Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642; 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1970, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,896,376	$1,830,416	$65,960
Alaska	34,344	34,344	.....
Arizona	441,733	441,733	.....
Arkansas	1,087,605	1,029,712	57,983
California	8,948,698	8,948,698	.....
Colorado	952,001	866,209	85,792
Connecticut	1,774,999	1,774,999	.....
Delaware	356,159	313,487	42,672
Del. St. Dist. Agency	18,129	18,129	.....
District of Columbia	624,441	624,441	.....
Florida	1,999,415	1,823,305	166,110
Georgia	1,662,332	1,632,732	29,600
Hawaii	139,581	101,352	38,229
Idaho	214,860	162,700	52,160
Illinois	6,670,614	6,670,614	.....
Indiana	2,966,839	2,966,839	.....
Iowa	1,534,784	1,345,993	188,791
Kansas	1,108,247	1,108,247	.....
Kentucky	2,151,027	2,151,027	.....
Louisiana	708,274	708,274	.....
Maine	518,479	440,837	77,642
Maryland	2,363,512	2,044,059	319,453
Md. Bud. & Proc	89,244	89,244	.....
Massachusetts	3,529,420	3,529,420	.....
Michigan	5,287,511	4,373,889	913,622
Minnesota	2,697,904	2,397,680	300,224
Mississippi	1,349,010	1,349,010	.....
Missouri	2,436,795	2,389,776	47,019
Montana	206,906	177,053	29,853
Nebraska	658,801	545,850	112,951
Nevada	165,879	143,251	22,628
New Hampshire	543,926	470,155	73,771
New Jersey	3,805,291	3,282,096	523,195
New Mexico	726,992	426,241	300,751
New York	9,456,074	9,456,074	.....
N.Y. Off. Gen. Serv	434,773	434,773	.....
North Carolina	3,545,380	3,545,380	.....
North Dakota	350,295	319,413	30,882
Ohio	6,540,751	5,741,438	799,313
Ohio Dept. Pub. Wel	191,534	191,534	.....
Oklahoma	1,128,371	1,128,371	.....
Oregon	616,384	599,187	17,197
Pennsylvania	5,173,252	4,537,815	635,437
Rhode Island	518,879	518,879	.....
South Carolina	629,956	536,933	93,023
South Dakota	363,942	363,942	.....
Tennessee	1,952,366	1,872,679	79,687
Texas	4,323,506	4,037,444	286,062
Utah	336,487	330,838	5,649
Vermont	273,507	261,884	11,623
Virginia	2,028,659	1,886,696	141,963
Washington	1,396,359	1,180,772	215,587
West Virginia	717,849	684,070	33,779
Wisconsin	3,573,232	2,860,214	713,018
Wyoming	110,226	110,226	.....
Total	103,301,000	96,780,374	6,520,626

(Secs. 2, 3, 6, and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: May 20, 1970.

EDWARD J. HEKMAN,
Administration.

[F.R. Doc. 70-6460; Filed, May 25, 1970; 8:47 a.m.]

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

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of the recommendation of the Southeastern Potato Committee, established under the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) The recommendations of the committee reflect its appraisal of the 1970 crop of production area potatoes and of the marketing prospects for this season.

The grade and size requirements provided herein are necessary to prevent potatoes that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1970 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient, (4) the committee's recommendations were arrived at during an open meeting held for such purpose, after giving due notice and publicity of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting, and (5) compliance with this section will not require any special preparation by handlers which cannot be completed by the effective date.

§ 953.310 Limitation of shipments.

During the period June 1 through July 31, 1970, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed, or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a certificate of privilege applicable to such special purpose shipments;

(2) Obtain an approved certificate of privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's certificate of privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appears in the act as recently amended and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 *Import regulations*, Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

Effective date. Dated May 22, 1970, to become effective June 1, 1970.

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

[F.R. Doc. 70–6532; Filed, May 25, 1970; 8:51 a.m.]

[980.1 Potatoes, Amdt. 7]

PART 980—VEGETABLES; IMPORT REGULATIONS

Irish Potatoes

Pursuant to the requirements of 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1) § 980.1 *Import regulations, Irish potatoes* (7 CFR Part 980) is hereby amended in the following respects:

1. Subparagraph (2) (ii) of paragraph (a) is amended by deleting the period and adding at the end thereof the following: "*Provided further*, that for the period June 1 through June 4, 1970, imports of all other round type potatoes are in most direct competition with the marketing of the same type potatoes produced in the Southeastern States covered by Order No. 953 (Part 959 of this chapter)."

2. Subparagraph (2) of paragraph (b) is amended by deleting the period and adding at the end thereof the following: "*Provided further*, that for the period June 1 through June 4, 1970, the grade, size, quality, and maturity requirements of Marketing Order No. 953, as amended (Part 953 of this chapter) applicable to potatoes of the round types shall be the respective grade, size, quality, and maturity for imports of other round type potatoes."

Findings. (a) It is hereby found and determined that during the period June 1 through June 4, 1970, all other round varieties of potatoes imported into the United States are in most direct competition with all other round varieties produced in the Southeastern States and that the import regulations shall be based on the regulation in effect for all other round varieties of potatoes regulated under Marketing Order 953 (7 CFR Part 953).

(b) It is hereby found that it is impracticable and unnecessary and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of 8e of the act make this amendment mandatory, (2) compliance with the amendment on and after the effective date of this regulation will not require any special preparation by importers which cannot be completed by the effective date hereof, and (3) the effective date hereof complies with the notice requirement specified in the act and such notice is determined to be reasonable.

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

Dated May 22, 1970, to become effective June 1, 1970.

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

[F.R. Doc. 70–6566; Filed, May 25, 1970; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Wheat Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1970 and subsequent crops of wheat by adding §§ 1421.460–1421.469 to read as follows. The material previously appearing in §§ 1421.2101–1421.2110 remains in full force and effect as to the 1968 and 1969 crops of wheat.

Sec.
1421.460 Purpose.
1421.461 Eligible wheat.
1421.462 Determination of quality.
1421.463 Determination of quantity.
1421.464 Warehouse receipts.
1421.465 Fees and charges.
1421.466 Warehouse charges.
1421.467 Maturity of loans.
1421.468 Settlement.
1421.469 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.460 Purpose.

This supplement contains program provisions which, together with the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any amendments thereto or revisions thereof (such regulations are referred to in this subpart as "General Regulations"), and the annual crop year supplement issued with respect to the crop of wheat for which price support is being requested, apply to price support loans and purchases for the 1970 and subsequent crops of wheat.

§ 1421.461 Eligible wheat.

(a) *General.* To be eligible for a loan or for purchase, the wheat (1) may be of any class, (2) must be merchantable for food, feed, or other uses as determined by CCC, (3) must not contain mercurial compounds or other substances poisonous to man or animals, (4) must not contain one or more rodent pellets, or comparable amounts of other excreta, per pint of wheat (liquid measure), or 1 percent or more by weight of kernels visibly damaged by weevils or other insects, and (5) must have been produced in the commercial wheat producing area.

(b) *Warehouse-stored grade loan requirements.* To be eligible for a warehouse storage loan, the wheat must also meet the following requirements:

(1) The wheat must grade No. 5 or better except that it may grade sample on the factors of (i) test weight provided test weight is not less than 40 pounds per bushel, (ii) damaged kernels (total) with not more than 3 percent heat damage, (iii) foreign material, (iv) total defects with not more than 3 percent heat damage, or (v) any combination of subdivisions (i) through (iv) of this subparagraph.

(2) If of the class Mixed wheat, the wheat must consist of mixtures of grades of eligible wheat as specified in subparagraph (1) of this paragraph, provided such mixtures are the natural products of the field.

(3) The wheat may have the special grade designations "Garlicky" or "Smutty", or both.

(4) The wheat must not grade Ergoty or Treated.

(5) Wheat which grades "Weevily" is not eligible unless the warehouse receipt issued for such wheat is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of wheat which does not grade "Weevily" and which is otherwise of an eligible grade and quality. When

the warehouse receipt shows "Weevily," the grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.464(c).

(6) Wheat which contains in excess of 13.5 percent moisture is not eligible unless the warehouse receipt issued for such wheat is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of wheat containing not over 13.5 percent moisture which is otherwise of an eligible grade and quality. The grade, grading factors and the quantity shown on the supplemental certificate must be as specified in § 1421.464(c).

§ 1421.462 Determination of quality.

(a) *Regular grading factors.* The class, grade, grading factors and all other quality factors shall be based on the Official Grain Standards of the United States for wheat whether or not such determinations are made on the basis of an official inspection. The cost of official grade determinations, when made, shall not be for the account of CCC.

(b) *Protein content determinations.* Producers may obtain official protein content determinations or protein content determinations arrived at by mutual agreement between the producer and the warehouseman on wheat of the classes Hard Red Winter, Hard Red Spring, and Hard White of the varieties Baart, Bluestem, and Burt to be placed under warehouse-storage loans or stored in approved warehouses for later purchase by CCC and on wheat delivered from farm storage in satisfaction of a loan or for purchase by CCC. Producers may also obtain official protein determination on wheat of such classes placed under farm-storage loans in accordance with pararaph (c) of this section. The cost of official protein content determinations shall not be for the account of CCC.

(c) *Protein determinations on farm-storage loan wheat.* If a producer at time of request for a farm-storage loan also requests that the premium for protein content be applied to the basic support rate for the classes of wheat specified in paragraph (b) of this section, the county office will draw a representative sample of, and arrange for protein tests on, the wheat to be placed under loan. The premium applicable to the values determined by such test shall be applied to the basic support rate at the time the loan is made, but settlement shall be based on the protein content determined upon delivery of the wheat to CCC. The producer who requests the protein premium on his farm storage wheat to be placed under loan shall be charged a fee of $3.50 for each bin of wheat tested for protein content.

§ 1421.463 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage.

(a) *In warehouse.* The quantity of wheat in an approved warehouse on which a warehouse-storage loan may be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt, or on the supplemental certificate, if applicable. If the wheat has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or supplemental certificate, if applicable, shall be the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight excluding dockage of 1.2 times the percentage difference between the moisture content of the wheat when received and 13.5 percent.

(b) *On farm.* The quantity of wheat eligible to be placed under a farm storage loan shall be determined in accordance with § 1421.18. The quantity acquired by CCC from farm storage shall be determined by weight.

§ 1421.464 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and quality of wheat.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class and subclass, (3) grade (including special grades), (4) test weight, (5) moisture content if over 13.5 percent, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) protein content when applicable, (9) whether the wheat arrived by rail, truck, or barge, and (10) the date the wheat was received or deposited in the warehouse.

(c) *Where warehouse receipt shows "Weevily" or moisture over 13.5 percent or both.* If a warehouse receipt tendered as security for a loan shows that the wheat grades "Weevily" or contains over 13.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.461(b) (5) and (6) in order for the wheat to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the wheat has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(2) When the warehouse receipt shows a moisture content of over 13.5 percent and the wheat has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the wheat to a moisture content of not over 13.5 percent which shall reflect a drying or blending shrink as specified in § 1421.463(a).

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(4) In the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.466.

(e) *Freight certificate requirements.* Warehouse receipts representing wheat which has been shipped by rail, or by barge utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission, from a country shipping point to be a designated terminal point or to a storage point and stored intransit to a designated terminal point, must be accompanied by supplemental certificates. These certificates must be representative as to origin and date of movement of the wheat and must reflect the rate of freight paid into the storage point and the amount of penalty, if any, for out-of-line haul. The form of the certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman.

§ 1421.465 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11.

§ 1421.466 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the wheat is deposited in the warehouse for storage. Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the wheat when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning

date to be used for computing the storage deduction on wheat stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the wheat was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(c) *Deduction of storage charges—eastern common carriers.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated by an eastern common carrier. Such deduction shall be based on entries shown on the warehouseman's supplemental certificate and delivery order. If written evidence is submitted with the supplemental certificate and delivery order that all warehouse charges except elevation charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. Where the producer presents evidence showing that the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges set forth in the table in the annual crop year supplement.

§ 1421.467 Maturity of loans.

Loans mature on demand but not later than the date specified in the annual crop year supplement to the regulations in this subpart.

§ 1421.468 Settlement.

Notwithstanding the provisions of § 1421.23, if the wheat delivered is of a quality which does not meet the sanitation requirements of § 1421.461(a)(4), the wheat shall be sold for uses other than for human consumption and the settlement value shall be the same as the sales price, except that if CCC is unable to sell the wheat for the use specified above, the settlement value shall be the market value determined by CCC, as of the date of delivery.

§ 1421.469 Support rates.

Basic county support rates for wheat and the schedule of premiums and discounts will be set forth in the annual crop year supplement to the regulations contained in this subpart. Farm-stored wheat loans will be made at the applicable basic county support rate adjusted, where applicable, for the undesirable variety discount, the Weed Control discount and as provided in § 1421.462(c). The support rate for warehouse-storage loans and for wheat acquired under a loan or by purchase shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and the premiums and discounts in the annual crop year supplement on the basis of quality factors on warehouse receipts or supplemental certificates in the case of wheat stored in or delivered to an approved warehouse or on such other form as CCC may prescribe in the case of wheat delivered to other than an approved warehouse. Settlement of loans and purchases shall be made in accordance with the provisions of §§ 1421.23, 1421.462(c), and 1421.468.

(a) *Basic support rates for farm-stored wheat.* The applicable basic support rate for farm-storage loans shall be the basic county support rate established for the county in which the wheat is stored.

(b) *Basic support rates for warehouse-stored wheat received by rail or utilizing combination barge-rail rates*—(1) *When shipped by rail and stored intransit at interior locations.* The applicable basic support rate for warehouse-storage loans on wheat which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the wheat was shipped, the amount of freight cargoes per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the wheat is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market locations.* The applicable basic support rate for warehouse storage loans on wheat which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the wheat was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse storage loans on wheat which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the wheat was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be a rate which will permit the storage in transit privilege and protect the lowest single car, or barge freight rate applying from origin through point of storage to one of the interior or port terminal markets designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the wheat is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(c) *Basic support rates for warehouse-stored wheat received by truck or nontariff barge*—(1) *Stored at other than terminal markets.* (i) The applicable basic support rate for warehouse-storage loans on wheat which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located outside the switching limits of terminal markets designated in subparagraph (2) of this paragraph shall be the basic county support rate established for the county in which the wheat is stored.

(ii) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities which have the same freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on wheat which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in subdivision (ii) or (iii) of this subparagraph shall be determined by adding 4 cents per bushel to the basic county support rate established for the county (or city) in which the terminal market is located.

(ii) Designated interior terminal markets are as follows:

Interior terminal market	*County in which located*
Atchison, Kans.	Atchison.
Cairo, Ill.	Alexander.
Chicago, Ill.	Cook.
Council Bluffs, Iowa	Pottawattamie.
East St. Louis, Ill.	St. Clair.
Kansas City, Kans.	Wyandotte.
Kansas City, Mo.	Jackson.
Louisville, Ky.	Jefferson.
Memphis, Tenn.	Shelby.
Milwaukee, Wis.	Milwaukee.
Minneapolis, Minn.	Hennepin.
Omaha, Nebr.	Douglas.
St. Joseph, Mo.	Buchanan.
St. Louis, Mo.	St. Louis.
St. Paul, Minn.	Ramsey.
Sioux City, Iowa	Woodbury.

(iii) Designated port terminal markets are as follows:

Port terminal markets	*County or city in which located*
Albany, N.Y.	Albany.
Ama, La.	St. Charles.
Astoria, Oreg.	Clatsop.
Baltimore, Md.	Baltimore City.
Baton Rouge, La.	East Baton Rouge.
Beaumont, Tex.	Jefferson.
Charleston, S.C.	Charleston.
Corpus Christi, Tex.	Nueces.
Destrahan, La.	St. Charles.
Duluth, Minn.	St. Louis.
Galveston, Tex.	Galveston.
Gulfport, Miss.	Harrison.
Houston, Tex.	Harris.
Kalama, Wash.	Cowlitz.
Long Beach, Calif.	Los Angeles.
Longview, Wash.	Cowlitz.
Los Angeles, Calif.	Los Angeles.
Mobile, Ala.	Mobile.
New Orleans, La.	Orleans.
New York, N.Y.	New York City.
Norfolk, Va.	Chesapeake (Norfolk).
Oakland, Calif.	Alameda.
Pascagoula, Miss.	Jackson.
Philadelphia, Pa.	Philadelphia City.
Port Allen, La.	West Baton Rouge.
Port Arthur, Tex.	Jefferson.
Portland, Oreg.	Multnomah.
Sacramento, Calif.	Sacramento.
San Diego, Calif.	San Diego.
San Francisco, Calif.	San Francisco City.
Seattle, Wash.	King.
Stockton, Calif.	San Joaquin.
Superior, Wis.	Douglas.
Tacoma, Wash.	Pierce.
Toledo, Ohio	Lucas.
Vancouver, Wash.	Clark.
Westwego, La.	Jefferson.
Wilmington, Calif.	Los Angeles.

(d) *Storing warehouseman's responsibilities.* The storing warehouseman in the case of wheat received by rail or utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission shall be responsible for determining the in-line routes via the storing warehouse that will protect the lowest freight rate to the designated interior or port terminal market designated in paragraph (c)(2) (ii) or (iii) of this section, whichever the case may be, that would be used in commercial channels of trade, and for protecting such routes. The storing warehouseman shall also execute supplemental certificates showing (1) the rate of freight paid into the storage point, (2) amount of penalty, if any, for backhaul or out-of-line penalty, (3) the applicable interior or port terminal market that would be used in commercial channels of trade, and (4) any other information which may be prescribed by CCC. The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. His liability, if any, for his failure to comply with the provisions of this paragraph (d) will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 20, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-6457; Filed, May 25, 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

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:

In § 76.2 in paragraph (e)(16) relating to the State of Virginia, subdivision (iii) relating to King William and Hanover Counties, and subdivision (vi) relating to Surry, Isle of Wight, Southampton, and Sussex Counties are amended to read:

(16) *Virginia.* * * *

(iii) That portion of King William and Hanover Counties bounded by a line beginning at the junction of Secondary Highway 604 and State Highway 30 in King William County; thence, following State Highway 30 in a generally southeasterly direction to U.S. Highway 360; thence, following U.S. Highway 360 in a southwesterly direction to Secondary Highway 605 in Hanover County; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a northeasterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a northwesterly direction to its junction with State Highway 30 in King William County.

* * * * *

(vi) The adjacent portions of Surry, Isle of Wight, Southampton, and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 611 and 616 in Surry County; thence, following Secondary Highway 616 in a southwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a generally southeasterly direction to Primary State Highway 31; thence, following Primary State Highway 31 in a northeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a generally northeasterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683, thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a westerly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southeasterly direction to Secondary Road 620; thence, following Secondary Road 620 in a generally southwesterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a southeasterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a southwesterly direction to Secondary Highway 646; thence following Secondary Highway 646 in a southeasterly direction to Secondary Highway 638; thence, following Secondary Highway 638 in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a southeasterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a generally southerly direction to Secondary Highway 687; thence, following Secondary Highway 687 in a southwesterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally westerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a generally northeasterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a southwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally northeasterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a northeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to

Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Secondary Highway 607; thence, following Secondary Highway 607 in a northeasterly direction to Secondary Highway 608; thence, following Secondary Highway 608 in a southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a southeasterly direction to its junction with Secondary Highway 616.

(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 portions of Southampton, Isle of Wight, and King William Counties in Virginia 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 areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. 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 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 20th day of May 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-6455; Filed, May 25, 1970; 8:47 a.m.]

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, the introductory portion of paragraph (e) is amended by adding the name of the State of Ohio thereto and a new paragraph (e)(20) relating to the State of Ohio is added to read:

(20) *Ohio.* That portion of Darke County comprised of Brown Township.

2. In § 76.2, in paragraph (e)(4) relating to the State of Illinois, a new subdivision (iii) relating to Clay County is added to read:

(4) *Illinois.* * * *

(iii) That portion of Clay County comprised of Sanger, Harter, and Xenia Townships.

3. In § 76.2, in paragraph (e)(8) relating to the State of Mississippi, a new subdivision (vi) relating to Warren County, and a new subdivision (vii) relating to Copiah County are added to read:

(8) *Mississippi.* * * *

(vi) That portion of Warren County bounded by a line beginning at the junction of the west bank of the Big Black River and State Highway 27; thence, following State Highway 27 in a northwesterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southwesterly direction to U.S. Highway 61; thence, following U.S. Highway 61 in a generally southerly direction to the Big Black River; thence, following the west bank of the Big Black River in a generally northeasterly direction to its junction with State Highway 27.

(vii) That portion of Copiah County bounded by a line beginning at the junction of State Highways 27 and 28; thence, following State Highway 28 in a generally westerly direction to the Dentville, Hazlehurst Road; thence, following the Dentville, Hazlehurst Road in a northwesterly direction to the Mississippi Power & Light Co. electrical transmission line right-of-way; thence, following the Mississippi Power & Light Co. electrical transmission line right-of-way in a northeasterly direction to the Copiah-Hinds County line; thence, following the Copiah-Hinds County line in an easterly direction to State Highway 27; thence, following State Highway 27 in a southeasterly direction to its junction with State Highway 28.

4. In § 76.2, in paragraph (e)(15) relating to the State of Texas, subdivision (ii) relating to Comanche, Erath, and Hamilton Counties, and subdivision (viii) relating to Limestone, Navarro, and Freestone Counties 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 Clay County, Ill.; portions of Warren and Copiah Counties in Mississippi; and a portion of Darke County, Ohio, 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 such counties.

The amendments also exclude portions of Comanche, Erath, Hamilton, Limestone, Navarro, and Freestone Counties in Texas from the areas heretofore 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 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 20th day of May 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-6456; Filed, May 25, 1970; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 24,085]

PART 571—STATEMENTS OF POLICY

Audits of Insured Institutions

MAY 5, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the advisability of revising and codifying its statement of policy concerning audits of insured institutions adopted by the Board by Resolution No. FSLIC-2,523 on April 7, 1966, and duly