

Farm Service Agency, USDA

§ 738.4

- 738.71 Violations to be reported.
738.72 Procedure in hearings.
738.73 One document and one license to cover several products.
738.74 Amendments.

AUTHORITY: 7 U.S.C. 241 *et seq.*.

SOURCE: 5 FR 3607, Sept. 10, 1940, unless otherwise noted. Redesignated at 50 FR 1814, Jan. 14, 1985.

EDITORIAL NOTE: Nomenclature changes to part 738 appear at 62 FR 33540, June 20, 1997.

DEFINITIONS

§ 738.1 Words in singular form.

Words used in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 738.2 Terms defined.

For the purposes of the regulations in this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *The act*. The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486; 7 U.S.C. 241-274), as amended.

(b) *Person*. An individual, corporation, partnership, or two or more persons having a joint or common interest.

(c) *Secretary*. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Designated representative*. The Administrator.

(e) *Administrator*. The Administrator of the Service or any other officer or employee of the Service to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(f) *Department*. The United States Department of Agriculture.

(g) *Service*. The Farm Service Agency of the U.S. Department of Agriculture.

(h) *Regulations*. Rules and regulations made under the act by the Secretary.

(i) *Warehouse*. Any suitable building, structure, or other protected inclosure in which wool is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United

States, in which wool is or may be stored and for which a license has been issued under the act.

(j) *Warehouseman*. Any person lawfully engaged in the business of storing wool.

(k) *License*. A license issued under the act by the Secretary or his designated representative.

(l) *Grader*. A person licensed under the act by the Secretary or his designated representative, to grade and to certificate the grade of wool stored or to be stored in a licensed warehouse.

(m) *Weigher*. A person licensed under the act by the Secretary or his designated representative, to weigh and to certificate the weight of wool stored or to be stored in a licensed warehouse.

(n) *Receipt*. A warehouse receipt.

(o) *Kind of wool*. Grease, scoured, or pulled, and sorted or unsorted wool, or sorted or unsorted mohair.

(p) *State*. A State, Territory, or District of the United States.

[5 FR 3607, Sept. 10, 1940, as amended at 13 FR 8729, Dec. 30, 1948. Redesignated and amended at 50 FR 1814, Jan. 14, 1985]

WAREHOUSE LICENSES

§ 738.3 Application form.

Applications for licenses and amendments to licenses under the act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Service, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the Administrator may find to be necessary to the proper consideration of his application.

§ 738.4 Grounds for not issuing license.

A license for the conduct of a warehouse shall not be issued if it be found by the Secretary, or his designated representative, that the warehouse is not suitable for the proper storage of wool, that the warehouseman is incompetent to conduct such warehouse in accordance with the act and the regulations in this part, or that there is any other sufficient reason within the intent of the act for not issuing such license.