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Agencies in this issue—

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Agricultural Research Service
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Atomic Energy Commission
Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Insurance Administration
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Title 7—AGRICULTURE

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

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Limited Inspection of Certain Off-Grade Raisins

Notice was published in the September 17, 1970, issue of the FEDERAL REGISTER (35 F.R. 14555) of a proposal to permit handlers to receive off-grade raisins for reconditioning under a limited inspection. Interested persons were afforded an opportunity to file written data, views, or arguments on the proposal and none were received.

The proposal was based on a unanimous recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Amendment of § 989.158, as hereinafter set forth, would permit handlers to accept raisins with obvious defects as off-grade raisins under a limited inspection for reconditioning on a separate lot basis. Further, if the category of off-grade raisins initially accepted under a limited inspection for disposition in eligible non-normal outlets is to be changed to category (iii)—received for reconditioning—as provided in § 989.58(e) of the order, no further inspection prior to reconditioning would be required.

The Committee has suggested that there may be some financial benefit accruing to producers if total inspection costs referable to off-grade raisins received by handlers could be reduced by the substitution of limited inspections for condition in lieu of full inspections when off-grade raisins are accepted by handlers for reconditioning. Such benefit could result irrespective of whether the acceptance of the raisins is for reconditioning, based on the initial acceptance for such purpose, or for reconditioning on the basis of a change in category from disposition in eligible non-normal outlets after acceptance under a limited inspection for condition.

After consideration of all relevant matter presented, including that in the notice, the information and recommen-

dation of the Committee, and other available information, amendment of subparagraph (3) of § 989.158(a) and subparagraph (2) of § 989.158(c) is hereby approved. Therefore, said subparagraphs are amended so as to read, respectively, as follows:

§ 989.158 Natural condition raisins.

(a) * * *

(3) For each lot of natural condition raisins received by a handler for acquisition, reconditioning, storage, inspection, or for disposition in eligible nonnormal outlets, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purposes of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the Committee. Any such raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall be, unless returned to the tenderer, either promptly acquired by the handler or received for storage on memorandum receipt: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection service to the effect that inspection cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and furnish weight certificates promptly. Any raisins received by a handler as off-grade for disposition in eligible nonnormal outlets or for reconditioning may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification of the off-grade raisins as to the particular category in which received. An application for such a limited inspection shall be submitted by the handler, on a form furnished by the Committee, to the inspection service prior to, or upon physical receipt of, such off-grade raisins. Such form shall provide for at least the name and address of the tenderer (equity holder), date,

number and type of containers, net weight of the raisins, and the particular defect(s) the handler indicates would cause the raisins to be off-grade. The handler shall complete and sign the form. The application for the limited inspection shall not be acceptable unless signed by the tenderer. Each lot of raisins so accepted by a handler shall be reconditioned separately from any other lot.

(c) * * *

(2) *Change in off-grade categories.* After raisins have been classified as to the categories in § 989.58(e)(1), any lot of natural condition off-grade raisins held by a handler under subdivision (i) or (iii) of § 989.58(e)(1), may be changed to the other category, or to subdivision (ii). Prior to making such change the handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin such change. Any off-grade lot under subdivision (ii) of § 989.58(e)(1) which has not been removed from the handler premises and is identifiable with the original inspection, may be tendered to the handler for the purposes of subdivision (i) or (iii) of § 989.58(e)(1) and, if accepted, the handler shall so report to the Committee. It shall be the responsibility of the handler to establish and maintain the identity of the raisins in the changed categories in accordance with the applicable provisions of subparagraph (1) of this paragraph. Where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change, except for changes from subdivision (i) or subdivision (iii) to subdivision (ii) of § 989.58(e)(1).

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Handlers are aware of this action as recommended by the Committee and require no additional time to comply therewith; (2) raisins of the 1970 production are now being received and inspected; (3) this action relieves restrictions as to the kind of inspection required with respect to off-grade raisins received by handlers and with respect to changes in categories in which off-grade raisins are being held; and (4) this amendment should become effective promptly so that it will be applicable to as much of the off-grade raisins of the 1970 production as possible, thereby tending to maximize the benefits therefrom to producers and others.

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

Dated October 8, 1970, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-13216; Filed, Oct. 12, 1970;
8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-277]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) (16) relating to the State of Kansas is amended to read:

(16) *Kansas.* That portion of Wyandotte County bounded by a line beginning at intersection of U.S. Highway 73, 40, 24, and Secondary Road 761; thence, following Secondary Road 761 and continuing on Secondary Road 1648 in a northeasterly direction to Donohoo Road; thence, following Donohoo Road in a southeasterly direction to the southernmost end of the Wyandotte County Lake; thence, following Hurrelbrink Street and East Cerneck Street in an easterly direction to the western boundary of Kansas City limits; thence, following the western boundary of Kansas City limits in a generally southerly direction to U.S. Highway 73, 40, 24; thence, following U.S. Highway 73, 40, 24 in a westerly direction to its junction with Secondary Road 761.

2. In § 76.2, in paragraph (e) (9) relating to the State of North Carolina, subdivision (v) relating to Pitt County is amended to read:

(9) *North Carolina.* * * *

(v) That portion of Pitt County bounded by a line beginning at the junction of Secondary Road 1426 and U.S. Highway 13, North Carolina Highway 11; thence, following U.S. Highway 13, North Carolina Highway 11 in a southeasterly direction to Secondary Road 1515; thence, following Secondary Road 1515 in a southeasterly direction to Secondary Road 1514; thence, following Secondary Road 1514 in a northeasterly direction to

Secondary Road 1518; thence, following Secondary Road 1518 in a generally southeasterly direction to Secondary Road 1512; thence, following Secondary Road 1512 in a generally southeasterly direction to Secondary Road 1519; thence, following Secondary Road 1519 in an easterly direction to Secondary Road 1517; thence, following Secondary Road 1517 in a generally southeasterly direction to Secondary Road 1541; thence, following Secondary Road 1541 in a southwesterly direction to Secondary Road 1529; thence, following Secondary Road 1529 in a westerly direction to Secondary Road 1523; thence, following Secondary Road 1523 in a southwesterly direction to Secondary Road 1537; thence, following Secondary Road 1537 in a southwesterly direction to North Carolina Highway 30; thence, following North Carolina Highway 30 in a northwesterly direction to U.S. Highway 13, North Carolina Highway 11; thence, following U.S. Highway 13, North Carolina Highway 11 in a southwesterly direction to the Tar River; thence, following the north bank of the Tar River in a generally northwesterly direction to Secondary Road 1400; thence, following Secondary Road 1400 in a northeasterly direction to Secondary Road 1401; thence, following Secondary Road 1401 in a southeasterly direction to Secondary Road 1402; thence, following Secondary Road 1402 in an easterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northwesterly direction to Secondary Road 1415; thence, following Secondary Road 1415 in a northeasterly direction to Secondary Road 1416; thence, following Secondary Road 1416 in a northeasterly direction to Secondary Road 1424; thence, following Secondary Road 1424 in a northerly direction to Secondary Road 1425; thence, following Secondary Road 1425 in a northeasterly direction to Secondary Road 1426; thence, following Secondary Road 1426 in a northeasterly direction to its junction with U.S. Highway 13, North Carolina Highway 11.

3. In § 76.2, the reference to the State of Arkansas in the introductory portion of paragraph (e) and paragraph (e) (15) relating to the State of Arkansas are deleted.

4. In § 76.2, in subparagraph (e) (7) relating to the State of Missouri, subdivisions (i) relating to Butler County; (iii) relating to Jackson County; and (iv) and (v) relating to Scott County are deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Pitt County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement

of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude a portion of Wyandotte County, Kans.; portions of Jackson, Butler, and Scott Counties in Missouri; and a portion of Craighead County, Ark., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of October 1970.

F. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-13745; Filed, Oct. 12, 1970;
8:40 a.m.]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

MISCELLANEOUS AMENDMENTS TO CHAPTER

On May 16, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7652) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 109, 113, 114, and 121 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158). A correction notice which also extended the period to submit written data, views, or arguments to August 9, 1970, was published in the June 10, 1970, issue of the FEDERAL REGISTER (35 F.R. 8945).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21