF LICENSES AND CONSTRUCTION PERMITS, EMERGENCY OPERATIONS BY THE COMMISSION

- 50.100 Revocation, suspension, modification of licenses and construction permits for cause.  
50.101 Retaking possession of special nuclear material.  
50.102 Commission operation after revocation.  
50.103 Suspension and operation in war or national emergency.

##### ENFORCEMENT

- 50.110 Violations.

AUTHORITY: §§ 50.1 to 50.110 issued under sec. 103, 68 Stat. 936, sec. 104, 68 Stat. 937, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953, sec. 183, 68 Stat. 954; 42 U. S. C. 2133, 2134, 2201, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U. S. C. 2273, § 50.54 (i) issued