

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1970-71 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1970 CROP RICE, AND APPORTIONMENT OF 1970 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

The provisions of §§ 730.1501 to 730.1503 are issued pursuant to the Agricultural Adjustment Act of 1938 as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1970 crop of rice. The purpose of these provisions is to (1) proclaim that marketing quotas shall be in effect for the 1970 crop of rice, (2) establish the national acreage allotment for such crop, (3) announce that an acreage diversion program shall not be in effect for such crop, and (4) apportion the national acreage allotment among the States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 4, 1969 (34 F.R. 15485) in accordance with the provisions of 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

It is essential that these provisions be made effective as soon as possible since the proclamation of quota is required to be made not later than December 31, 1969. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1501 to 730.1503 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1501 Marketing quotas for the 1970 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1969, is determined to be 107.6 million hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 101.6 million hundredweight (rough basis). Since the total supply of rice for the 1969-70 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect for the 1970 crop of rice.

§ 730.1502 National acreage allotment of rice for 1970.

The normal supply of rice for the marketing year commencing August 1, 1970,

is determined to be 94.9 million hundredweight (rough basis). The carryover of rice on August 1, 1970, is estimated at 15.2 million hundredweight. Therefore, the production of rice needed in 1970 to make available a supply of rice for the 1970-71 marketing year equal to the normal supply for such marketing year is 79.7 million hundredweight. The national average yield of rice for the 5 calendar years 1965 through 1969 is determined to be 4,339 pounds per planted acre. The national acreage allotment of rice for 1970 computed on the basis of the normal supply for 1970, less estimated carryover, and the national average yield per planted acre for the 5 calendar years, 1965 through 1969, is 1,836,461 acres. Since this amount is more than the total acreage allotted in 1956, the minimum provided by section 353(c) (6) of the act, and more than the amount requiring the formulation of a diversion program for rice under section 353(c) (7) of the act, the national allotment for rice for the calendar year 1970 shall be 1,836,461 acres and an acreage diversion program for rice shall not be in effect for 1970.

§ 730.1503 Apportionment of 1970 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1502, less a reserve of 679 acres, is hereby apportioned among the several rice-producing States as follows:

State	Acres
Arizona	254
Arkansas	443,331
California	333,054
Florida	1,063
Illinois	22
Louisiana:	
Farm administrative area	508,823
Producer administrative area	18,833
State total	527,756
Mississippi	51,858
Missouri	5,286
North Carolina	43
Oklahoma	166
South Carolina	3,163
Tennessee	575
Texas	469,211
Total apportioned to States	1,835,782
Unapportioned National Reserve	679
U.S. total	1,836,461

(Secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 30, 1969.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 69-15531; Filed, Dec. 31, 1969; 12:45 p.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 780—APPEAL REGULATIONS

Miscellaneous Amendments

Part 780 of Chapter VII of Title 7 of the Code of Federal Regulations is amended as follows:

1. Section 780.1 is amended by revising paragraphs (d) and (n) and adding a new paragraph (p) to read as follows:

§ 780.1 Basis, purpose, and applicability.

(d) Allotment Programs for cotton (Part 722 of this chapter), tobacco (Parts 724 and 725 of this chapter), wheat (Part 728 of this chapter), peanuts (Part 729 of this chapter), and rice (Part 730 of this chapter), except when marketing quotas are in effect for the commodity and the matter being appealed is a factor bearing upon a marketing quota being determined for the farm in which case review under Part 711 of this chapter shall be applicable.

(n) Upland Cotton and Extra Long Staple Cotton Programs (Part 722 of this chapter).

(p) All other programs to which this part is made applicable by individual program regulations.

2. Section 780.9 is amended to read as follows:

§ 780.9 Determination.

(a) The reviewing authority prior to making a determination may request the producer or participant to produce additional evidence which it may deem relevant or may develop additional evidence from other sources. Upon reconsideration or review and within program authorities, the reviewing authority may affirm, modify, or reverse any determination made by it initially or made by a lower reviewing authority, or may remand the matter to a lower reviewing authority for such further consideration as is deemed appropriate. The producer or participant shall be notified in writing of the determination. The notification shall clearly set forth the basis for the determination. Each other person affected by the determination shall be notified in writing of the determination. Determinations made by the Deputy Administrator shall not be appealable by the producer or participant.

(b) When a producer requests copies of documents, information, or evidence upon which a determination is made or which will form the basis of the determination, copies of such documents, information or evidence shall be made available as provided in Part 798 of this chapter.

3. Section 780.11 is amended by revising paragraph (a) to read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of farm feed grain bases, (3) matters arising under the Tobacco Discount Variety Program, and (4) eligibility provisions of the Livestock Feed Program are not appealable to the Deputy Administrator.

Effective date: Upon publication in the *FEDERAL REGISTER*.

Signed at Washington, D.C., on December 29, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-73; Filed, Jan. 2, 1970; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1970

On page 12923 of the *FEDERAL REGISTER* of December 5, 1969, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1970 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1970. Interested persons were given until December 15, 1969, to submit written data, views, or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Effective date: January 1, 1970.

Signed at Washington, D.C., on December 29, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Sec.

812.1 Sugar requirements and quota—Hawaii.

812.2 Sugar requirements and quota—Puerto Rico.

812.3 Restrictions on marketing.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1970 is 50,000 short tons, raw value,

and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1970.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1970 is 135,000 short tons, raw value, and a quota of 135,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1970.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1970 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (33 F.R. 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1970 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Furthermore, pursuant to section 211(c) of the Act, sugar may be unloaded from a carrier and brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged pursuant to S.R. 816 to the applicable respective local quota.

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1969, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 35,000 short tons of sugar, raw value, and 130,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1969, was 794,000. No provisional estimate of the 1969 population for Puerto Rico is available. However, the 1968 population was 2,723,000.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1960 through 1968 the annual sugar consumption in this area has varied from approximately 101 to 138 pounds, raw

value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1970 than in the 12 months ended September 30, 1969, when sugar marketings approximated 35,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1969, marketings of sugar for local consumption totaled approximately 130,000 short tons, raw value. After making allowance for possible consumption increases in 1970 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1970 may be approximately 135,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1970 local quota is not completely filled. It is therefore, desirable to establish the 1970 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1970 have been determined to be 50,000 and 135,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 201, 203, 209, 211; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121)

[F.R. Doc. 70-74; Filed, Jan. 2, 1970; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 65]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflect its appraisal of the Florida orange crop and the current and prospective market conditions. Shipments of oranges, except Murcott Honey oranges, are currently regulated and volume shipments

of Murcott Honey oranges are expected to begin on or after January 5, 1970. The size and grade requirements specified herein are necessary to prevent the handling, on and after January 5, 1970, of oranges of the named varieties, including Murcott Honey oranges, that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 5, 1970. Domestic shipments of Florida oranges, except Murcott Honey oranges, are currently regulated pursuant to Orange Regulation 64 (34 F.R. 19067, 19810) and determinations as to the need for, and extent of, regulation of domestic shipments of Murcott Honey oranges must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments subsequent to January 4, 1970, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on December 30, 1969, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this regulation effective as hereinafter set forth to preclude the shipment of immature Murcott Honey oranges and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.521 Orange Regulation 65.

(a) Order: (1) Orange Regulation 64, as amended (34 F.R. 19067, 19810) is hereby terminated January 5, 1970.

(2) During the period January 5, 1970, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in

the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{5}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller;

(iii) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(iv) Any Navel oranges, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{5}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller;

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(vi) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(vii) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1; or

(viii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges

and Tangelos (§§ 51.1140-51.1178 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 31, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-108; Filed, Jan. 2, 1970; 8:49 a.m.]

[Lemon Reg. 408]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.708 Lemon Regulation 408.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective

during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 30, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 4, 1970, through January 10, 1970, are hereby fixed as follows:

- (i) District 1: 23,250 cartons;
- (ii) District 2: 58,590 cartons;
- (iii) District 3: 81,840 cartons.

(2) As used in this section; "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 31, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 70-146; Filed, Jan. 2, 1970;
8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Estab- lishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee,

Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld, and Yuma Counties, Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. The entire State;

Idaho. The entire State;

Illinois. The entire State;

Indiana. The entire State;

Iowa. The entire State;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Calcasieu, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. The entire State;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. The entire State;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation.

Tennessee. The entire State;

Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Cluberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fisher, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Madison, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Refugio, Roberts, Robertson, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Tyler, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. The entire State;

Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Marion County in Florida; Catahoula, De Soto, Franklin, and Morehouse Parishes in Louisiana; Keya Paha

County in Nebraska; Colorado, Fayette, Robertson, and Webb Counties in Texas.

Tensas Parish in Louisiana and Hudspeth County in Texas were deleted from the list of modified certified brucellosis areas on November 4, 1969. Since said date, it has been determined that such counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as modified certified brucellosis areas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Cheyenne County in Colorado; Lynn and Floyd Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of December 1969.

E. E. SAULMON,
Director, Animal Health Division,
Agricultural Research Service.

[F.R. Doc. 70-33; Filed, Jan. 2, 1970;
8:46 a.m.]

PART 78—BRUCELLOSIS

Changes in List of Public Stockyards

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.14(a) of Part 78, Title 9, Code of Federal Regulations, is hereby amended by changing the following stockyard names to read as follows:

COLORADO

Former name	New name
Union Stockyards, Denver.	Denver Union Stockyards, Denver.

MONTANA

Former name	New name
Billings Public Auction Yards, Billings.	Public Auction Yards, Billings.

TEXAS

Former name	New name
Vann Cattle Company, Fort Worth.	Vann-Roach Cattle Company, Fort Worth.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment reflects recent changes in the names of three public stockyards where Federal inspection is maintained. Such stockyards are located in Denver, Colo.; Billings, Mont.; and Fort Worth, Tex.

Inasmuch as notice and other public procedure regarding the amendment would not make additional information available to the Department and since interested persons should be informed promptly of such changes, it is found upon good cause under the administrative procedure provisions in 5 U.S.C., Section 553, that notice and other public procedure regarding the amendment are impracticable and contrary to the public interest, and the amendment should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of December 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health
Division, Agricultural Research Service.

[F.R. Doc. 70-32; Filed, Jan. 2, 1970;
8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—REGULATIONS EXEMPTING CERTAIN COMMODITIES FROM FULL OR PARTIAL COMPLIANCE WITH SECTION 4, FAIR PACKAGING AND LABELING ACT AND THE REGULATIONS THEREUNDER

Camera Film

The Federal Trade Commission on October 2, 1969 (34 F.R. 15366), proposed a new § 501.2 of the Fair Packaging and Labeling Act regulations which would exempt camera film from certain of the mandatory requirements of Part 500 of the regulations. As proposed, movie film and bulk still film when quantitatively expressed in terms of lineal feet of usable film would be exempt from the necessity of complying with § 500.11(c), and still film when expressed in terms of the number of exposures provided would be exempt from the requirements of § 500.12.

Interested parties were invited to file comments, and all comments but one favored adoption of the exemption as proposed.

The National Association of Photographic Manufacturers, Inc., commented that where a given film is marketed in a variety of predetermined lengths, a state-

ment expressing exposures as indicated by proposed § 501.2(b) would be logical and informative. It suggested that where a packaged still film is marketed only in one predetermined length, the expression of the number of exposures could be confusing in those cases of film capable of varying numbers of exposures as determined by the camera in which the film is used. The Commission has concluded that in the light of all comments, including the comments of the Association, the order should be adopted as proposed, adding only a further option to express exposure measurements in inches, and citing such an example in § 501.2(b).

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; U.S.C. 1454, 1455); Subchapter E is amended by adding thereto the following new section:

§ 501.1 Camera film.

Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of Part 500 of this chapter which specify how measurement of commodities should be expressed, provided:

(a) The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein.

(b) The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 X 24 mm. or 12 exposures, 2 1/4 X 2 1/4 inches".)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) if they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a

public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: December 29, 1969.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-116; Filed, Jan. 2, 1970;
8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, Further Amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 —)

Subpart P—Certification and Recertification; Requests for Payment

TIME REQUIREMENTS FOR CERTIFICATIONS AND RECERTIFICATIONS

On October 14, 1969, there was published in the FEDERAL REGISTER (34 F.R. 15804) a notice of proposed rule making with proposed amendments to Subpart P of Regulations No. 5. The proposed amendments would change the time requirements for certifications and recertifications for inpatient hospital services to require that the initial certification be obtained no later than the 12th day of hospitalization rather than the 14th day, and that the first recertification be obtained no later than the 18th day of stay, instead of the 21st. Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. After consideration of all relevant matter presented by interested persons, the proposed amendments are adopted without change and are set forth below.

(Secs. 1102, 1814, 1815, 1833, 1835, 1842, 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 297, 79 Stat. 302, 303, 309, 331, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1395 et seq.)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER except as otherwise provided in § 405.1627(b).

Dated: December 23, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 30, 1969.

JOHN G. VENEMAN,
Acting Secretary of Health,
Education, and Welfare.

1. Section 405.1626 is amended by revising paragraph (b) to read as follows:

§ 405.1626 Inpatient hospital services other than inpatient psychiatric or tuberculosis hospital services; certification and recertification for services furnished prior to January 3, 1968.

(b) **Recertification.** The recertification statement should contain the information and otherwise satisfy the requirements set forth in § 405.1627(a). The first recertification is required no later than as of the 14th day of hospitalization. A hospital may, at its option, provide for the first recertification to be made earlier, or it may vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. A second recertification is required no later than as of the 21st day of hospitalization. Thereafter, subsequent recertifications are to be made at intervals established by the utilization review committee (on a case-by-case basis if it so chooses), but in no event may the prescribed interval between recertifications exceed 30 days. The provisions of § 405.1627(b) (3) and (4) are also applicable except that the option provided for in § 405.1627(b)(3) is applicable only with respect to the third and subsequent recertifications.

2. Section 405.1627 is amended by revising paragraph (b) to read as follows:

§ 405.1627 Inpatient hospital services other than inpatient psychiatric or tuberculosis hospital services; certification and recertification for services furnished on or after January 3, 1968.

(b) **Timing of certifications and recertifications.** (1) *For services furnished to beneficiaries admitted prior to January 1, 1970.* The certification is required no later than as of the 14th day of hospitalization. A hospital may, at its option, provide for the certification to be made earlier, or it may vary the timing of the certification within the 14-day period by diagnostic or clinical categories. The first recertification is required no later than as of the 21st day of hospitalization. Thereafter, subsequent recertifications are to be made at intervals established by the utilization review committee (on a case-by-case basis if it so chooses), but in no event may the prescribed interval between recertifications exceed 30 days.

(2) *For services furnished to beneficiaries admitted on or after January 1, 1970.* The certification is required, with respect to beneficiaries who are admitted to the hospital on or after January 1, 1970, no later than as of the 12th day of hospitalization. A hospital may, at its option, provide for the certification to be made earlier, or it may vary the timing of the certification within the 12-day period by diagnostic or clinical categories. The first recertification is required no later than as of the 18th day of hospitalization. Thereafter, subsequent recertifications are to be made in accordance with the provisions of subparagraph (1) of this paragraph relating to subsequent recertifications.

(3) **Option to conduct review of stay of extended duration.** At the option of the hospital, review of a stay of extended duration, pursuant to the hospital's utilization review plan, may take the place of the second and any subsequent physician recertifications. Such review may be performed before the date on which such physician recertification would otherwise be required, but would be considered timely if performed as late as the seventh day following such date. The next physician recertification would need to be made no later than the 30th day following such review; if review by the utilization review committee took the place of this physician recertification, the review could be performed as late as the seventh day following such 30th day.

(4) **Description of procedure.** The hospital should have available in the files a written description of the procedure it adopts on timing of certifications and recertifications—that is, the intervals at which the necessary statements are required and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the second or subsequent recertifications.

3. Section 405.1629 is amended by revising the first sentence to read as follows:

§ 405.1629 Inpatient tuberculosis hospital services and inpatient psychiatric hospital services; certification and recertification.

The requirements for physician certification and recertification for inpatient psychiatric and tuberculosis hospital services are the same as the requirements for inpatient hospital services furnished prior to January 3, 1968, as set out in § 405.1626, except that the content of the certification and recertification statements is to conform with the requirements of this section and, in the case of patients admitted to the hospital on or after January 1, 1970, recertification statements are to be obtained in accordance with the intervals set forth in § 405.1627(b) (2).

[F.R. Doc. 70-110; Filed, Jan. 2, 1970;
8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Thiabendazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (40-205V) filed by Ralston Purina Co., Checkerboard Square, Saint Louis, Mo. 63199, proposing use of thiabendazole as an anthelmintic for horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic