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Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

The following Supplement is now available:

Title 6 (\$2.25)

Previously announced: 1960 Supplement to Title 3 (\$0.50); Title 5 (Revised) (\$4.00); Title 7, Parts 1-50 (\$0.55); Parts 51-52 (\$0.60); Parts 53-209 (\$0.55); Parts 210-399 (\$0.35); Parts 400-899 (\$1.25); Parts 900-959 (\$1.75); Parts 960 to end (\$2.75); Title 8 (\$0.40); Title 9 (\$0.40); Titles 10-13 (\$0.75); Title 14, Parts 200-399 (Revised) (\$1.50); Title 16, (\$0.35); Title 17 (\$1.00); Title 19 (Revised) (\$5.50); Title 21 (\$1.75); Titles 22-23 (\$0.50); Title 24 (\$0.55); Title 25 (\$0.50); Title 26, Parts 300-499 (Revised) (\$4.00); Title 27 (Revised) (\$3.00); Titles 28-29 (\$1.75); Titles 30-31 (\$0.60); Title 32, Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999 (\$0.40); Parts 1000-1099 (\$1.00); Parts 1100 to end (\$0.60); Title 32A (\$0.60); Title 33 (\$1.75); Title 35 (\$0.30); Title 36 (\$0.30); Title 37 (\$0.30); Title 38 (\$1.25); Title 39 (\$1.50); Titles 40-41 (Revised) (\$1.50); Title 42 (\$0.35); Title 43 (\$1.00); Title 44 (\$0.30); Title 45 (\$0.40); Title 46, Parts 1-145 (\$1.25); Parts 146-149 (\$1.00); Parts 150 to end (\$1.00); Title 47, Parts 1-29 (\$1.25); Parts 30 to end (\$0.40); Title 49, Parts 1-70 (\$1.00); Parts 71-90 (\$1.00); Parts 91-164 (\$0.50); Parts 165 to end (Revised) (\$5.00); Title 50 (Revised) (\$3.75)

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Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

REVISION OF ANIMAL DISEASE REGULATIONS

The last complete revision of the regulations of the Agricultural Research Service of the Department of Agriculture, relating to animal diseases, was effective as of January 1, 1959. The following complete revision of such regulations includes all changes made since that time.

Subchapter B—Cooperative Control and Eradication of Animal Diseases

Part

- 51 Cattle destroyed because of Brucellosis (Bang's Disease), tuberculosis or paratuberculosis.
- 52 Dourine in horses and asses.
- 53 Foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious or infectious animal diseases which constitute an emergency and threaten the livestock industry of the country.
- 54 Animals destroyed because of scrapie.
- 55 Cattle destroyed because of anaplasmosis.

Subchapter C—Interstate Transportation of Animals and Poultry

- 71 General provisions.
- 72 Texas (splenic) fever in cattle.
- 73 Scabies in cattle.
- 74 Scabies in sheep.
- 75 Dourine in horses and asses.
- 76 Hog cholera and other communicable swine diseases.
- 77 Tuberculosis in cattle.
- 78 Brucellosis in domestic animals.
- 79 Scrapie in sheep.
- 80 Paratuberculosis in domestic animals.
- 81 European fowl pest and similar poultry diseases.
- 82 Psittacosis or ornithosis in poultry.
- 83 Screwworms.

Subchapter D—Exportation and Importation of Animals and Animal Products

- 91 Inspection and handling of livestock for exportation.
- 92 Importation of certain animals and poultry and certain animal and poultry products.
- 94 Rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and newcastle disease (avian pneumoencephalitis): prohibited and restricted importations.
- 95 Sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States.
- 96 Restriction of importations of foreign animal casings offered for entry into the United States.
- 97 Overtime services relating to imports and exports.

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

- Sec. 51.1 Definitions.
- 51.2 Payment to owners for cattle destroyed.
- 51.3 Record of tests.
- 51.4 Appraisals.
- 51.5 Report of appraisals.
- 51.6 Time limit for slaughter.
- 51.7 Report of salvage proceeds.
- 51.8 Claims for indemnity.
- 51.9 Claims not allowed.
- 51.10 Part 53 of this chapter not applicable.

AUTHORITY: §§ 51.1 to 51.10 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 114, 111, 114a. Additional authority is cited to text in parenthesis.

§ 51.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Division": Animal Disease Eradication Division of the Department.

(c) "Director of Division": The Director of the Division or any other officer or employee of the division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(d) "Veterinarian in Charge": The veterinary inspector who is assigned by the Director of Division to supervise and perform official work at an official station and who reports directly to the Director of Division, and in whose jurisdiction particular cattle are tested and appraised.

(e) "Division Representative": Any inspector or other person employed by the Division who is authorized by the Director of Division to do any work or perform any duty in connection with the control and eradication of brucellosis, tuberculosis, and paratuberculosis of animals.

(f) "State": A State, the District of Columbia, or a Territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with the Division for the control and eradication of brucellosis, tuberculosis, or paratuberculosis.

(g) "Accredited veterinarian": A veterinarian recommended by a State, approved by a Veterinarian in Charge, and accredited by the Division.

(h) "Mortgage": Any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company,

or any organized group of any of the foregoing.

(j) "Owner": Any person who has a beneficial interest in cattle whether or not they are subject to a mortgage.

(k) "Brucellosis": The disease commonly known as "Bang's Disease."

(l) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

(m) *Official vaccinate*. A bovine animal vaccinated against brucellosis while from 4 through 8 months of age, on or before June 30, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, on or before June 30, 1957, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; or a bovine animal vaccinated against brucellosis while from 4 through 8 months of age, subcutaneously, on or after July 1, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, subcutaneously, on or after July 1, 1957, under the supervision of a Federal or State veterinary official, with 5 cc. of a vaccine approved by the Division; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis.

§ 51.2 Payment to owners for cattle destroyed.

Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however*, That no such payment for cattle destroyed shall exceed \$25 for any grade animal or \$50 for any purebred animal: *And provided further*, That in the case of tuberculosis or paratuberculosis reactors no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

§ 51.3 Record of tests.

When any cattle in a herd are classified by a Division or State representative as reactors to a test for brucellosis, tuberculosis, or paratuberculosis, a complete test record shall be made by such representative for such herd, including the reactor tag number of each reacting animal and the registration name and number of each reacting purebred animal. In the case of any herd having any reactor to a brucellosis test, the record shall be shown on TE Form 33-A or acceptable form furnished by the State. TE Form 20-B or acceptable form furnished by the State shall be used for the record of

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any herd having any reactor to a tuberculosis or paratuberculosis test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate Veterinarian in Charge.

§ 51.4 Appraisals.

Cattle to be destroyed because of brucellosis, tuberculosis, or paratuberculosis shall be appraised by a Division or State representative or by any accredited veterinarian specifically authorized to make appraisals. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebred shall be accompanied by their registration papers at the time of the appraisal or they shall be appraised as grade cattle: *Provided, however*, That if registration papers are temporarily not available, or if the cattle are less than three years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers to the appraiser or to the Veterinarian in Charge. The one receiving the papers shall be responsible for their verification. The Division may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the market value of cattle of a like quality.

(Sec. 3, 33 Stat. 1265, as amended, 21 U.S.C. 112, 113, 120, 125)

§ 51.5 Report of appraisals.

Appraisals made in accordance with § 51.4 shall be recorded by the appraiser on TE Form 23 which shall also show the reactor tag number of each reacting animal and whether the animal is purebred or grade. At the time of appraisal, the TE Form 23 shall be signed by the appraiser, and by the owner certifying his acceptance of the appraisal. The original of the TE Form 23 and as many copies thereof as may be required for the Division, the State, and the owner of the cattle, shall be sent to the appropriate veterinarian in charge.

§ 51.6 Time limit for slaughter.

Payment of indemnity will be made under this part for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis only if the animals are slaughtered or die otherwise within 15 days after the date of appraisal, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Director of Division, for reasons satisfactory to him, may extend it beyond 30 days.

§ 51.7 Report of salvage proceeds.

A report of the salvage derived from the sale of each animal on which a claim for indemnity may be made under the provisions of this part shall be made on TE Form 24, or acceptable form furnished by the purchaser or selling agent, which shall be signed by the purchaser or his agent or by the selling agent handling the cattle. If the cattle are sold by the pound, the TE Form 24 shall show the weight, price per pound, gross receipts,

expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the TE Form 24 and an explanation showing how the amount was arrived at must be submitted. In the event the cattle are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of TE Form 24, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said cattle. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, truckage, yardage, commissions, slaughtering charges, and similar costs. No charges for holding cattle on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department. The original of TE Form 24 or acceptable form furnished by the purchaser or selling agent, or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not already in his possession. Additional copies may be furnished to the State officials, if required.

§ 51.8 Claims for indemnity.

Claims for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, shall be presented on ADE Form 1-23 on which the owner of the cattle shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, ADE Form 1-25 shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the ADE Form 1-23 has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. The Veterinarian in Charge or official designated by him shall record on the ADE Form 1-23 the salvage value of the cattle destroyed and the amount of Federal and State indemnity payments that appears to be due to the owner of the cattle, and shall furnish a copy of the form to the owner. The Veterinarian in Charge or official designated by him shall then forward ADE Form 1-23 to the appropriate official for further action on the claim.

§ 51.9 Claims not allowed.

Claims for compensation for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis shall not be allowed if any of the following circumstances exist:

- (a) If the claimant has failed to comply with any of the requirements of this part.
- (b) If the cattle are classified as affected with tuberculosis or paratuberculosis on the basis of a test, unless the existence of the disease in the cattle was

determined as the result of a tuberculosis or johnin test applied by a Division, State, or Accredited veterinarian; or if the cattle are classified as affected with brucellosis, unless the existence of the disease in the cattle was determined as the result of an agglutination or other test approved by the Director of Division applied by such a veterinarian, or by a non-veterinary technician under the supervision of a Division or State veterinarian.

(c) If the existence of any such disease in the cattle was determined as the result of a tuberculin, johnin, or agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously been issued to such veterinarian in writing by the proper Division and State authorities.

(d) If the cattle were classified as tuberculous or paratuberculous unless they reacted to the tuberculin or johnin test or revealed lesions of either disease upon autopsy.

(e) If, at the time of test or condemnation, the cattle belonged to or were upon the premises of any person to whom they had been sold, shipped, or delivered for slaughter.

(f) If, at the time of the condemnation of the cattle for brucellosis, tuberculosis or paratuberculosis, the cattle were not in a State in which cooperative eradication work was being conducted with respect to such disease.

(g) If the cattle were destroyed as reactors to tests for tuberculosis, or paratuberculosis, unless the claim is to be paid in cooperation with, and supplementary to, payments to be made by the State in which said cattle were condemned.

(h) If any part of the claimant's herd has not been tested under Division and State supervision for the eradication of the particular disease for which the animals covered by the indemnity claim were condemned.

(i) If the premises occupied by the cattle which were destroyed and all infected or exposed materials on such premises have not been properly cleaned and disinfected, with a disinfectant permitted by the Division in accordance with recommendations of the proper State and Division official, within 15 days from date reactors were removed from premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Director of Division, for reasons satisfactory to him, may extend it beyond 30 days.

(j) If the cattle were steers, unless they were work oxen, or if they were bulls and were not purebred.

(k) If the cattle were destroyed as reactors to tests for tuberculosis or paratuberculosis, unless they were marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor," or a similar State reactor tag, was suitably attached to the left ear of each animal.

(l) If the cattle were destroyed because of brucellosis, unless they were

marked for identification by branding the letter "B" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and inscription "U. S. B. A. I. Reactor, B. D.," or a similar State reactor tag, was suitably attached to the left ear of each animal.

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 30 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination; or unless other Division approved tests show the vaccinates are affected with virulent Brucellae.

(n) If the cattle were calves under 6 months of age which reacted only to the agglutination blood test for brucellosis.

(o) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such cattle.

(Sec. 3, 33 Stat. 1265, as amended, 21 U.S.C. 112, 113, 120, 125).

§ 51.10 Part 53 of this chapter not applicable.

No claim for indemnity for cattle destroyed because of brucellosis tuberculosis, or paratuberculosis shall hereafter be paid or allowed under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

PART 52—DOURINE IN HORSES AND ASSES

§ 52.1 Appraisal of and compensation for animals; conditions under which Department may cooperate with States to prevent spread and to aid in extermination of dourine.

(a) *Infection; how determined.* The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Division.

(b) *Appraisal; by whom to be made.* The animal shall be appraised at its actual value by a Division inspector and the State veterinarian or an assistant State veterinarian of the State in which the animal is located, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) *Department payment to be one-half appraised or assessed value not exceeding \$100.* The department will pay one-half of the appraised or assessed value, provided such share shall in no case exceed \$100, and the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the department on account of the destruction of the animal in question.

(d) As used in this part, the term "Division" means the Animal Disease Eradication Division, Agricultural Re-

search Service, U. S. Department of Agriculture.

(Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 114, 111, 114a)

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

Sec.	Definitions.
53.1	Determination of existence of disease; agreements with States.
53.2	Appraisal of animals or materials.
53.3	Destruction of animals.
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AUTHORITY: §§ 53.1 to 53.10 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

CROSS REFERENCE: For non-applicability of Part 53 with respect to certain claims for indemnity, see § 51.10 of this chapter.

§ 53.1 Definitions.

Words used in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless otherwise clearly indicated by the context, whenever the following words, names, or terms are used in the regulations in this part, they shall be construed, respectively, to mean:

(a) "Department" means the United States Department of Agriculture.

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

(c) "Division" means the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(d) "Division employee" means any inspector or other individual employed in the division who is authorized by the Director of Division to do any work or perform any duty in connection with the control and eradication of disease.

(e) "Inspector in charge" means an inspector of the division who is designated by the Director of Division to take charge of work in connection with the control and eradication of disease as defined in this section.

(f) "Disease" means foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or any other contagious, infectious, or communicable disease of animals (including poultry), which in the opinion of the Secretary constitutes an emergency and threatens the livestock industry of the country.

(g) "Materials" means parts of barns or other structures, straw, hay, and other

feed for animals, farm products or equipment, clothing, and articles stored or contained in or adjacent to barns or other structures.

(h) "Person" means natural person, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.

(i) "State" means each and every one of the States of the United States, the District of Columbia, and the Territories and possessions of the United States.

(j) "Mortgage" means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

§ 53.2 Determination of existence of disease; agreements with States.

(a) Upon declaration by the Secretary of Agriculture of the existence of any disease which in his opinion threatens the livestock industry of the country, the Director of Division is hereby authorized to invite the proper State authorities to cooperate with the Department in the control and eradication of such disease.

(b) Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Director of Division is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay not more than 50 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease: *Provided*, That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

§ 53.3 Appraisal of animals or materials.

(a) Animals affected by or exposed to disease, and materials required to be destroyed because of being contaminated by or exposed to disease shall be appraised by a Division employee and a representative of the State jointly, or, if the State authorities approve, by a Division employee alone.

(b) The appraisal of animals shall be based on the meat, egg production, dairy or breeding value, but in the case of appraisal based on breeding value, no appraisal of any animal shall exceed three times its meat, egg production, or dairy value. Animals and poultry may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal or bird in the group is the same value per head or where appraisal is by the pound each animal or bird in the group is the same value per pound.

(c) Appraisals of animals shall be reported on forms furnished by the Division. Reports of appraisals shall show the number of animals of each species and the value per head or the weight and value by pound.

(d) Appraisals of materials shall be reported on forms furnished by the Division. Reports of appraisals of materials shall, when practicable, show the number, size or quantity, unit price, and total value of each kind of material appraised.

§ 53.4 Destruction of animals.

(a) Animals affected by or exposed to disease shall be killed promptly after appraisal and disposed of by burial or burning, unless otherwise specifically provided by the Director of Division in extraordinary circumstances.

(b) The killing of animals and the burial, burning, or other disposal of carcasses of animals pursuant to the regulations in this part shall be supervised by a Division employee who shall prepare and transmit to the Director of Division a report identifying the animals and showing the disposition thereof.

§ 53.5 Disinfection or destruction of materials.

(a) In order to prevent the spread of disease, materials contaminated by or exposed to disease shall be disinfected: *Provided, however,* That in all cases in which the cost of disinfection would exceed the value of the materials or disinfection would be impracticable for any reason, the materials shall be destroyed, after appraisal as provided in § 53.3.

(b) The disinfection or destruction of materials under this section shall be under the supervision of a Division employee who shall prepare and transmit to the Director of Division a certificate identifying all materials which are destroyed, showing the disposition thereof.

§ 53.6 Disinfection of animals.

Animals of species not susceptible to the disease for which a quarantine has been established, but which have been exposed to the disease, shall be disinfected when necessary by such methods as the Director of Division shall prescribe from time to time.

§ 53.7 Disinfection of premises, conveyances, and materials.

All premises, including barns, corrals, stockyards and pens, and all cars, vessels, aircraft, and other conveyances, and the materials thereon, shall be cleaned and disinfected under supervision of a Division employee whenever necessary for the control and eradication of disease. Expenses incurred in connection with such cleaning and disinfection shall be shared according to the agreement reached under § 53.2 with the State in which the work is done.

§ 53.8 Presentation of claims.

Claims for (a) compensation for the value of animals, (b) cost of burial, burning or other disposition of animals, (c) the value of material destroyed, and (d) the expenses of destruction, shall each be presented, through the inspector in charge, to the Division on separate vouchers in form approved by the Director of Division.

§ 53.9 Mortgage against animals or materials.

When animals or materials have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by the Division on which the owner of the animals or materials shall certify that the animals or materials covered thereby, are, or are not, subject

to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the animals or materials, consenting to the payment of any indemnity allowed to the person specified thereon.

§ 53.10 Claims not allowed.

(a) The Department will not allow claims arising under the terms of this part if the payee has not complied with all quarantine requirements.

(b) Expenses for the care and feeding of animals held for destruction will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Director of Division.

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE**Sec.****54.1 Definitions.****54.2 Cooperation with States.****54.3 Appraisal of animals.****54.4 Time limit for slaughter.****54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.****54.6 Mortgages against animals.****54.7 Destruction of animals.****54.8 Payments to owners for animals destroyed.****54.9 Claims not allowed.**

AUTHORITY: §§ 54.1 to 54.9 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

§ 54.1 Definitions.

For the purpose of this part, the following words, names and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Disease Eradication Division of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means destroyed by slaughter or by such other means as may be authorized by the Director of Division.

(d) "Animals" include sheep and/or goats.

(e) "Mortgage" means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

§ 54.2 Cooperation with States.

Upon determination by the Director of Division of the existence of scrapie, he shall solicit the cooperation of the proper State or Territory authorities in the eradication of such disease.

§ 54.3 Appraisal of animals.

(a) Affected and exposed animals shall be appraised at their actual value at the place and time of appraisal by a representative of the Division and a representative of the State jointly, except that, if the owner and State authorities approve,

such animals may be appraised by a representative of the Division alone. Animals may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound.

(b) The Division may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the value of similar animals of a like quality. Appraisals shall not exceed any limit set by the laws of the State or other agency which is cooperating with the Division in the payment of indemnity because of scrapie.

§ 54.4 Time limit for slaughter.

Animals slaughtered under this part shall be slaughtered within 15 days after the date of appraisal unless such time is specifically extended by the Director of Division.

§ 54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.

Expenses for the care and feeding of animals held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department.

§ 54.6 Mortgage against animals.

When animals have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by the Division on which the owner of the animals shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon.

§ 54.7 Destruction of animals.

(a) Animals affected with or exposed to scrapie shall be destroyed under this part only after obtaining the written agreement of the owner to accept, as compensation in full from the United States, 50 percent of the difference between the appraisal value and the salvage value not to exceed \$25 per head for grade animals and \$75 per head for purebred animals.

(b) Animals which are exposed to but which do not show visible symptoms of scrapie and whose flesh can be saved for food without risk of spreading the disease may be slaughtered in an establishment approved by the Director of Division.

§ 54.8 Payments to owners for animals destroyed.

(a) Owners of animals destroyed in accordance with this part because such animals are affected with or exposed to scrapie shall be paid an indemnity not to exceed 50 percent of the difference between the appraised value of each animal so destroyed and the net salvage received by the owner thereof.

(b) The Federal indemnity shall be limited to \$25 per head for grade animals and \$75 per head for purebred animals.

(c) The Division may indemnify owners up to the limitations specified in this part whether or not the State participates in indemnity payment.

(d) Animals presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however*, That in the absence of such proof of purebreeding the Director of Division may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

§ 54.9 Claims not allowed.

(a) The Department will not allow claims arising out of the destruction of animals unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to scrapie including the necessary cleaning and disinfection of his premises and conveyances.

PART 55—CATTLE DESTROYED BECAUSE OF ANAPLASMOSIS

Sec. 55.1 Cooperation in eradication of anaplasmosis.

55.2 Appraisal of animals.

55.3 Payments of indemnity; claims not allowed.

AUTHORITY: §§ 55.1 to 55.3 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

§ 55.1 Cooperation in eradication of anaplasmosis.

Upon agreement of the authorities of the Territory of Hawaii to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of anaplasmosis of cattle and to pay 50 percent of the expenses of the purchase and disposition of cattle affected by the disease, the Director of the Animal Disease Eradication Division of the Agricultural Research Service is hereby authorized to agree on the part of the Department to cooperate with the Territory in the control and eradication of the subject disease and to pay not more than 50 percent of such expenses.

§ 55.2 Appraisal of animals.

Animals required to be destroyed because of being infected with anaplasmosis shall be appraised by an officially designated representative of the Animal Disease Eradication Division or the Territory of Hawaii and shall be destroyed within a period of time acceptable to the Director of the Division. Such appraisal shall be based on the actual value of the cattle at the time and place of appraisal.

§ 55.3 Payments of indemnity; claims not allowed.

(a) Owners of affected cattle destroyed in accordance with this part shall be paid an indemnity not to exceed one-half the

difference between the appraised value and the salvage value but the payment shall not exceed the amount paid by the Territory of Hawaii.

(b) In the discretion of the Division Director claims will not be allowed under the terms of this part if the payee has not complied with all quarantine requirements.

(c) Claims will not be allowed for expenses for the care and feeding of animals held for destruction.

(d) In the discretion of the Division Director claims will not be allowed arising out of the destruction of animals unless they shall have been appraised as described in this part and the owner thereof shall execute a written agreement to the appraisal.

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 71—GENERAL PROVISIONS

Sec.

71.1 Definitions.

71.2 Secretary to issue rule governing quarantine and interstate movement of diseased livestock.

71.3 Interstate movement of diseased animals and poultry generally prohibited.

71.4 Carrier responsible for cleaning and disinfection of cars, boats, other vehicles, yards and premises.

71.5 Cars, boats, and other vehicles; cleaning and disinfection required for interstate movement.

71.6 Infected car; after notice of infection interstate movement prohibited until cleaned and disinfected.

71.7 Cars and boats; to be cleaned and disinfected before removal from final destination.

71.8 Disinfection of yards and premises having contained infected animals required.

71.9 Cars, boats, yards, pens, chutes, and alleys; method of cleaning and disinfecting.

71.10 Substances or materials allowed as permitted disinfectants.

71.11 Cresylic disinfectant as permitted disinfectant; specifications.

71.12 Sodium orthophenylphenate as permitted disinfectant for premises infected with tuberculosis.

71.13 Inspection of shipments in transit by Division inspector.

71.14 Slaughter of animals to prevent spread of disease; ascertainment of value and compensation.

71.15 Movement from quarantined to free area and shipment therefrom; conditions under which permitted.

71.16 Inspection and certification of animals for interstate movement.

71.17 Interstate movement of dead animals prohibited in same car with live animals.

AUTHORITY: §§ 71.1 to 71.17 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, 41 Stat. 699, sec. 11, 58 Stat. 734, as amended, sec. 13, 65 Stat. 693; 21 U. S. C. 111-113, 114a, 114a-1, 116, 120, 121, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 1, 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 123, 124, 126.

§ 71.1 Definitions.

For the purposes of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

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

(b) *Division.* The Animal Disease Eradication Division.

(c) *Division inspector.* An inspector of the Division.

(d) *Tick infested.* Infested with the ticks *Boophilus annulatus* (*Margaropus annulatus*), *Boophilus microplus*, or *Rhipicephalus evertsi evertsi*.

(e) *Quarantined area.* The States, Territories, or the District of Columbia or portions thereof quarantined by the Secretary of Agriculture for the specific contagious, infectious, or communicable animal disease mentioned in each part.

(f) *Free area.* The States, Territories, or the District of Columbia or portions thereof not quarantined by the Secretary of Agriculture for the specific contagious, infectious, or communicable animal disease mentioned in each part.

(g) *Stockers and feeders.* Animals intended for stock or feeding purposes.

(h) *Public stockyards.* Stockyards where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyards, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(i) *Recognized slaughtering center.* Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(j) *Accredited herd.* One officially declared by the Division and the State as free from tuberculosis and for which a certificate has been issued evidencing that fact.

(k) *Designated dipping station.* A point mutually agreed upon by the Division and the State livestock sanitary authorities, where proper dipping and yarding facilities are provided, at which cattle of the area of that State quarantined for splenetic, southern, or Texas fever in cattle may be dipped, inspected, and certified for interstate movement.

(l) *Interstate.* From one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia.

§ 71.2 Secretary to issue rule governing quarantine and interstate movement of diseased livestock.

When the Secretary of Agriculture shall determine the fact that cattle or other livestock in any State, Territory, or the District of Columbia are affected with any contagious, infectious, or communicable disease for which, in his opinion, a quarantine should be established, notice will be given of that fact. A rule will be issued placing in quarantine any State, Territory, or the District of Columbia, or any portion thereof, in which the disease exists; and this rule will either absolutely forbid the interstate movement of livestock from the quarantined area or will indicate the regulations under which interstate movements may be made.

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

(a) Animals or poultry affected with any of the following diseases, which are

endemic to the United States: Bovine piropasmosis or splenetic fever, scabies, hog cholera, acute swine erysipelas, tuberculosis, paratuberculosis, brucellosis, scrapie, bluetongue in sheep, anthrax, screwworms, psittacosis or ornithosis, and Newcastle disease, or any other communicable disease which is endemic to the United States, or which are cattle fever tick infested, shall not be moved interstate.

(b) Animals or poultry affected with any of the following diseases, not known to exist in the United States: foot-and-mouth disease, rinderpest, African swine fever, Teschen disease, contagious bovine pleuropneumonia, European fowl pest, dourine, vesicular exanthema, and glanders, or any other communicable foreign disease not known to exist in the United States, shall not be moved interstate.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section:

(1) Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis, or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors; and (2) cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter.

(d) Before offering cattle or other livestock or poultry for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons, companies, or corporations are required to exercise reasonable diligence to ascertain whether such animals or poultry are affected with any contagious, infectious, or communicable disease, or have been exposed to the contagion or infection of any such disease by contact with other animals or poultry so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals or poultry so diseased.

§ 71.4 Carrier responsible for cleaning and disinfection of cars, boats, other vehicles, yards and premises.

Cars, boats, and other vehicles which have been used in the interstate transportation of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall be cleaned and disinfected under Division supervision in accordance with the regulations in this subchapter, and the final carrier shall be responsible for such cleaning and disinfection. If a car in which such animals have been moved interstate is removed from destination or unloading point without being cleaned and disinfected in accordance with the regulations in this subchapter, the final carrier shall, upon receiving notice from

a Division inspector that such car has contained such animals or animals carrying the infection of such disease, locate said car on its own or other lines, and have the same moved to a point where Division inspection is maintained and proper facilities are provided for cleaning and disinfecting cars, and have such car cleaned and disinfected under Division supervision. Such final carrier shall keep the Division informed as to the location of said car until the same has been so cleaned and disinfected: *Provided*, That if said final carrier is what is known as a terminal railroad, and said car or cars shall have been delivered by such final carrier to the railroad from which it received said car or cars, such final carrier shall, upon receiving notice from a Division inspector that such car has contained such animals, inform the Division of the name of the railroad to which such car was delivered and said last-mentioned railroad shall, upon receiving notice from a Division inspector that such car has contained such animals, locate said car on its own or other lines and have the same moved to a point where Division inspection is maintained and proper facilities are provided for cleaning and disinfecting cars, and have such car cleaned and disinfected under Division supervision. Such last-mentioned railroad shall keep the Division informed as to the location of said car until the same has been so cleaned and disinfected. Transportation companies which have received cars that have contained cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, a contagious, infectious, or communicable disease, and which cars have been moved interstate from the point at which such animals were last unloaded therefrom without being cleaned and disinfected in accordance with the regulations in this subchapter, shall furnish to the Division, when requested, the complete car-movement and interchange record of such cars.

§ 71.5 Cars, boats, and other vehicles; cleaning and disinfection required for interstate movement.

Except as provided in § 71.7 cars, boats, and other vehicles that have contained cattle, sheep, swine, poultry, or other livestock affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall not be moved interstate for any purpose until the said cars, boats, or other vehicles shall have been thoroughly cleaned and disinfected under Division supervision in accordance with §§ 71.9-71.11.

§ 71.6 Infected car; after notice of infection interstate movement prohibited until cleaned and disinfected.

No transportation company which receives notice from the Division that a car has contained cattle, sheep, swine, poultry, or other animals affected with a contagious, infectious, or communicable disease shall thereafter move the said car in interstate commerce until it has been cleaned and disinfected under Division supervision in accordance with §§ 71.9-71.11.

§ 71.7 Cars and boats; to be cleaned and disinfected before removal from final destination.

Cars or boats required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the manner specified in §§ 71.9-71.11, under Division supervision by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however*, That if the animals contained therein are destined to points at which Division inspection is maintained but at which proper facilities can not be provided, the transportation company may, upon permission first secured from the Division, seal, bill, and forward the cars to a point at which Division inspection is maintained and proper facilities are provided, and there clean and disinfect the said cars under Division supervision.

§ 71.8 Disinfection of yards and premises having contained infected animals required.

Yards and premises which have contained interstate shipments of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall be cleaned and disinfected under the supervision of a Division employee or an authorized State employee in accordance with §§ 71.9-71.11, and any animals unloaded into such yards or premises before they have been so cleaned and disinfected shall thereafter be classed as exposed animals and shall not be moved interstate except in compliance with the provisions of the regulations in this subchapter.

§ 71.9 Cars, boats, yards, pens, chutes, and alleys; method of cleaning and disinfecting.

(a) Cars required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from all portions of the cars, including all the ledges and framework outside; clean the exterior and interior of the cars; and saturate the entire interior surface, including the inner surfaces of the car doors, with a permitted disinfectant.

(b) Boats required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from the decks, stalls, and all other parts of the boat occupied or traversed by the diseased animals and from the portable chutes or other appliances or fixtures used in loading and unloading same, and saturate with a permitted disinfectant the entire surface of the deck, stalls, or other parts of the boat occupied or traversed by such animals or with which they may have come in contact or which have contained litter or manure.

(c) Yards, pens, chutes, and alleys required by the regulations in this subchapter to be disinfected shall be treated in the following manner: Empty all troughs, racks, or other feeding or watering appliances; remove all litter and ma-

nure from the floors, posts, or other parts; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and other parts with a permitted disinfectant.

§ 71.10 Substances or materials allowed as permitted disinfectants.

(a) The substances permitted for use in disinfecting cars, boats, other vehicles, and premises are as follows:

(1) "Cresylic disinfectant" in the proportion of at least 4 fluid ounces to 1 gallon of water.

(2) Liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of water.

(3) Chlorinated lime (U. S. P. strength, 30 percent available chlorine) in the proportion of 1 pound to 3 gallons of water.

(b) The use of "cresylic disinfectant" is permitted subject to the following conditions:

(1) The manufacturer thereof shall have obtained specific permission from the Division for the use of his products in official disinfection. To obtain such permission manufacturers shall first submit a sample of at least 8 ounces for examination, together with a statement of the formula employed and a guaranty that the product will be maintained of a quality uniform with the sample submitted.

(2) To prevent confusion, the product of each manufacturer and distributor shall bear a distinctive trade name or brand, together with the name of the manufacturer or distributor.

(3) The product shall at all times conform to specifications for composition and performance issued by the Director of the Division.

§ 71.11 Cresylic disinfectant as permitted disinfectant; specifications.

The following specifications will be employed for determining the suitability of cresylic disinfectant for use under the provisions of § 71.10(b)(3):

(a) The product shall remain a uniform liquid when held at 0° C. (32° F.) for 3 hours (chill test).

(b) The product shall dissolve completely in 30 parts of distilled water at 25° C. (77° F.) within 2 minutes (solution-rate test), producing a solution entirely free from globules and not more than faintly opalescent (solubility-degree test).

(c) The product shall contain not more than 25 percent of inert ingredients (water and glycerin), not more excess alkali than the equivalent of 0.5 percent of sodium hydroxide, and not less than 21 percent of soap exclusive of water, glycerin, and excess alkali.

(d) The product shall contain not less than 50 percent and not more than 53 percent of total phenols. It shall contain less than 5 percent of benzophenol (C₆H₅OH).

(e) The methods of determining compliance with the specifications in paragraphs (a) to (d) of this section will be those described in United States Department of Agriculture Bulletin 1308, Chemical and Physical Methods for the Control of Saponified Cresol Solutions, so far as they are applicable.

(f) Any suitable glyceride, fat acid, or resin acid may be used in preparing the soap, but not all are suitable nor are all grades of a single product equally suitable. Also various grades of commercial cresylic acid differ in suitability. Therefore, manufacturers are cautioned to prepare a trial laboratory batch from every set of ingredients and to prove its conformity with paragraphs (a) and (b) of this section, before proceeding with manufacture on a factory scale.

§ 71.12 Sodium orthophenylphenate as permitted disinfectant for premises infected with tuberculosis.

(a) A permitted brand of sodium orthophenylphenate in a proportion of at least one pound to 12 gallons of water is permitted in tuberculosis eradication work for disinfecting infected premises following the removal of cattle that reacted to the tuberculin test.

(b) It is absolutely necessary that the solution be applied at a temperature of 60° F. or over. Whenever the temperature of the building to be disinfected is below 60° F., as indicated by a wall thermometer, the solution shall be heated to 120° F. and higher in very cold weather, to insure effective disinfection.

§ 71.13 Inspection of shipments in transit by Division inspector.

All persons and corporations having control of the interstate transportation of livestock shall, when directed by a Division inspector so to do, stop the same in transit for inspection, and if any of such animals are found upon such inspection to be infected with any contagious, infectious, or communicable disease or to have been exposed to such infection, the person or corporation having control of the transportation of such animals shall, upon receipt of an order from a Division inspector so to do, cease the carriage, transportation, or moving of such animals unless such carriage, transportation, or moving can be accomplished in accordance with the regulations in this subchapter governing the interstate movement of animals infected with or which have been exposed to the infection of such disease, and in all cases after the discovery of such infection or exposure thereto such animals shall be handled in accordance with such regulations.

§ 71.14 Slaughter of animals to prevent spread of disease; ascertainment of value and compensation.

When, in order to prevent the spread of any contagious, infectious, or communicable disease, it becomes necessary to slaughter any diseased or exposed livestock, and the purchase of such livestock by the United States is authorized by law and an appropriation is available therefor, the value of the livestock shall be ascertained and compensation made therefor in accordance with the orders or regulations of the Secretary of Agriculture.

§ 71.15 Movement from quarantined to free area and shipment therefrom; conditions under which permitted.

No livestock shall be shipped, trailed, driven, or hauled in private conveyance

from the quarantined area in any State, Territory, or the District of Columbia to the free area in the same State, Territory, or the District of Columbia and subsequently delivered to a transportation company for shipment or moved to any other State, Territory, or the District of Columbia without complying with all Federal and State regulations pertaining to such movements.

§ 71.16 Inspection and certification of animals for interstate movement.

(a) *Assistance and facilities.* When animals are to be inspected and certified by a Division inspector, assistance and proper facilities for restraining them shall be provided in order that a careful inspection may be made, and the inspector while making the inspection shall not be interfered with in any manner; otherwise inspection will be immediately discontinued.

(b) *Certificates and other statements to accompany shipments.* Whenever inspection or treatment and the issuance of a certificate, statement, test chart, or other writing showing the performance of such inspection or treatment and the result thereof is required by any of the regulations in this subchapter as a condition precedent to the movement interstate of any animal or class of animals, or any animal or class of animals is so required to be accompanied in interstate movement by such certificate, statement, test chart, or other writing, no such animal or animals shall be moved interstate unless and until the following requirements are also complied with:

(1) In the case of such movement by a common carrier issuing waybills or other form or forms of billing covering the movement, the said certificate, statement, test chart, or other writing shall be delivered to such carrier at the time the animal or animals are delivered for shipment, and shall become the property of the carrier, and be by such carrier attached to the billing covering the transportation of such animal or animals, and accompany such billing to destination, and be filed with such billing for future reference.

(2) In case of such movement otherwise than by common carrier issuing waybills or other form or forms of billing, the said certificate, statement, test chart, or other writing shall accompany the animal or animals to destination and be delivered to the consignees, or, in case the consignor and consignee is the same person, to the first purchaser purchasing during or after such movement in interstate commerce, or to the person to whom the animal or animals are delivered.

§ 71.17 Interstate movement of dead animals prohibited in same car with live animals.

No dead animal shall be offered or accepted for transportation or transported in the same car with live animals from the original point of shipment in any State or Territory or the District of Columbia to or through any other State, Territory, or the District of Columbia.

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

- Sec.
72.1 Ticks [*Boophilus annulatus* (*Margaropus annulatus*) *Boophilus microplus* or *Rhipicephalus evertsi evertsi*]; interstate movement of infested or exposed animals prohibited.
- 72.2 Splenetic or tick fever in cattle in described territory in Florida, New York, Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.
- 72.3 Area quarantined in the Virgin Islands of the United States.
- 72.4 Area quarantined in Puerto Rico.
- 72.5 Area quarantined in Texas.
- 72.5a Area regulated in Florida.
- 72.5b Area regulated in New York.
- 72.6 Cattle from quarantined areas not eradicating ticks; conditions permitting interstate movement.
- 72.7 Interstate movement upon one dipping; certification permitted from cooperating States.
- 72.8 Interstate movement of cattle from free premises upon inspection and certification by Division inspector.
- 72.9 Interstate movements of cattle; inspection and certification by Division inspector required.
- 72.10 Inspected or dipped and certified cattle subject to restrictions of State of destination.
- 72.11 Quarantined area; cattle considered infested; requirements for placing in noninfectious pens or premises.
- 72.12 Cattle; exposure to tick infestation after treatment or inspection prohibited.
- 72.13 Dipping requirements; permitted dips; facilities; handling.
- 72.14 Arsenical cattle dips; requirements for determination of suitability.
- 72.15 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States.
- 72.16 Designated dipping stations to be approved by Director of Division on recommendations of State authorities; facilities.
- 72.17 Unloading noninfected cattle for rest, feed, and water only, permitted in authorized pens for such purpose.
- 72.18 Movement interstate; specification by Division Director of treatment required when dipping facilities unavailable.
- 72.19 Interstate shipments and use of pine straw, grass, or litter from quarantined area; prohibited until disinfected.
- 72.20 Exhibition of noninfected cattle in the quarantined area; restrictions under which permitted.
- 72.21 Animals infested with or exposed to ticks subject to same restrictions as cattle.
- 72.22 Cars, vehicles, and premises; cleaning and disinfection after containing infested or exposed animals.
- 72.23 Cars or other vehicles having carried infested or exposed cattle in quarantined area shall be cleaned and disinfected.
- 72.24 Litter and manure from carriers and premises of tick-infested animals; destruction or disinfection required.

AUTHORITY: §§ 72.1 to 72.24 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 72.1 Ticks [*Boophilus annulatus* (*Margaropus annulatus*), *Boophilus microplus*, or *Rhipicephalus evertsi evertsi*]; interstate movement of infested or exposed animals prohibited.

No animals infested with ticks [*Boophilus annulatus* (*Margaropus annulatus*), *Boophilus microplus*, or *Rhipicephalus evertsi evertsi*] or exposed to tick infestation shall be shipped, trailed, driven, or otherwise moved interstate for any purpose, except as provided in this part.

§ 72.2 Splenetic or tick fever in cattle in described territory in Florida, New York, Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.

Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in the Territories of Puerto Rico and the Virgin Islands of the United States. Therefore, those portions of the State of Texas and the Territories of Puerto Rico and the Virgin Islands of the United States described in §§ 72.3, 72.4, and 72.5 are hereby quarantined, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter. Notice is also hereby given that there is reason to believe that said disease may exist in portions of the States of Florida and New York. Therefore, those portions of the State of Florida described in § 72.5a and those portions of the State of New York described in § 72.5b are hereby regulated, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

§ 72.3 Area quarantined in the Virgin Islands of the United States.

The entire Territory of the Virgin Islands of the United States is quarantined.

§ 72.4 Area quarantined in Puerto Rico.

The entire Territory is quarantined.

§ 72.5 Area quarantined in Texas.

The following portions of the specified Counties in Texas are quarantined:

(a) That portion of Cameron County lying south of the following described line:

Beginning at a point where the Brownsville ship channel enters the Gulf of Mexico, following said ship channel in a southwesterly direction to where the large Hydrocol ditch enters the ship channel, approximately 16 miles; thence, following the ditch in a northerly direction to the intersection of this ditch and the Rancho Viejo Floodway, approximately 2 miles; thence, following the meanderings of the Rancho Viejo Floodway (part of which is known as Rancho Viejo Resaca) to where the Rancho Viejo Floodway crosses a dirt road known as the Grove Park Highway, approximately 12 miles; thence, in a northerly direction along this road to Farm Road No. 511, approximately 1½ miles; thence, in a westerly direction along Farm Road No. 511 to Farm Road No. 1421, approxi-

mately 2½ miles; thence, in a northerly direction along Farm Road 1421 to the Ranchito Viejo Resaca, approximately ½ mile; thence, following the meanderings of Ranchito Viejo Resaca in a northwesterly direction to where it intersects Cameron County water district drain ditch, approximately 8½ miles; thence, following the Cameron County water district drain ditch in a westerly direction to where it intersects the Ohio Station Road, approximately 6¼ miles; thence, following the Ohio Station Road in a northeasterly direction, to where it intersects the County Road which follows the old road bed of the M.P. Railroad, approximately 1 mile; thence, following said County Road in a westerly direction, to where it intersects Farm to Market Road No. 1479, approximately 1¼ miles; thence, crossing Farm to Market Road No. 1479 and following the Double Pole C.P. & L. Company power line in a westerly direction to where it intersects the Willacy County Canal, approximately 7¼ miles; thence, south along the Willacy County Canal to where it intersects U.S. Highway No. 281, approximately ½ mile; thence, following U.S. Highway 281 in a westerly direction to where it intersects the Cameron-Hidalgo County line, approximately 200 yards.

(b) That portion of Hidalgo County lying south and west of the following-described line:

Beginning at a point where U.S. Highway 281 intersects the Cameron-Hidalgo County line, following U.S. Highway 281 in a westerly direction to where it intersects the East McAllen Road No. 336, approximately 26 miles; thence, along the East McAllen Road in a northerly direction to where it intersects the M.P. Railroad, approximately ¼ mile; thence, following the M.P. Railroad in a westerly direction to where it crosses Farm Road No. 1926, approximately 1¼ miles; thence, in a northerly direction along this railroad to a curve, approximately 2 miles; thence, in a westerly direction along this railroad to where it intersects the Taylor Road, approximately 1½ miles; thence, in a southerly direction along this road to where it intersects the International Boundary Commission levee, approximately ½ mile; thence, in a westerly direction along the north boundary of this levee to where it intersects the Granjeno Main Canal, approximately 1½ miles; thence, in a westerly direction along the north boundary of this canal to where it intersects the Old Military Road, approximately ¾ mile; thence, in a westerly direction along the north boundary of this road to where it intersects U.S. Highway No. 83, approximately 2 miles; thence, in a westerly direction along U.S. Highway 83 to where it intersects the east double fence of the Bannworth Brothers Ranch Headquarters trap, approximately 6¼ miles; thence, along the east double fence of the Bannworth trap in a southerly direction to a corner, approximately ¼ mile; thence, following the meanderings of the Bannworth trap double fence in a northwesterly direction to where it intersects U.S. Highway 83, approximately ½ mile; thence, following U.S. Highway 83 in a westerly direction to where it intersects the Starr-Hidalgo County line, approximately 5¼ miles.

(c) That portion of Starr County lying south and west of the following-described line:

Beginning at a point where the Hidalgo County line intersects the Starr County line following the north fence of U.S. Highway 83 in a westerly direction to where it intersects the west fence of the North Salado pasture,

approximately 4 miles; thence, north along the west fence of the North Salado pasture to the northeast corner of the C. Block pasture, approximately $1\frac{3}{4}$ miles; thence, following the north fence of the C. Block pasture in a westerly direction to where it intersects the Sun-Camp-Alto Bonito Road, approximately $\frac{3}{4}$ mile; thence, south along Sun Camp-Alto Bonito Road to where it intersects the north fence of the Alto Bonito Community pasture, approximately $\frac{1}{2}$ mile; thence, following the north fence of the Alto Bonito Community pasture in a westerly direction to a corner, approximately $\frac{3}{4}$ mile; thence, following the west fence of the Alto Bonito Community pasture in a southerly direction to where it intersects the north fence of U.S. Highway 83, approximately $\frac{3}{4}$ mile; thence, following the fence on north side of U.S. Highway 83 in a northwesterly direction to where it joins the west fence of the Richmond Brothers pasture, approximately $5\frac{1}{4}$ miles; thence, following the west fence of the Richmond Brothers pasture in a northerly direction to where it intersects the south fence of the Tomas Vela pasture, approximately 2 miles; thence, following the south fence of the Tomas Vela pasture in a westerly direction to the southwest corner of the same, approximately $\frac{3}{4}$ mile; thence, following the west fence of the Tomas Vela pasture in a northerly direction to where it intersects the north fence of the Rio Grande City open range, approximately $2\frac{1}{4}$ miles; thence, following the north fence of the Rio Grande City open range in a westerly direction to where it intersects the east fence of the Ismael Salinas pasture, approximately $\frac{3}{4}$ mile; thence, north along the east fence of the Ismael Salinas pasture to the northeast corner of same, approximately $\frac{1}{2}$ mile; thence, following the north fence of the Ismael Salinas pasture in a westerly direction to where it intersects Farm to Market Road No. 755, approximately $\frac{1}{2}$ mile; thence, following the east fence of Highway 755 in a northeasterly direction to a cattle guard crossing Highway 755 on the Luis Martinez north fence, approximately 1 mile; thence, across Highway 755 at this cattle guard, to the west fence of Highway 755, approximately 80 feet; thence, following the west fence of Highway 755 in a southwesterly direction to where it intersects the east fence of the E. V. Laurel pasture, approximately $2\frac{3}{4}$ miles; thence, following the east fence of the E. V. Laurel pasture in a northerly direction to the northeast corner of the same, approximately $1\frac{1}{2}$ miles; thence, following the north fence of the E. V. Laurel pasture in a westerly direction to where it intersects the east fence of the Samuel Pena and Brothers pasture, approximately $\frac{1}{4}$ mile; thence, following the east fence of the Samuel Pena and Brothers pasture in a southerly direction to a corner, approximately $\frac{1}{2}$ mile; thence, following the same fence in a westerly direction to the northwest corner of the E. V. Laurel pasture, approximately $\frac{3}{4}$ mile; thence, following the west fence of the E. V. Laurel pasture in a southerly direction to where it intersects the north fence of the Julian Gonzales south pasture, approximately $\frac{1}{2}$ mile; thence, following the north fence of the Julian Gonzales south pasture to a corner, approximately $\frac{1}{4}$ mile; thence, north along the east fence of Julian Gonzales north pasture to the northeast corner of same, approximately $\frac{7}{8}$ mile; thence, following the north fence of Julian Gonzales north pasture in a westerly direction to the northwest corner of same, approximately $\frac{1}{4}$ mile; thence, following the west fence of Julian Gonzales north pasture in a southerly direction to where it intersects the south fence of the Ysidoro Gonzales pasture, approximately $\frac{1}{2}$ mile; thence, following the south fence of the Ysidoro Gonzales pasture in a westerly direction to where it intersects the east fence of the S. Carrera Presa Colorado pasture, approximately 1 mile; thence, following the east fence of the

S. Carrera Presa Colorado pasture in a southerly direction to the southeast corner of the same, approximately $\frac{3}{4}$ mile; thence, following the south fence of the S. Carrera Presa Colorado pasture in a westerly direction to where it intersects the west fence of S. Carrera's south pasture, approximately $\frac{1}{2}$ mile; thence, following the west fence of S. Carrera's south pasture in a southerly direction to where it intersects the north fence of the A. Salinas pasture, approximately $\frac{1}{2}$ mile; thence, following the north fence of the A. Salinas pasture in a westerly direction to where it intersects the east fence of the C. Laurel pasture, approximately $\frac{1}{4}$ mile; thence, following the east fence of the C. Laurel pasture in a northerly direction to the northeast corner of same, approximately $\frac{3}{4}$ mile; thence, following the north fence of C. Laurel pasture in a westerly direction to the east fence of the A. J. Vale pasture, approximately $\frac{3}{4}$ mile; thence, following the east fence of the A. J. Vale pasture in a southerly direction to the southeast corner of the same, approximately $\frac{1}{2}$ mile; thence, following the south fence of the A. J. Vale pasture in a westerly direction to the southwest corner of same, approximately 1 mile; thence, following the west fence of the A. J. Vale pasture in a northerly direction to where it intersects the Mauricio Garza pasture south fence, approximately $\frac{1}{4}$ mile; thence, following the south fence of the Mauricio Garza pasture in a westerly direction to where it intersects the east fence of the Charles Thompson Peyote pasture, approximately $\frac{1}{4}$ mile; thence, following the east fence of the Charles Thompson Peyote pasture in a southerly direction to the Rio Grande City-El Sauz County Road, approximately $\frac{1}{2}$ mile; thence, across this road to the southeast corner of the Charles Thompson Peyote pasture and following the south fence of the Charles Thompson Peyote pasture in a westerly direction to where it intersects the Guerrero Brothers pasture east fence, approximately $1\frac{1}{4}$ miles; thence, following the east fence of the Guerrero Brothers pasture in a northerly direction to the northeast corner of the same, approximately $\frac{1}{4}$ mile; thence, following the north fence of the Guerrero Brothers pasture in a westerly direction to a corner, approximately $\frac{3}{4}$ mile; thence, following the same fence in a southerly direction to a corner, approximately $\frac{3}{8}$ mile; thence, following the same fence in a westerly direction to the west fence of the Guerrero Brothers pasture, approximately $\frac{1}{2}$ mile; thence, following the west fence of the Guerrero Brothers pasture in a southerly direction to the northeast corner of the Sun Tex Farm, approximately $\frac{1}{2}$ mile; thence, following the fence along the north side of the Sun Tex Farm in a westerly direction to where it intersects the east fence of the Alvarez Brothers Agua Verde ranch, approximately $1\frac{1}{2}$ miles; thence, following the east fence of the Alvarez Brothers Agua Verde ranch to the southeast corner of the same, approximately $\frac{1}{2}$ mile; thence, following the south fence of the Alvarez Brothers Agua Verde ranch in a westerly direction to a corner, approximately $\frac{3}{8}$ mile; thence, following the same fence in a northerly direction to a corner, approximately 120 yards; thence, following same fence in a westerly direction to where it intersects the Juan Garza ranch east fence, approximately $\frac{3}{8}$ mile; thence, following the east fence of the Juan Garza ranch in a northerly direction to a corner, approximately $\frac{1}{4}$ mile; thence, following the same fence in a westerly direction to the southwest corner of the Alvarez Brothers Agua Verde ranch, approximately 1 mile; thence, following the west fence of the Alvarez Brothers Agua Verde ranch in a northerly direction to a corner, approximately $\frac{3}{8}$ mile; thence, following said fence west $\frac{1}{8}$ mile, thence north $\frac{1}{4}$ mile, thence west 200 yards, thence north 200 yards, to where it intersects the Juan Garza ranch

south fence; thence, following the south fence of the Juan Garza ranch in a westerly direction, crossing the Garceno Hebronville Highway and intersecting the east fence of the T. Munoz pasture, approximately $\frac{3}{8}$ mile; thence, following the east fence of the T. Munoz pasture in a northerly direction to the T. Munoz pasture north fence, approximately $\frac{1}{4}$ mile; thence, following the T. Munoz pasture north fence in a westerly direction to where it intersects the east fence of the F. Munoz pasture, approximately $\frac{1}{2}$ mile; thence, following this fence in a northwesterly direction to where it intersects the F. Escobar pasture east fence, approximately $\frac{1}{2}$ mile; thence, following this fence in a southwesterly direction to where it intersects the east fence of the San Julian Community pasture, approximately $\frac{1}{2}$ mile; thence, following the east fence of the San Julian Community pasture in a northerly direction to a corner, approximately $\frac{1}{4}$ mile; thence, west on this same fence and across the Escobares Las Hojas Road to the west fence of the Francisco Escobar pasture, approximately $\frac{3}{8}$ mile; thence, following the west fence of the Francisco Escobar pasture in a northerly direction to the northwest corner of the same, approximately $1\frac{1}{8}$ miles; thence, following the north fence of the Francisco Escobar pasture in an easterly direction to where it intersects the Escobares-Las Hojas Road, approximately $\frac{1}{4}$ mile; thence, following the Escobares-Las Hojas Road in a northerly direction to where it intersects the F. De Los Santos pasture east fence, approximately $1\frac{1}{4}$ miles; thence, continuing north along the F. De Los Santos pasture east fence to the northeast corner of the same, approximately $\frac{5}{8}$ mile; thence, following the north fence of the F. De Los Santos pasture in a westerly direction to the northwest corner of same, approximately 1 mile; thence, following the west fence of the F. De Los Santos pasture in a southerly direction to where it intersects the north fence of the F. Garza pasture, approximately $\frac{1}{2}$ mile; thence, following the north fence of the F. Garza pasture in a southwesterly direction to where it intersects the east fence of the J. Moreno pasture, approximately $\frac{3}{8}$ mile; thence, following the east fence of the J. Moreno pasture in a northerly direction to the northeast corner of same, approximately 300 yards; thence, following the north fence of the J. Moreno pasture in a southwesterly direction to where it intersects the north fence of the Mateo Herrera pasture, approximately $\frac{1}{4}$ mile; thence, following the Mateo Herrera pasture north fence in a southwesterly direction to where it intersects the north fence of the A. O. Trevino pasture, approximately $\frac{1}{2}$ mile; thence, following the meanderings of the north fence of the A. O. Trevino pasture to the west fence of the same, approximately $1\frac{1}{4}$ miles; thence, following the west fence of the A. O. Trevino pasture in a southerly direction to the south fence of the L. Martinez pasture, approximately 2 miles; thence, following the south fence of the L. Martinez pasture in a westerly direction to U.S. Highway 83, approximately $1\frac{1}{2}$ miles; thence, following U.S. Highway 83 in a northwesterly direction to where it intersects the east fence of M. Guerra and Sons Casas Verdes ranch, approximately $12\frac{1}{2}$ miles; thence, along the east fence of the Casas Verdes ranch in a southerly direction to the south fence of the same, approximately $2\frac{1}{2}$ miles; thence, following the south fence of this ranch in a westerly direction to where it intersects the old Roma-Zapata Highway, approximately 1 mile; thence, following along the old Roma-Zapata Highway in a westerly direction to where it intersects the Starr-Zapata County line.

(d) That portion of Zapata County lying west of the following-described line:

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Beginning at a point where the Starr-Zapata County line intersects the old Laredo-Roma Highway, following the south fence of the Rafael Guerra and Brothers ranch in a northeasterly direction to where it intersects U.S. Highway 83, approximately $3\frac{1}{4}$ miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the city limits of the Town of Zapata, Texas, approximately 24 miles; thence, west along the city limits fence approximately $\frac{1}{10}$ mile; thence, northwest along the city limits fence approximately $1\frac{1}{2}$ miles; thence, northeast along the city limits fence to where it intersects U.S. Highway 83, approximately $\frac{1}{4}$ mile; thence, following U.S. Highway 83 in a northwesterly direction to where it intersects the La Perla farm east fence approximately $21\frac{1}{2}$ miles; thence, following the east fence of the La Perla farm in a northerly direction to where it intersects the south fence of the Tejones farm, approximately $2\frac{1}{4}$ miles; thence, following the east fence of the Tejones farm in a northerly direction to where it intersects the south fence of the Akin farm, approximately $2\frac{3}{4}$ miles; thence, following the east fence of the Akin farm in a northerly direction to where it intersects the north fence of the Akin farm, approximately $\frac{3}{8}$ mile; thence, following the north fence of the Akin farm in a westerly direction to where it intersects U.S. Highway 83, approximately $1\frac{1}{4}$ miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the southeast corner of the H. B. Zachary ranch, approximately 5 miles.

(e) That portion of Webb County lying south and west of the following-described line:

Beginning at a point where U.S. Highway 83 intersects the Webb-Zapata County line, at the southeast corner of the H. B. Zachary ranch double fence; thence, following the south double fence of the H. B. Zachary ranch in a westerly direction to where it intersects the east double fence of the Olsen farm, approximately $3\frac{1}{4}$ miles; thence, north along the east double fence of the Olsen farm to the northeast corner of same, approximately $\frac{3}{4}$ mile; thence, west along the north double fence of the Olsen farm to where it intersects the H. B. Zachary ranch double fence, approximately $\frac{1}{4}$ mile; thence, following the meanderings of the H. B. Zachary ranch double fence along the Rio Grande river in a northwesterly direction to where it intersects the east double fence of the Vela farm approximately 3 miles; thence, in a northerly direction along the east double fence of the Vela farm to where it intersects the Norman Clark farm south double fence line, approximately $\frac{1}{4}$ mile; thence, along the south double fence of the Norman Clark farm in an easterly direction to where it intersects Zapata-Laredo Highway 83, approximately 5 miles; thence, following the Zapata-Laredo Highway 83 in a northerly direction to where it intersects the north fence of the Dr. L. A. Wright ranch, approximately 11 miles; thence, following the north fence of the Dr. L. A. Wright ranch in an easterly direction to a corner in this fence, approximately $\frac{3}{4}$ mile; thence, north along this same fence line to the Wormser Road, approximately $\frac{3}{4}$ mile; thence, crossing Wormser Road and following the continuation of this fence in a northerly direction, which is now the west fence line of the Salvador Vasquez farm, to the northwest corner of the same, approximately $\frac{3}{4}$ mile; thence, following the north fence of the Vasquez farm in an easterly direction to where it intersects the west fence of the Gill ranch, approximately $\frac{3}{8}$ mile; thence, north on the Gill ranch west fence in a northerly direction to where it intersects the Hebronville-Zapata Highway cutoff road, approximately $\frac{3}{8}$ mile; thence, follow-

ing the Hebronville-Zapata cutoff road in an easterly direction to where it intersects the Laredo-Hebronville Highway, approximately $1\frac{1}{8}$ mile; thence, west along Laredo-Hebronville Highway to where it intersects the west fence of the Benavides farm, approximately 75 yards; thence, north along the west fence of the Benavides farm to a corner, approximately $\frac{1}{2}$ mile; thence, east along the north fence of the Benavides farm to where it intersects the west fence of the Ricardo Chavana rodeo grounds, approximately $\frac{1}{8}$ mile; thence, north along the west fence of the Ricardo Chavana rodeo grounds to where it intersects the Tex-Mex Railroad right-of-way, approximately $\frac{1}{2}$ mile; thence, east along the Tex-Mex Railroad right-of-way to where it intersects the west fence of the A. M. Bruni estate and O. W. Killam ranch, approximately $\frac{1}{2}$ mile; thence, north along the west fence of the O. W. Killam ranch to where it intersects the north fence of the O. W. Killam ranch, approximately $\frac{3}{4}$ mile; thence, following the north fence of the O. W. Killam ranch in an easterly direction to a corner in this fence, approximately $\frac{1}{4}$ mile; thence, north along this same fence to the northwest corner of the O. W. Killam ranch, approximately $\frac{3}{8}$ mile; thence, east along the north fence of the O. W. Killam ranch to a corner where the same fence turns north, approximately $1\frac{1}{2}$ miles; thence, north along this same fence to a corner, approximately $\frac{3}{8}$ mile; thence, east along this same fence to where it intersects the west fence of the winch trap, approximately 100 yards; thence, north along the west fence of the winch trap to a corner, approximately 100 yards; thence, west to the southwest corner of the winch trap, approximately 100 yards; thence, north along the west fence of the winch trap to where it intersects the south fence of the O. W. Killam ranch, approximately $\frac{3}{4}$ mile; thence, west and across the Freer-Laredo Highway along the south fence of the O. W. Killam ranch, to where it intersects the Casa Blanca lake, approximately $1\frac{1}{4}$ miles; thence, after crossing Casa Blanca lake there is an offset of $\frac{1}{4}$ mile to the north on this south fence of the O. W. Killam ranch; thence, continuing west along the south fence of the O. W. Killam ranch to where it intersects the east fence of the Laredo Air Force Base, approximately $\frac{1}{4}$ mile; thence, north along the east fence of the Laredo Air Force Base to where it intersects the north fence of the Laredo Air Force Base, approximately $1\frac{1}{4}$ miles; thence, west along the north fence of the Laredo Air Force Base to where it intersects the Laredo Air Force Base Road, approximately $\frac{3}{4}$ mile; thence, along the Laredo Air Force Base Road in a northeasterly direction to where it intersects the south fence of the Quiote ranch, approximately $2\frac{3}{4}$ miles; thence, following this fence in a northwesterly direction to a corner, approximately 100 yards; thence, following same fence in a southerly direction to a corner, approximately $\frac{1}{4}$ mile; thence, following this same fence in a northwesterly direction to where it intersects the south fence of the Farias porcion, approximately $1\frac{1}{2}$ miles; thence, west along the south fence of the Farias porcion to where it intersects U.S. Highway 83, approximately $3\frac{1}{4}$ miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the north fence of the Farias farm, approximately $1\frac{3}{4}$ miles; thence, west along the north fence of the Farias farm to where it intersects the southeast corner of the Laredo Municipal Airport fence, approximately $1\frac{1}{2}$ miles; thence, north along the east fence of the Laredo Municipal Airport to the northeast corner of same, approximately $\frac{1}{2}$ mile; thence, west along the north fence of the Laredo Municipal Airport to where it intersects the Laredo-Eagle Pass Road, approximately $\frac{1}{4}$ mile; thence, following this road in a northerly direction to where it intersects the south fence of the

Dolores Ranch of Charles W. Dick, approximately $14\frac{1}{10}$ miles; thence, following the double south fence (this Dolores ranch is double fence, 60 foot dead space on the south, west, north and east) of the Dolores ranch in a westerly direction to where it turns north, approximately $1\frac{1}{2}$ miles; thence, following the west double fence of this ranch in a northerly direction to where it turns east, approximately $3\frac{1}{2}$ miles; thence, following the north double fence of this ranch in an easterly direction to where it intersects the Laredo-Eagle Pass Road, approximately $1\frac{1}{4}$ miles; thence, north along this road to where it intersects the Webb-Maverick County line, approximately $43\frac{3}{4}$ miles.

(f) That portion of Maverick County lying west of the following-described line:

Beginning at a point where the Laredo-Eagle Pass Road intersects the Webb-Maverick County line, following this Laredo-Eagle Pass Road to where it intersects the south fence of the John A. Wuensche feed lot (Wuensche feed lot is double fenced with a 20 foot dead space), approximately $18\frac{1}{2}$ miles; thence, southwest along the south double fence line of feed lot to the southwest corner, approximately $\frac{1}{4}$ mile; thence, along the west double fence of feed lot, to the northwest corner, approximately $\frac{1}{8}$ mile; thence, along the north double fence of feed lot to where it intersects the Laredo-Eagle Pass Road, approximately 200 yards; thence, following the Laredo-Eagle Pass Road in a northwesterly direction to where it intersects the northeast corner of the Eidson farm, approximately $23\frac{3}{4}$ miles; thence, following the north fence of the Eidson farm in a westerly direction and across the Eidson Drive Road to the north fence of the Thompkins ranch, approximately $\frac{1}{4}$ mile; thence, along the north fence of the Thompkins pasture in a westerly direction to a corner, approximately $\frac{1}{4}$ mile; thence, south along same fence to a corner, approximately $\frac{1}{8}$ mile; thence, following the north fence of Thompkins pasture in a westerly direction to the southeast corner of the Tom Bowles pasture, approximately $\frac{1}{4}$ mile; thence, north along the east fence of Tom Bowles pasture in a northerly direction to a corner, approximately $\frac{1}{8}$ mile; thence, following the north fence of the Tom Bowles pasture in a westerly direction to a corner, approximately $\frac{1}{2}$ mile; thence, north along the same fence to a corner, approximately 200 yards; thence, following the north fence of Bowles pasture in a westerly direction to where it intersects the Eagle Pass City Vega fence, approximately $\frac{1}{2}$ mile; thence, following the meanderings of the Eagle Pass City Vega fence in a northerly direction to where it intersects the south fence of the Jack Spence premises, approximately $1\frac{1}{2}$ miles; thence, following the fence around the Jack Spence premises in a northeasterly direction to where it intersects the southeast corner of the Meyers Vega fence, approximately $\frac{1}{2}$ mile; thence, following the east fence of the Meyers Vega fence in a northerly direction to where it intersects the south fence of the Mrs. Pascal De Bona pasture, approximately $\frac{1}{2}$ mile; thence, following the south fence of the De Bona pasture in an easterly direction to where it intersects the Eagle Pass-Del Rio Highway, approximately $\frac{3}{8}$ mile; thence, following the Eagle Pass-Del Rio Highway in a northerly direction to where it intersects the south fence of the Beer Joint trap, approximately $9\frac{1}{4}$ miles; thence, following the south fence of the Beer Joint trap in a westerly direction to the southwest corner of the same, approximately $\frac{1}{2}$ mile; thence, north along the west fence of the Beer Joint trap to where it intersects the C.P.&L. Power Plant Road, approximately $\frac{1}{2}$ mile; thence, following the C.P.&L. Power Plant Road in a westerly direction to where it intersects the

Maverick County main canal, approximately 1½ miles; thence, following the meanderings of this canal in a northerly direction to where it intersects the Maverick County quarantine fence, approximately 3 miles; thence, following this quarantine fence in a northwesterly direction to where it intersects the Everett Townsend ranch fence, approximately 9 miles; thence, following the east fence of the Townsend ranch in a northerly direction to where it intersects U.S. Highway No. 277, approximately ¾ mile; thence, following U.S. Highway No. 277 in a northerly direction to where it intersects the Maverick-Kinney County line, approximately 6 miles.

(g) That portion of Kinney County lying west of the following-described line:

Beginning at a point where U.S. Highway No. 277 intersects the Maverick-Kinney County line, following U.S. Highway No. 277 in a northerly direction to where it intersects the Kinney-Val Verde County line at Sycamore Creek, approximately 9½ miles.

(h) That portion of Val Verde County lying south and west of the following-described line:

Beginning at a point where U.S. Highway No. 277 intersects the Kinney-Val Verde County line at Sycamore Creek, following U.S. Highway No. 277 in a northerly direction to the north corner of the W. L. Moody ranch silo pasture, adjacent to the Del Rio townsite, approximately 4½ miles; thence, following the Moody ranch north fence in a westerly direction to where it intersects the South Loop Road at a corner post, approximately 3 miles; thence, following the South Loop Road or city boundary line in a northerly direction to where it intersects the Southern Pacific Railroad, approximately 3¼ miles; thence, following the Southern Pacific Railroad in a northerly direction to a point on the bank of the Rio Grande River known as the Hanging Rock of the Southern Pacific, approximately 3¼ miles. (There is a narrow shelf, railroad bed width, extending from Hanging Rock to Devil's River that is not passable to livestock.)

§ 72.5a Area regulated in Florida.

(a) The following described areas in the State of Florida are regulated:

(1) Hillsborough County: Beginning at the intersection of U.S. Highway No. 301 and Buffalo Avenue, running 2.7 miles west to the intersection of Buffalo Avenue and 50th Street; thence, 1 mile south to the intersection of 50th Street and Columbus Drive; thence, 1.3 miles east to the intersection of Columbus Drive and State Road No. 574, continuing 1.1 miles east to the intersection of State Road No. 574 and State Road No. 43; thence, 0.7 mile southeast to the intersection of State Road No. 43 and U.S. Highway No. 301; thence, 1.6 miles north to the intersection of U.S. Highway No. 301 and Buffalo Avenue, the point of beginning; and the northeast ¼ of section 20, Township 28 South, Range 19 East, less the rectangle in the southwest corner thereof extending 100 feet eastward from the west boundary of the northeast ¼ section, and 40 feet northward from the south boundary of the northeast ¼ section.

(2) Indian River County: Secs. 1 through 26 and secs. 35 and 36, Township 32, South Range 35 east, lying north of State Road No. 60; and all of Township 31, South Range 35 east.

(3) Martin County: Beginning at a point where the Atlantic Ocean coastline intersects the Martin-Palm Beach County line; thence, westerly along said County line to a point where it intersects the Seaboard Airline Railroad; thence, northwesterly along the railroad to the St. Lucie Canal; thence, northeasterly along the St. Lucie Canal through the Okeechobee Waterway and St. Lucie River to the Atlantic Ocean; thence, southward along the coastline to the point of beginning.

(4) Osceola County: Secs. 13, 14, 15, 16, 22, 23, 24, 25, 26, 34, 35, and 36, Township 31, South Range 34 east, lying east of State Road No. 15; secs. 1, 2, 3, 10, 11, 12, Township 32, South Range 34 east, lying north of State Road No. 60; secs. 16 through 22 and secs. 26 through 34, Township 31, South Range 34 east, lying west of State Road No. 15; secs. 3, 4, 5, 6, 9, 10, Township 32, South Range 34 east, lying west of State Road No. 15 and north of State Road No. 16; secs. 1, 2, 3, Township 32, South Range 33 east, lying north of State Road No. 60; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 31, South Range 33 east, lying east of grade road commonly known as Pea Vine Road.

(5) Palm Beach County:

(i) *Dan Smith (S & S Cattle Company) and Foster Dairies*: All of that part of the following described area beginning at the intersection of E-2 East Canal and State Road S-812; thence, running east 1.6 miles on State Road S-812 to the intersection of State Road S-812 and Jog Road; thence, south 2.4 miles on Jog Road to the intersection of Jog Road and Lateral Canal Number 20; thence, west 1.5 miles along Lateral Canal Number 20 to the intersection of Lateral Canal Number 20 and E-2 East Canal; thence, north 2.5 miles along E-2 East Canal to the intersection of E-2 East Canal and State Road S-812, the point of beginning.

(ii) *Foster dry pasture*: All of that part of the following described area beginning at the intersection of E-2 West Canal and State Road S-812; thence, running west 2.1 miles on State Road S-812 to the intersection of State Road S-812 and U.S. Highway 441; thence, north 1.8 miles on U.S. Highway 441 to the intersection of U.S. Highway 441 and State Road 802; thence, east 1.6 miles on State Road 802 to the intersection of State Road 802 and E-2 West Canal; thence, south 1.9 miles along E-2 West Canal to the intersection of E-2 West Canal and State Road S-812, the point of beginning.

(iii) *Africa U.S.A.*: All of that part of the following described area beginning at the intersection of Dixie Highway (old U.S. 1) and the Hillsboro Canal (Hillsborough); thence, running 0.3 mile northwest along the Hillsboro Canal; thence, 0.8 mile west continuing along the Hillsboro Canal to the intersection of the Hillsboro Canal and Juana Road; thence, 1.2 miles north on Juana Road to the intersection of Juana Road and Southwest Sixth Street, Boca Raton; thence, 1.5 miles east on Southwest Sixth

Street, Boca Raton, to the intersection of Southwest Sixth Street and Dixie Highway; thence, 1.5 miles south-southwest on Dixie Highway to the intersection of Dixie Highway and the Hillsboro Canal, the point of beginning.

(iv) *Infested area in Northern Palm Beach County*. The area bounded by a line beginning at a point where the Atlantic Ocean coastline intersects a street named Palza Circle; thence, northwest .2 mile to the intersection of Plaza Circle and Blue Heron Boulevard; thence, west 5.1 miles on Blue Heron Boulevard, continuing as Blue Heron Boulevard Extension (County Road) to a point where it intersects the Seaboard Airline Railroad Right of Way; thence, northwesterly along the Seaboard Airline Railroad to the Palm Beach-Martin County line; thence, in an easterly direction along said County line to the Atlantic Ocean; thence, southward along the coastline to the point of beginning.

§ 72.5b Area regulated in New York.

(a) The following portion of the State of New York is regulated:

Greene County. Beginning at a point in the Town of Catskill 100 feet north of a large rock, which rock is mentioned in the description of the first premises described in a deed from Austin T. Simmons to the Catskill Game Farm, Incorporated, dated September 8, 1958, recorded in the Greene County Clerks office in book 370 at page 476, and which point of beginning is in the west line of the first described premises in said deed and running southerly from said point of beginning along the west line of the premises first described in the above mentioned deed, and an extension thereof, a distance of 450 feet; thence, running westerly at right angles to the first described line, a distance of 350 feet; thence, running northerly parallel to the first described line, a distance of 450 feet; thence, running easterly a distance of 350 feet to the point of beginning.

(b) All of the provisions of this part and Part 71 of this chapter which are applicable to quarantined areas shall apply to such regulated area in the same manner and to the same extent as if it were quarantined.

§ 72.6 Cattle from quarantined areas not eradicating ticks; conditions permitting interstate movement.

Cattle of the quarantined area where tick eradication is not being conducted, which, with an interval of 7 to 12 days between dippings immediately preceding shipment, have been properly dipped twice in a permitted arsenical solution or Delnav emulsion at a public stockyards or designated dipping station located within the State of their origin, or which have been otherwise treated under the supervision of a Division inspector in a manner approved by the Secretary of Agriculture at such public stockyards or designated dipping station and which just prior to final dipping are inspected by a Division inspector and found to be apparently free from ticks, may, upon certification by said inspector, be shipped or transported interstate for

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any purpose upon compliance with the requirements set forth in §§ 72.9-72.15.

§ 72.7 Interstate movement upon one dipping; certification permitted from cooperating States.

Cattle in areas where tick eradication is being conducted in cooperation with State authorities, which on inspection by a Division inspector are found to be apparently free from ticks, may, after one dipping in a permitted arsenical solution or Delnav emulsion under the supervision of a Division inspector and certification by the said inspector, be shipped or transported interstate for any purpose upon compliance with the requirements set forth in §§ 72.9-72.15.

§ 72.8 Interstate movement of cattle from free premises upon inspection and certification by Division inspector.

Cattle located in areas where tick eradication is being conducted in cooperation with the State authorities, and which are on premises shown by the official records of tick eradication to be free from ticks, may, upon inspection and certification by a Division inspector, be shipped or transported interstate for any purpose without dipping upon compliance with the requirements set forth under §§ 72.9, 72.10, 72.12.

§ 72.9 Interstate movements of cattle; inspection and certification by Division inspector required.

All interstate movements of inspected and certified and dipped and certified cattle shall be accompanied to final destination by a certificate of a Division inspector (which certificate shall show that the cattle so being moved have been dipped as required by § 72.6 or by § 72.7 and are free of ticks, or have been inspected as required by § 72.8, and are free of ticks); all such certificates shall be handled, delivered, kept, and preserved in accordance with the provisions of § 72.16; and all such cattle shall be handled through noninfectious pens, alleys, and chutes, and when shipped shall be loaded into clean and disinfected cars or trucks, and shall not be unloaded in the quarantined area except at such points reserved for noninfested cattle as may from time to time be authorized by the division.

§ 72.10 Inspected or dipped and certified cattle subject to restrictions of State of destination.

All such interstate movements of inspected or dipped and certified cattle are subject to such restrictions, which are not inconsistent with the regulations in this subchapter, as may be imposed at destination by the officials of the State, Territory, or the District of Columbia.

§ 72.11 Quarantined area; cattle considered infested; requirements for placing in noninfectious pens or premises.

Cattle of the quarantined area shall be considered infested and shall not be placed in noninfectious pens or premises until after the final inspection or dipping.

§ 72.12 Cattle; exposure to tick infestation after treatment or inspection prohibited.

The cattle shall not be exposed to tick infestation after treatment and/or inspection.

§ 72.13 Dipping requirements; permitted dips; facilities; handling.

The dipping of cattle for interstate movement shall be done only in a permitted dip and at places where proper facilities are provided for dipping and for handling the cattle in a manner to prevent exposure to infection after the final dipping. Cattle which are to be dipped shall be given an opportunity to drink sufficient water to quench their thirst prior to dipping, be carefully handled, and not dipped while they are in a heated or exhausted condition. Dipped cattle shall not be loaded for shipment until dry. The dips at present permitted by the Department for interstate movement are (a) an arsenical solution which shall at all times show a minimum of twenty-two hundredths percent of arsenious oxide in solution, as indicated by the Division field test for the arsenical dipping bath,¹ and (b) a Delnav emulsifiable concentrate which must contain sufficient Delnav so that when diluted at the rate of 1 part to 200 parts water the resulting emulsion will contain 0.15 percent Delnav, as indicated by the vat-side test for the Delnav dipping bath,¹ which must be discarded and the vat recharged 60 days after it is charged with Delnav or when 3,000 animals have been dipped or earlier if too fouled for satisfactory use. A proprietary brand of arsenical solution or Delnav concentrate may be used in official dipping only after specific permission therefor has been issued by the Division. It has been determined under actual field conditions that in the case of a Delnav emulsion the dipping of cattle in a bath of definite strength will kill all ticks on an infested animal without injury to the animal and Delnav is approved only as an immediate kill agent for the purpose of interstate movement of animals. No dip will hereafter be given Department permission for official use in the dipping of cattle for ticks unless it has been shown to the satisfaction of the Division (1) that the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical, portable testing outfit; (2) that under actual field conditions the dipping of cattle in a bath of definite strength will effectually eradicate ticks without injury to the animals dipped.

§ 72.14 Arsenical cattle dips; requirements for determination of suitability.

The following specifications will be employed for determining the suitability of arsenical cattle dips for use under the provisions of this part.

(a) The product must remain a uniform liquid when held at the temperature of 0° C. (32° F.) for 3 hours (chill test).

¹ Description available on application to the Department.

(b) The product must be readily and completely miscible with water when added thereto in the proportion and in the manner employed for the preparation of dipping baths (solubility test).

(c) The product must contain arsenious oxide within the limits of 28.2 and 30.7 grams per 100 cubic centimeters measured at 25° C. (77° F.).

(d) The product must contain soap, derived from an appropriate soap base, in quantity not less than one-half the quantity of arsenious oxide present. The soap is to be reckoned as potassium soap, exclusive of glycerin and unsaponified matter.

(e) The product must contain tar acids derived from commercial cresylic acid in such proportion that equivalent potassium cresylate, when added to the soap content, shall yield a combined content of soap and cresylate not less than the content of arsenious oxide.

(f) The product must not contain an unnecessary excess of alkali.

§ 72.15 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States.

When the cattle are to be dipped under Division supervision the owner of the cattle, offered for shipment, or his agent duly authorized thereto, shall first execute and deliver to a Division inspector an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to said cattle occasioned by or resulting from dipping or other treatment under this part, or resulting from any subsequent treatment prior to their interstate shipment, or resulting from the fact that they are later found to be still tick infested, and also for all subsequent loss or damage to any other cattle in the possession or control of such owner which may come into contact with the cattle so dipped or treated.

§ 72.16 Designated dipping stations to be approved by Director of Division on recommendation of State authorities; facilities.

When deemed advisable and upon recommendation by the proper livestock sanitary authorities, designated dipping stations may be approved by the Director of Division as points at which cattle of the quarantined area of the State in which said station is located may be inspected, dipped, and certified for interstate movement. The facilities furnished shall include a properly equipped dipping vat, noninfectious pens constructed in accordance with § 72.17 and a roofed or covered section of pens of sufficient size to protect all dipped animals from exposure to rain or hot sun. All alleys, chutes, and pens shall be paved or properly floored.

§ 72.17 Unloading noninfested cattle for rest, feed, and water only, permitted in authorized pens for such purpose.

(a) *Specifications for construction and maintenance.* Cattle of the free area, and cattle of the quarantined area when

properly dipped, inspected, and certified in accordance with this part, which are transported interstate by rail through the quarantined area shall not be unloaded therein for rest, feed, and water unless they are unloaded into properly equipped, noninfectious pens set apart for such cattle at such points as may from time to time be authorized by the Division. Such noninfectious pens and the platforms, chutes, and alleys leading thereto shall be constructed and maintained in accordance with the specifications set out in subparagraphs (1) to (6) of this paragraph.

(1) The outside fences inclosing such pens, and the fences on either side of the alleys, chutes, and platforms leading thereto, shall be tight board fences not less than 6 feet high on the inside.

(2) If such pens, alleys, chutes, and platforms are adjacent to pens, alleys, chutes, and platforms used by cattle of the quarantined area, there shall be between them a space not less than 10 feet wide, which shall be inaccessible to livestock. This space shall be limited on each side by the 6-foot fence required by subparagraph (1) of this paragraph. The remaining space around such yards shall be limited as in subparagraph (3) of this paragraph.

(3) If such pens, alleys, chutes, and platforms are isolated from other pens, alleys, chutes, or platforms, there shall be built and maintained outside thereof on all sides to which cattle of the vicinity might otherwise approach a cattle-proof fence not less than 5 feet high and not less than 15 feet from the 6-foot fence required by subparagraph (1) of this paragraph.

(4) The only means of egress from such pens shall be by way of the alleys, chutes, and platforms inclosed by 6-foot fences as required by subparagraph (1) of this paragraph, to cars for reforwarding; and under no circumstances shall there exist any connection between such pens and other adjacent premises.

(5) Such noninfectious premises shall be so located, or such drainage facilities shall be provided therefor, that water from the surrounding area will not flow on to or through them.

(6) Such pens shall be marked by a conspicuous sign bearing the words "Noninfectious Pens" in letters not less than 10 inches in height.

(b) *Materials for use in noninfectious pens; source, shipment, handling.* The hay, straw, or similar materials required for feed and bedding in such noninfectious pens shall be shipped in noninfectious cars from points outside of the quarantined area so handled that they may not become infectious.

§ 72.18 *Movement interstate; specification by Division Director or treatment required when dipping facilities unavailable.*

(a) *Tick-infested cattle.* Cattle of the free area which are tick-infested may be moved interstate for any purpose after they have been treated in the same manner as cattle under § 72.6: *Provided, however,* That when dipping facilities are not available at the place where the cattle are, said treatment shall be given at a place and in the manner specified by the Director of Division.

(b) *Tick-exposed cattle.* Cattle of the free area which have been exposed to tick infestation may be moved interstate for any purpose after they have been treated in the same manner as cattle under § 72.7: *Provided, however,* That when dipping facilities are not available at the place where the cattle are, said treatment shall be given at a place and in the manner specified by the Director of Division.

(c) *Cattle moved contrary to regulations.* Cattle which have been moved from the quarantined area to the free area without first having been treated in the manner provided in either § 72.6 or § 72.7 or inspected in the manner provided in § 72.8 shall not be shipped or moved interstate until they have been treated in the same manner as cattle under § 72.6: *Provided, however,* That when dipping facilities are not available at the place where the cattle are, said treatment shall be given at a place and in the manner specified by the Director of Division.

§ 72.19 *Interstate shipments and use of pine straw, grass, litter from quarantined area; prohibited until disinfected.*

Pine straw, grass, or similar litter collected from tick-infested pastures, ranges, or premises may disseminate the contagion of splenic, southern, or Texas fever; therefore pine straw, grass, or similar litter originating in the quarantined area shall not be transported or moved interstate therefrom or used as packing material or car bedding for commodities or livestock to be transported or moved from the quarantined area of any State, Territory, or the District of Columbia, to or through the free area of any other State, Territory, or the District of Columbia, unless such material is first disinfected in accordance with the provisions of § 72.24.

§ 72.20 *Exhibition of noninfected cattle in the quarantined area; restrictions under which permitted.*

The exhibition of noninfected cattle at fairs or exhibitions in the quarantined area and their reshipment to the free area without dipping may, by written order of the Director of Division, be permitted: *Provided,* That the cattle shall be handled under such conditions as may be prescribed in each case to preclude any danger of the spread of infection.

§ 72.21 *Animals infested with or exposed to ticks subject to same restrictions as cattle.*

Animals other than cattle which are infested with ticks [*Boophilus annulatus* (*Margaropus annulatus*), *Boophilus microplus*, or *Rhipicephalus evertsi evertsi*] or exposed to tick infestation shall not be moved interstate unless they are treated, handled, and moved in accordance with the requirements specified in §§ 72.9-72.15 and § 72.18 of this part governing the interstate movement of cattle.

§ 72.22 *Cars, vehicles, and premises; cleaning and disinfection after containing infested or exposed animals.*

Cars and other vehicles, and yards, pens, chutes, or other premises, which have contained interstate shipments of

animals infested with or exposed to ticks, shall be cleaned and disinfected in accordance with the provisions of §§ 71.4-71.11.

§ 72.23 *Cars or other vehicles having carried infested or exposed cattle in quarantined area shall be cleaned and disinfected.*

Cars or other vehicles which have carried cattle exposed to or infested with ticks within the quarantined area of any State shall be cleaned and disinfected in accordance with §§ 71.4-71.11 before being moved interstate.

§ 72.24 *Litter and manure from carriers and premises of tick-infested animals; destruction or disinfection required.*

The litter and manure removed from cars, boats, or other vehicles and from pens, chutes, alleys, or other premises or inclosures which have contained interstate shipments of tick-infested animals, shall be destroyed or disinfected by the transportation or yard company, or other owner thereof, under Division supervision, by saturating it with any permitted disinfectant (see §§ 71.10, 71.11 of this subchapter), or otherwise disposed of under permission from the Director of Division.

PART 73—SCABIES IN CATTLE

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73.11 | <p>Interstate movement prohibited.</p> <p>Interstate shipment for immediate slaughter.</p> <p>Shipment for purposes other than slaughter; conditions under which permitted.</p> <p>Interstate shipment of cattle exposed but not visibly diseased; conditions under which permitted on one dipping.</p> <p>Interstate shipment of undiseased cattle from quarantined area; when permitted.</p> <p>Placarding cars and marking billing of shipments of dipped scabby cattle or cattle exposed to scabies.</p> <p>Movement from quarantined to free area and shipment therefrom; restrictions under which permitted.</p> <p>Cattle infected or exposed during transit.</p> <p>Shipments from public stockyards; conditions and requirements.</p> <p>Permitted dips; substances allowed.</p> <p>Disinfection of cars, vehicles and premises having contained scabby cattle.</p> |
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AUTHORITY: §§ 73.1 to 73.11 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 73.1 *Interstate movement prohibited.*

(a) *Cattle affected with scabies.* No cattle affected with scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

(b) *Cattle affected with or exposed to scabies.* No cattle which, just prior to movement, were affected with or exposed to scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose except as provided in this part.

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(c) *Cattle from area quarantined for scabies.* No cattle shall be shipped, trailed, driven, or otherwise moved interstate from the area quarantined for the disease of scabies in cattle except as provided in this part.

§ 73.2 Interstate shipment for immediate slaughter.

(a) *Conditions under which permitted after one dipping.* Cattle which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip (other than a lindane or toxaphene dip) under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate for immediate slaughter to a recognized slaughtering center, upon compliance with the following conditions:

(1) They shall not be diverted en route.

(2) The cars shall be placarded and the billing shall be marked "Dipped Scabby Cattle," in accordance with § 73.6.

(b) *After one dipping; to be slaughtered within 14 days or redipped by owner.* Cattle shipped interstate subject to the provisions of paragraph (a) of this section shall be slaughtered within 14 days from the date of the dipping or shall be again dipped by the owner.

(c) *When part of diseased herd not visibly affected.* Cattle of the free area not visibly diseased with scabies, but which may be part of a diseased herd, may be shipped or transported interstate for immediate slaughter to any recognized slaughtering center where separate pens are provided for yarding exposed cattle: *Provided*, That the following conditions are strictly observed and complied with:

(1) The cars in which the cattle are transported shall be placarded and the billing accompanying the shipment shall be marked "Cattle Exposed to Scabies," in accordance with § 73.6.

(2) Upon arrival at a public stockyard the cattle shall not be permitted to mingle with other cattle until such time as they are disposed of for slaughter or are again dipped and certified for further interstate movement.

(d) *Undiseased herds in quarantined area; conditions under which permitted.* Cattle of herds of the quarantined area which are not diseased with scabies may be shipped, transported, or otherwise moved interstate for immediate slaughter, upon inspection by a Division inspector and when accompanied by a certificate from such inspector showing the cattle to be free from disease.

§ 73.3 Shipment for purposes other than slaughter; conditions under which permitted.

Cattle affected with scabies may be shipped interstate for any purpose if dipped twice in a permitted dip, 10 to 14 days apart, under the supervision of a Division inspector, and so certified by such inspector, or such cattle may be so shipped if dipped once in a permitted dip under Division supervision at the point of origin, provided arrangements have been made for the second dipping, under Division supervision, en

route or at destination within 10 to 14 days after the first dipping. If shipped in the latter manner the cars containing the cattle shall be placarded and the billing shall be marked "Dipped Scabby Cattle," in accordance with § 73.6.

§ 73.4 Interstate shipment of cattle exposed but not visibly diseased; conditions under which permitted on one dipping.

Cattle not visibly diseased with scabies, but which are known to be part of a diseased herd or to have come in contact with diseased cattle or infectious cars or premises, may be shipped interstate for any purpose if dipped once at the point of origin, under the supervision of a Division inspector, in a permitted dip, or the cattle may be dipped en route by special permission first had and obtained from the Director of the Division; but in such event the cars shall be placarded and the billing shall be marked "Cattle Exposed to Scabies," in accordance with § 73.6, and the cattle shall not be permitted to mingle with other cattle until disposed of in accordance with the regulations in this part.

§ 73.5 Interstate shipment of undiseased cattle from quarantined area; when permitted.

Cattle of herds of the quarantined area which are not diseased with scabies may be shipped or transported interstate for any purpose upon inspection by a Division inspector and when accompanied by a certificate from such inspector showing the cattle to be free from disease or exposure thereto.

§ 73.6 Placarding cars and marking billing of shipments of dipped scabby cattle or cattle exposed to scabies.

When cattle are shipped as "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," the transportation companies shall securely affix to and maintain upon both sides of each car carrying such cattle a durable, conspicuous placard, not less than 5½ by 8 inches in size, on which shall be printed with permanent black ink in boldfaced letters, not less than 1½ inches in height, the words, "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," as the case may be. These placards shall also show the name of the place from which the shipment was made, the date of the shipment (which must correspond to the date of the waybills and other papers), the name of the transportation company, and the name of the place of destination. The carrier issuing the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall plainly write or stamp upon the face of each such paper the words, "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," as the case may be. If for any reason the placards required by this part have not been affixed to the car as aforesaid, or the placards have been removed, destroyed, or rendered illegible, or the cattle are rebilled or are transferred to other cars or boats, the placards shall be immediately affixed or replaced by the carrier, and the new waybills shall be marked as aforesaid by the carrier issuing them, the intention being that the

billing accompanying the shipment shall be marked and the car containing the cattle shall be placarded "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," as the case may be, from the time of shipment until the cattle arrive at destination or point of dipping and the disposition of the cars is indicated by a Division inspector.

§ 73.7 Movement from quarantined to free area and shipment therefrom; restrictions under which permitted.

No person, firm, or corporation shall deliver for transportation, transport, drive on foot, or otherwise move interstate from the free area of any State, Territory, or the District of Columbia any cattle which have been moved from the quarantined area of the same State, Territory, or the District of Columbia into such free area: *Provided, however*, That such cattle may be delivered for transportation, transported, driven on foot, or otherwise moved interstate for the purposes for which the shipment, transportation, or other movement interstate of cattle of the quarantined area is permitted by this part, *Provided*, That in such shipment and transportation or other movement the requirements of this part governing the shipment and transportation or other movement of cattle of the quarantined area are strictly complied with: *And provided further*, That this section shall not apply to cattle of the quarantined area which, before being moved into the free area, are certified by a Division inspector as free from disease and are accompanied by such certificate in their shipment and transportation or other movement interstate.

§ 73.8 Cattle infected or exposed during transit.

(a) *Healthy cattle from unquarantined State exposed en route.* Should healthy cattle in transit from a State not quarantined by the Secretary of Agriculture for scabies in cattle be unloaded en route and placed in infectious premises, they shall be treated as exposed cattle, and their further movement shall be subject to the provisions of this part with respect to the movement of exposed cattle.

(b) *Interstate shipments of cattle under Division certificate found affected or exposed en route.* Cattle shipped interstate under a certificate from a Division inspector, or other cattle which are found en route to be affected with scabies or to have been exposed thereto, shall thereafter be handled in the same manner as diseased or exposed cattle are required by this part to be handled, and the cars or other vehicles and the chutes, alleys, and pens which have been occupied by diseased animals shall be cleaned and disinfected as provided in §§ 71.4-71.11 of this subchapter.

§ 73.9 Shipments from public stockyards; conditions and requirements.

No cattle shall be shipped or moved interstate from any public stockyards without a certificate issued by a Division inspector showing that the cattle are free from scabies or have been dipped for scabies: *Provided*, That this restriction shall not apply to shipments of cattle

unloaded in transit for feed, water, and rest, and not offered for sale. If cattle affected with scabies are introduced into the noninfectious yards or portions thereof, the chutes, alleys, and pens used by them shall be thoroughly cleaned and disinfected under Division supervision.

§ 73.10 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for the treatment, under Division supervision, of cattle affected with or exposed to scabies are as follows:

(1) Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 12 pounds of unslaked lime (or 16 pounds of commercial hydrated lime, not airslaked lime) and 24 pounds of flowers of sulphur or sulphur flour to 100 gallons of water.

(2) Nicotine dip, other than proprietary brands thereof, containing not less than five one-hundredths of 1 percent of nicotine.

(3) Dips made from wettable powders containing lindane (gamma isomer only) as the active ingredient, and maintained at a concentration of 0.075 percent. Animals treated with such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

(4) Dips made from toxaphene emulsions (specifically permitted proprietary brands)¹ and maintained at a concentration of 0.5 percent. Animals treated by such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

(b) A proprietary brand of lime-sulphur dip or nicotine dip may be used in official dipping only after specific permission therefor has been issued by the Division.

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 2 percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.² The dipping bath for the lindane dips must be used at a temperature of less than 80° F., and

must be maintained at all times at a concentration of 0.075 percent.³ The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°–80° F., and at a concentration of 0.5 percent during dipping operations.³

(d) Before a dip, other than those specified in this section, is approved as a permitted dip for the eradication of scabies in cattle, the Division will consider, among other things, whether the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of cattle in a bath of definite strength will effectually eradicate scabies infection without injury to the animals dipped.

§ 73.11 Disinfection of cars, vehicles and premises having contained scabby cattle.

Cars and other vehicles, yards, pens, sheds, chutes, or other premises which have contained cattle of a consignment in which scabies is found shall be cleaned and disinfected in accordance with the provisions of §§ 71.4–71.11 of this subchapter.

PART 74—SCABIES IN SHEEP

INTERSTATE MOVEMENT

- Sec. 74.1 Interstate movement of infected sheep prohibited.
- 74.2 Designation of free and infected areas.
- 74.3 Designation of eradication and quarantine areas.
- 74.4 Certification or other documents to be presented with animals at destination.
- 74.5 Director of Division may provide for movements, under certain conditions, not otherwise authorized under the regulations.
- 74.6 Sheep infected with or exposed to scabies prohibited except as provided.
- 74.7 Other movements prohibited except as provided.
- 74.8 When scabies present whole flock classed as infected; not to be shipped until dipped; "picking" a flock prohibited.

SHIPMENT FOR IMMEDIATE SLAUGHTER TO PUBLIC STOCKYARDS AND RECOGNIZED SLAUGHTERING CENTERS

- 74.9 Conditions under which permitted after one dipping.
- 74.10 To be slaughtered within 14 days or redipped.
- 74.12 Interstate movement of sheep not known to be infected or exposed from quarantined, infected, or eradication areas; permitted for immediate slaughter on inspection and/or certification.
- 74.13 Interstate movement of scabies exposed, not infected, sheep from any area; conditions under which permitted.
- 74.14 Exposed but uninfected sheep to recognized slaughtering center on Division or State inspection or certification.

³ Care must be exercised in dipping animals and in maintaining the bath at the standard concentration. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

- Sec. 74.15 Placarding of vehicles and marking of documents.

SHIPMENT FOR PURPOSES OTHER THAN SLAUGHTER

- 74.16 Infected sheep permitted movement for any purpose on two dippings.
- 74.17 Uninfected but exposed sheep permitted movement for any purpose on one dipping.
- 74.18 Uninfected and unexposed sheep from eradication, infected, and quarantine areas.

MOVEMENT FROM ERADICATION, INFECTED, OR QUARANTINED AREA TO FREE AREA AND SHIPMENT THEREFROM

- 74.19 Prohibited except in compliance with regulations regarding movement of sheep from eradication, infected, or quarantined areas.

SHEEP INFECTED OR EXPOSED IN TRANSIT

- 74.20 Uninfected and unexposed sheep exposed in transit to be treated, moved, and handled as exposed.
- 74.21 Sheep infected or exposed en route handled as infected or exposed.

SHIPMENTS TO PUBLIC STOCKYARDS AND RECOGNIZED SLAUGHTERING CENTERS AND FROM PUBLIC STOCKYARDS

- 74.22 Interstate movement; conditions under which permitted.
- 74.23 Interstate movement without dipping prohibited unless for slaughter.

PERMITTED DIPS

- 74.24 Permitted dips; substances allowed.

DISINFECTION OF CARS, VEHICLES, AND PREMISES

- 74.25 Required if contained diseased sheep.

AUTHORITY: §§ 74.1 to 74.25 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126.

INTERSTATE MOVEMENT

- § 74.1 Interstate movement of infected sheep prohibited.

No sheep infected with the contagious, infectious, and communicable disease commonly known as scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

- § 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, or parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and Wyoming;

(2) That portion of South Dakota west of the Missouri River except Fall River County.

(3) All Counties in New Mexico except Bernalillo, Chaves, Eddy, Lea, and San Miguel.

¹ Names of such dips may be obtained from the Division or a Division inspector.

² The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-2." (Description available on application to the Department.)

(b) Notice is hereby given also that sheep scabies exists in all other States and Territories, and parts thereof, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication and quarantine areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, or parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Nebraska, New York, North Dakota, and Tennessee;

(2) That portion of South Dakota east of the Missouri River; and Fall River County in that portion of South Dakota west of the Missouri River;

(3) The following Counties in New Mexico: Bernalillo, Chaves, Eddy, Lea, and San Miguel.

§ 74.4 Certificates or other documents to be presented with animals at destination.

All certificates, waybills, statements, or other documents required under this part shall accompany the shipment en route and shall be presented to the person authorized to receive the shipment at destination.

§ 74.5 Director of Division may provide for movements, under certain conditions, not otherwise authorized under the regulations.

The Director of the Division in specific cases in which, in his opinion, no risk of the spread of scabies exists may provide for the movement, not otherwise authorized under this part, of sheep not known to be infected with scabies, under such conditions as he may prescribe to carry out the purposes of this part. The Director of the Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

§ 74.6 Sheep infected with or exposed to scabies prohibited except as provided.

No sheep which, just prior to movement, were infected with or exposed to scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose except as provided in this part.

§ 74.7 Other movements prohibited except as provided.

No sheep shall be shipped, trailed, driven, or otherwise moved interstate from the areas quarantined because of scabies in sheep or from the area designated as the infected or eradication areas because of said disease, except as provided in this part.

§ 74.8 When scabies present whole flock classed as infected; not to be shipped until dipped; "picking" a flock prohibited.

All the sheep in a certain flock or shipment in which the disease of scabies is present shall be classed as infected sheep, and none of them shall be offered for interstate shipment until dipped as provided in this part. The practice of "picking" a flock—that is, removing any

sheep which are visibly diseased and then offering any portion of the remaining sheep for either inspection or interstate shipment or both—is prohibited.

SHIPMENT FOR IMMEDIATE SLAUGHTER TO PUBLIC STOCKYARDS AND RECOGNIZED SLAUGHTERING CENTERS

§ 74.9 Conditions under which permitted after one dipping.

Sheep which, just prior to shipment or movement interstate, were infected with scabies but have been dipped once in a permitted dip (other than lindane or toxaphene dips) under the supervision of a Division or State inspector within 10 days prior to the date of shipment and so certified by him may be shipped, trailed, driven, or otherwise moved interstate, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

(a) The sheep shall not be diverted en route.

(b) The trucks, cars, or boats containing the sheep shall be placarded and the billing shall be marked "Dipped Scabby Animals for Slaughter" in accordance with § 74.15.

(c) Upon arrival at a public stockyard the sheep shall be placed in a portion of the stockyard set aside for the receipt of such sheep and not permitted to mingle with other animals until such time as they are disposed of for slaughter or are again dipped and certified for further interstate movement for purposes other than slaughter.

§ 74.10 To be slaughtered within 14 days or redipped.

Sheep shipped interstate subject to the provisions of § 74.9 shall be slaughtered within 14 days from the date of the dipping or shall be again dipped under the supervision of a Division or State Inspector.

§ 74.12 Interstate movement of sheep not known to be infected or exposed from quarantined, infected or eradication areas; permitted for immediate slaughter on inspection and/or certification.

(a) Sheep not known to be infected with or exposed to scabies may be shipped, trailed, driven, or otherwise moved interstate from an eradication or infected area into a free or eradication area or a quarantined area within such area, or from a quarantined area into any other area, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center, provided they are not diverted en route, have been inspected by a Division or State inspector within 10 days prior to movement, found free from the disease and exposure thereto, and are accompanied by a certificate from said inspector to that effect; or if the sheep are inspected by an accredited veterinarian within 10 days prior to such movement, found free of scabies infection and exposure thereto, and if the shipment is accompanied by his certificate to that effect; or if the shipment is accompanied by a waybill or similar document, or a statement signed by the owner or shipper of the sheep,

stating: (1) That the animals are not known to be infected with scabies or exposed thereto; (2) the destination of the animals and consignee; (3) the purpose for which they are to be moved; (4) the number of sheep; (5) the point from which the animals are moved interstate; (6) that the sheep shall not be diverted en route; and (7) the name and address of the owner or shipper of the sheep: *Provided, however,* That when such sheep are moved interstate for immediate slaughter from any quarantined area, inspection and certification are required and must be made by a Division or State inspector. No restrictions are imposed under these regulations on the interstate shipment or movement for immediate slaughter of uninfected and unexposed sheep from an infected or eradication area into an infected area or into a quarantined area within an infected area.

(b) Sheep moved interstate under the provisions of this section must be penned and handled separate and apart from sheep of other categories until they have been removed for slaughter purposes within 14 days of arrival, or dipped under Division supervision if not slaughtered or moved to an infected area within the same period.

§ 74.13 Interstate movement of scabies exposed, not infected, sheep from any area; conditions under which permitted.

Sheep which have been exposed to scabies but are not infected therewith may be shipped, trailed, driven, or otherwise moved interstate, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

(a) The sheep shall be inspected within 10 days prior to such shipment or movement by a Division or State inspector and certified to be free from scabies.

(b) The sheep shall not be diverted en route and, if consigned to a public stockyard, shall upon arrival be handled as provided in § 74.9(c).

(c) The trucks, cars, or boats containing the sheep shall be placarded and the billing shall be marked "Scabies Exposed Animals for Slaughter", in accordance with § 74.15.

§ 74.14 Exposed but uninfected sheep to recognized slaughtering center on Division or State inspection and certification.

Sheep shipped interstate subject to the provisions of § 74.13 shall be slaughtered within 14 days from the date of shipment or shall be dipped once in a permitted dip under Division or State supervision.

§ 74.15 Placarding of vehicles and marking of documents.

The person, firm, or corporation moving sheep interstate for slaughter in accordance with § 74.9 or § 74.13, shall securely affix to and maintain upon both sides of each truck, car, or boat carrying such sheep a durable and conspicuous placard, not less than 5½ by 8 inches in size, on which shall be printed with permanent black ink in bold-face letters, not less than 1½ inches in height, the words "Dipped Scabby Animals for Slaughter" or "Scabies Exposed Animals

for Slaughter", as the case may be. These placards shall also show (a) the name of the shipper; (b) the name of the place from which the sheep were moved; (c) the date of the shipment (which must correspond to the date of the waybills and other papers); (d) the name of the truck owner or transportation agency; and (e) the name of the place of destination. Such person, firm, or corporation shall plainly write or stamp upon the face of the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such movements the words "Dipped Scabby Animals for Slaughter" or "Scabies Exposed Animals for Slaughter", as the case may be. If for any reason the placards required by this section have not been affixed to the vehicle as aforesaid, or the placards have been removed, destroyed, or rendered illegible, or the sheep are rebilled or are transferred to other trucks, cars, or boats, the placards shall be immediately affixed or replaced and the new waybills or other documents shall be marked as aforesaid, the intention being that the documents accompanying the sheep shall be marked and the trucks, cars, and boats containing the sheep shall be placarded "Dipped Scabby Animals for Slaughter" or "Scabies Exposed Animals for Slaughter", as the case may be, from the time of shipment until the sheep arrive at destination and the disposition of the vehicles is designated by a Division or State inspector.

SHIPMENT FOR PURPOSES OTHER THAN SLAUGHTER

§ 74.16 Infected sheep permitted movement for any purpose on two dippings.

Sheep which, just prior to shipment or movement interstate, were infected with scabies, may be shipped, trailed, driven, or otherwise moved interstate for any purpose after they have been dipped twice, 10 to 14 days apart, in a permitted dip under the supervision of a Division or State inspector, and are so certified by such inspector.

§ 74.17 Uninfected but exposed sheep permitted movement for any purpose on one dipping.

Sheep that are not infected with scabies but which have been exposed to the disease may be shipped, trailed, driven, or otherwise moved interstate for any purpose after they have been dipped once in a permitted dip, within 10 days prior to date of shipment, under the supervision of a Division or State inspector and are certified by such inspector to be free from the disease.

§ 74.18 Uninfected and unexposed sheep from eradication, infected, and quarantined areas.

Uninfected and unexposed sheep may be shipped, trailed, driven, or otherwise moved interstate from an eradication or infected area into a free or eradication area or a quarantined area within such area, or from a quarantined area into any other area, for any purpose, after they have been inspected by a Division or State inspector or an accredited veterinarian, found to be free from the

disease and exposure thereto, have been dipped once in a permitted dip within 10 days prior to date of shipment and are accompanied by a certificate from said inspector or veterinarian stating that such requirements have been fulfilled: *Provided however*, That when such sheep are moved interstate for any purpose from any quarantined area, inspection, treatment, and certification are required and must be made by a Division or State inspector. No restrictions are imposed under these regulations on the interstate shipment or movement of uninfected and unexposed sheep from an infected or eradication area into an infected area or a quarantined area within an infected area.

MOVEMENT FROM ERADICATION, INFECTED, OR QUARANTINED AREA TO FREE AREA AND SHIPMENT THEREFROM

§ 74.19 Prohibited except in compliance with regulations regarding movement of sheep from eradication, infected, or quarantined areas.

No person, firm, or corporation shall deliver for transportation, transport, drive on foot, or otherwise move interstate from the free area of any State, Territory, or the District of Columbia any sheep which have been moved from the eradication, infected, or quarantined areas of the same State, Territory, or the District of Columbia into such free area: *Provided, however*, That such sheep may be shipped or moved interstate in strict compliance with the requirements of this part governing the interstate movement of sheep of the eradication, infected or quarantined areas, as the case may be: *And provided further*, That this section shall not apply to sheep from an eradication, infected or quarantined area which, before being moved into the free area, are inspected, dipped and certified as required for interstate movement by § 74.18.

SHEEP INFECTED OR EXPOSED IN TRANSIT

§ 74.20 Infected and unexposed sheep exposed in transit to be treated, moved, and handled as exposed.

If sheep free from scabies and exposure thereto be unloaded while in the course of interstate transportation on infectious premises, they shall thereafter be treated as exposed sheep and their further movement shall be subject to the provisions of this part with respect to the movement of exposed sheep.

§ 74.21 Sheep infected or exposed en route handled as infected or exposed.

Sheep shipped, trailed, driven, or otherwise moved interstate under a certificate from a Division or State inspector or an accredited veterinarian, or any other sheep, which are found en route to be infected with scabies or to have been exposed thereto, shall thereafter be handled in the same manner as infected or exposed sheep are required by this part to be handled, and the cars or other vehicles, and the chutes, alleys, and pens which have been occupied by

infected sheep shall be cleaned and disinfected, as provided in §§ 71.4-71.11 of this subchapter or shall be cleaned and treated with a permitted dip.

SHIPMENT TO PUBLIC STOCKYARDS AND RECOGNIZED SLAUGHTERING CENTERS AND FROM PUBLIC STOCKYARDS

§ 74.22 Interstate movement; conditions under which permitted.

(a) Sheep from an infected, eradication, or quarantined area which are not infected with or exposed to scabies may be shipped, trailed, driven, or otherwise moved interstate directly to a public stockyard; or to a recognized slaughtering center for immediate slaughter: *Provided*, That such movements conform to the requirements of § 74.12 relating to inspection and certification or waybills or similar documents or statement by the owner or shipper of the sheep.

(b) Sheep which, just prior to shipment or movement interstate, were infected with or exposed to scabies, may be shipped, trailed, driven, or otherwise moved interstate to a public stockyard or a recognized slaughtering center for immediate slaughter subject to the restrictions detailed in this part.

(c) The movement of sheep, referred to in this section, from a public stockyard to any other point within the State or interstate must comply with the provisions of this part the same as if the sheep had been originally consigned direct from the point of origin to such destination.

(d) No sheep shall be shipped, trailed, driven, or otherwise moved interstate from a public stockyard without a certificate issued by a Division inspector showing that the sheep are free from scabies or have been dipped for scabies as required in this part: *Provided*, That this paragraph shall not require a new certificate to be issued when shipments of sheep which are unloaded in transit for feed, water, and rest, and not offered for sale, are reloaded.

§ 74.23 Interstate movement without dipping prohibited unless for slaughter.

No sheep shall be shipped, trailed, driven, or otherwise moved interstate from a public stockyard for purposes other than slaughter without being dipped under Division supervision: *Provided*, That sheep from the free areas which are not infected with or exposed to scabies may be shipped or moved interstate from a public stockyard for any purpose without dipping provided that their identity as uninfected and unexposed sheep of a free area is maintained at all times; they have not mingled with scabies infected or exposed animals, or sheep from other than the free areas in transit to or at the stockyard; they are placed in a portion of the stockyard reserved for the receipt of such sheep; and they are kept free from contagious, infectious, and communicable diseases: *And provided further*, That uninfected and unexposed sheep from an eradication or infected or quarantined area may be shipped or moved interstate from a public stockyard upon compliance with the provisions of this part which would apply if the sheep

¹ In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

had been originally consigned direct from point of origin to final destination.

PERMITTED DIPS

§ 74.24 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for use as required in this part are as follows:

(1) Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 8 pounds of unslaked lime (or 11 pounds of commercial hydrated lime, not airslaked lime) and 24 pounds of flowers of sulphur or sulphur flour to 100 gallons of water.

(2) Nicotine dip, other than proprietary brands thereof, containing not less than five one-hundredths of 1 percent of nicotine.

(3) Dip made from wettable powders containing lindane (gamma isomer of benzene hexachloride) as the active ingredient, and maintained at a concentration of 0.06 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

(4) Toxaphene dip, specifically permitted proprietary brand emulsions, made and maintained at a concentration of 0.5 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

(b) Proprietary brands of toxaphene, lime-sulphur, or nicotine dips may be used in official dipping only after specific permission therefor has been issued by the Division.²

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 1½ percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.³ The dipping bath for the lindane dips must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.06 percent.⁴ The

² Names of such brands may be obtained from the Division or a Division inspector.

³ The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-3." (Description available on application to the Department.)

⁴ Care must be exercised in dipping animals and in maintaining the bath at the standard

dipping bath for toxaphene emulsions must be kept within a temperature range of 40°-80° F., and at a concentration of 0.5 percent during dipping operations.⁴

(d) Before a dip, other than those specified in this section, is approved as a permitted dip for the eradication of scabies in sheep, the Division will consider, among other things whether the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of sheep in a bath of definite strength will effectually eradicate scabies infection without injury to the animals dipped.

DISINFECTION OF CARS, VEHICLES, AND PREMISES

§ 74.25 Required if contained diseased sheep.

Cars and other vehicles, yards, pens, sheds, and chutes which have contained diseased sheep shall be cleaned and disinfected in accordance with the provisions of §§ 71.4-71.11 of this subchapter or shall be cleaned and treated with a permitted dip.

PART 75—DOURINE IN HORSES AND ASSES

Sec.

75.1 Movement of animals from quarantined areas; Division inspection and certification required.

75.2 Breeding animals in quarantined areas; interstate movement within 18 months prohibited except on Division certification as having passed complement-fixation test.

75.3 Appraisal of and compensation for animals.

AUTHORITY: §§ 75.1 to 75.3 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 111-113, 114a, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 75.1 Movement of animals from quarantined areas; Division inspection and certification required.

No horses, or asses shall be offered for interstate shipment, shipped, transported, driven, or trailed or otherwise moved interstate from an area quarantined by the Secretary of Agriculture for dourine, without Division inspection and certification of freedom from the disease for the purpose of the particular movement. Owners and custodians of horses or asses for whom inspection is made shall provide such reasonable facilities and render such assistance as may be required by the inspector.

§ 75.2 Breeding animals in quarantined areas; interstate movement within 18 months prohibited except on Division certification as having passed complement-fixation test.

If stallions or jacks shall be allowed to run at large in an area quarantined

concentration. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

by the Secretary of Agriculture for dourine, or if there shall be any breeding of horses or asses in a herd in the quarantined area in which there is a horse or an ass which has been exposed to the infection of dourine, within 18 months after the said exposure, the interstate movement of any horses or asses from the said area is absolutely prohibited unless and until such horses and asses have been certified by a Division inspector as having passed the complement-fixation test for such disease.

§ 75.3 Appraisal of and compensation for animals.

When it is necessary, in order to prevent the spread of dourine and to aid in its extermination, and an appropriation is available therefor, the Department will cooperate with State and Federal governmental agencies in the purchase of diseased animals in the following manner:

(a) The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Division.

(b) The animal shall be appraised at its actual value by a Division inspector and a representative of the cooperating agency, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) The Department will pay one-half of the appraised or assessed value, not to exceed \$100, if the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the Department on account of the destruction of the animal in question: *Provided*, That if the eradication work is carried on in cooperation with a Federal agency the Department may pay all of the appraised value, not to exceed \$100.

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Subpart A—General Restrictions

Sec.

76.1 Interstate movement of diseased swine prohibited.

76.3 Interstate movement of swine from public stockyards for feeding, breeding, or stocking purposes prohibited except as provided.

76.4 Movements from public stockyards to recognized slaughtering center; when permitted.

76.5 Movements from public stockyards to States requiring 3 weeks segregation; when permitted.

76.6 When shipment permitted owner to observe State requirements at destination.

76.7 Disinfection of cars and vehicles which have contained interstate shipments of diseased swine.

76.8 Interstate transportation of swine except for immediate slaughter; requirements.

Subpart B—Swine Diseases Spread Through Raw Garbage

76.25 Definitions.

76.26 Notice relating to existence of contagion of swine diseases and regulations governing the interstate movement of swine and swine products.

76.28 General restrictions.

Sec.	
76.29	Movement of specially processed swine products.
76.30	Movement of swine and swine products from a non-quarantined area.
76.31	Movement of swine and swine products from a quarantined area.
76.32	Movement of swine and swine products through a quarantined area.
76.33	Movement of swine and swine products which have been exposed to or affected with vesicular exanthema.
76.34	Special processing of swine products.
76.35	Cleaning and disinfecting vehicles and facilities.
76.36	Cleaning and disinfecting public stockyards.
76.37	Disinfectants to be used.

Subpart A—General Restrictions

AUTHORITY: §§ 76.1 to 76.8 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 76.1 Interstate movement of diseased swine prohibited.

No swine which are diseased with hog cholera or other contagious, infectious, or communicable disease shall be shipped, transported, trailed, driven, or otherwise moved interstate for any purpose.

§ 76.3 Interstate movement of swine from public stockyards for feeding, breeding, or stocking purposes prohibited except as provided.

No swine shall be shipped, driven, or transported interstate from public stockyards for feeding, breeding, or stocking purposes, except as provided in §§ 76.4-76.6.

§ 76.4 Movements from public stockyards to recognized slaughtering center; when permitted.

Swine may be shipped, driven on foot, or transported interstate from public stockyards to a recognized slaughtering center for immediate slaughter and shall not be diverted en route for any other purpose.

§ 76.5 Movements from public stockyards to States requiring 3 weeks segregation; when permitted.

Swine may be shipped, transported, or otherwise moved interstate from public stockyards for any purpose to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported hogs for a period of not less than three weeks, provided that the following requirements are strictly observed and complied with:

- The swine shall be inspected by a Division inspector at such yards.
- If the swine upon such inspection are found to be affected with cholera, they shall be treated by a competent veterinarian under Division supervision in a portion of the yards set aside for that purpose in accordance with one or the other of the methods set forth in paragraph (d); and at the expiration of not less than 30 days, if found upon examination to be free from disease, they may be released for any purpose after disinfection in accordance with paragraph (e).

(c) If upon such inspection the swine are found free from symptoms of cholera and other contagious, infectious, or communicable diseases, and in a thrifty condition, they shall be treated by a competent veterinarian under Division supervision in a portion of the yards set aside for that purpose, in accordance with one or the other of the methods set forth in paragraph (d), provided that the temperature of each animal is taken before treatment, and that only those which exhibit a temperature of less than 104° F. shall be permitted to be shipped or moved interstate.

(d) (1) *Serum-alone method.* The swine may be given the serum-alone injection with hog-cholera serum or antibody concentrate prepared under license from the Secretary of Agriculture. The dosage of serum or antibody concentrate administered shall be in conformity with the amounts specified in paragraph (f) of this section.

(2) *Simultaneous-inoculation method.* The swine may be given simultaneous inoculation with anti-hog-cholera serum or antibody concentrate, and hog cholera virus or modified live virus vaccine, prepared under license from the Secretary of Agriculture. The dosage of serum or antibody concentrate used with the hog cholera virus or modified live virus vaccine shall be in conformity with the amounts specified in paragraph (f) of this section.

(e) After receiving either of the treatments prescribed in paragraph (d), the swine shall be disinfected in a 2 percent solution of a permitted cresylic disinfectant and be held in noninfectious pens for at least three hours before being loaded for interstate transportation.

(f) The dosage of serum or antibody concentrate for the treatment of swine under the provisions of paragraph (d) of this section shall in no instance be less than the respective dosage specified in subparagraph (1) of this paragraph. The dosage of hog cholera virus or modified live virus vaccine for the treatment of swine under the provisions of paragraph (d) of this section should be the respective dosage suggested in subparagraphs (2) and (3) of this paragraph.

(1) Dosage of anti-hog-cholera serum or antibody concentrate.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose antibody concentrate (cubic centimeters)
Suckling pigs.....	20	10
20-40.....	30	15
40-90.....	35	17.5
90-120.....	45	22.5
120-150.....	55	27.5
150-180.....	65	32.5
180 and over.....	75	37.5

(2) Dosage of virus.

Weight of swine (pounds):	Dose of virus (cubic centimeters)
20-40.....	1
40 and over.....	2

(3) *Dosage of modified live virus vaccine.* The dosage of modified live virus vaccine should be that recommended on

the product label by the licensed manufacturer for use with the amounts of anti-hog-cholera serum or antibody concentrate given in subparagraph (1) of this paragraph.

(g) The shipment shall be accompanied by a certificate issued by a Division inspector.

(h) The swine shall be transported in clean and disinfected cars or other vehicles.

§ 76.6 When shipment permitted owner to observe State requirements at destination.

When swine are shipped interstate subject to the provisions of § 76.5, the State requirements at destination shall be observed by the owner.

§ 76.7 Disinfection of cars and vehicles which have contained interstate shipments of diseased swine.

Cars and other vehicles which have contained interstate shipments of diseased swine shall be cleaned and disinfected as soon as possible after the swine are unloaded. Cars that have contained interstate shipments of swine destined to places where Division inspection is maintained shall not be moved from such places until a Division inspector has ascertained the condition of the live animals and the cars have been released or they have been cleaned and disinfected, as directed by the inspector, in accordance with §§ 71.4-71.11 of this subchapter.

§ 76.8 Interstate transportation of swine except for immediate slaughter; requirements.

No swine shall be transported interstate for purposes other than slaughter in cars or other vehicles which have been used in the transportation of livestock since they were last cleaned and disinfected, unless the cars or other vehicles in which they are loaded are first cleaned and disinfected in the manner prescribed in §§ 71.9-71.11 of this subchapter.

Subpart B—Swine Diseases Spread Through Raw Garbage

AUTHORITY: §§ 76.25 to 76.37 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 76.25 Definitions.

As used in this subpart, the following terms shall have the meanings set forth in this section.

(a) *Administrator.* The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division.* The Director of the Division or any other official of the

Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Garbage.* Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premise.

(e) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(f) *Cooked garbage.* Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(g) *State.* State, Territory, or the District of Columbia.

(h) *Interstate.* From one State into or through any other State.

(i) *Quarantined area.* A State or area quarantined because of vesicular exanthema.

(j) *Non-quarantined area.* Any State or area not quarantined because of vesicular exanthema.

(k) *Person.* Any person, company or corporation.

(l) *Moved or movement.* As applied to swine, the term "moved" or "movement" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" or "movement" means transported, shipped, or delivered or received for transportation, by any person.

(m) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(n) *Clean stockyard.* A public stockyard in a quarantined area which is found by the Director of Division to be free from the infection of vesicular exanthema.

(o) *Swine product.* Any carcass, part or offal of swine.

(p) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.34.

(q) *Vesicular exanthema.* The contagious, infectious, and communicable disease of swine commonly known as vesicular exanthema.

§ 76.26 Notice relating to existence of contagion of swine diseases and regulations governing the interstate movement of swine and swine products.

Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, vesicular exanthema, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, and communicable diseases of

swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries, the regulations in this subpart are promulgated.

§ 76.28 General restrictions.

Swine or swine products referred to in this subpart may not be moved interstate except in accordance with the regulations in this subpart.

§ 76.29 Movement of specially processed swine products.

Except as provided in § 76.30, swine products which have been specially processed may be moved interstate without restriction under this subpart.

§ 76.30 Movement of swine and swine products from a non-quarantined area.

(a) *Movement of swine.* (1) Swine which have not been fed any raw garbage may be moved interstate from a non-quarantined area without restriction under this subpart.

(2) Swine which have been fed any raw garbage may be moved interstate under this subpart from a non-quarantined area to a slaughtering establishment specifically approved for the purpose by the Director of the Animal Disease Eradication Division of the Agricultural Research Service for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of a contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U. S. C. 71 et seq.), in a nonquarantined area, (i) which does not handle any products of swine from a quarantined area or products of swine fed any raw garbage, or (ii) which does handle products of swine from a quarantined area or of swine fed any raw garbage but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of the Animal Disease Eradication Division as adequate to prevent the spread of disease, may be moved interstate from a nonquarantined area

without other restriction under this subpart.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, in a non-quarantined area, which handles any products of swine from a quarantined area or of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) (ii) of this paragraph, may be moved interstate under this subpart if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which were not from a quarantined area and had not been fed any raw garbage, and were handled separate and apart from products of swine from a quarantined area and swine fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such products have been handled as specified in subparagraph (1) (ii) of this paragraph.

(c) The Director of the Animal Disease Eradication Division may authorize the movement of swine or swine products, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of the contagion of any contagious, infectious, or communicable disease.

§ 76.31 Movement of swine and swine products from a quarantined area.

(a) *Movement of swine:* (1) Swine may be moved interstate under this subpart from a quarantined area to an establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the Division or a veterinarian specifically approved for this purpose by the Director of Division, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of vesicular exanthema.

(2) Swine, permitted interstate movement under this subpart, which are moved from a non-quarantined area directly to a clean stockyard in a quarantined area, may be moved interstate under this subpart from such stockyard, under conditions prescribed by the Director of Division, directly to an establishment specifically approved for the purpose by said Director for immediate slaughter in a manner approved by said Director as adequate to prevent the spread of vesicular exanthema, but said Director may also require the processing of such swine in a manner approved by him if he finds such processing is necessary to prevent the spread of said disease. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(b) *Movement of swine products:* (1) Swine products may be moved interstate under this subpart from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Director of Division for special processing at such establish-

ment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Division.

(2) The following swine products may be moved interstate under this subpart from a quarantined area under such conditions as may be prescribed by the Director of Division to prevent the spread of vesicular exanthema: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Director as adequate to prevent the spread of vesicular exanthema; (ii) swine products derived from swine, permitted interstate movement under this subpart, which were moved from a non-quarantined area directly to a clean stockyard in a quarantined area and which were slaughtered, immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Director in a manner approved by said Director as adequate to prevent the spread of vesicular exanthema, and, if required by said Director, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this subpart, which were moved from a non-quarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Director. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) The Director of Division may authorize the movement of swine and swine products from a quarantined area, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of vesicular exanthema.

(d) Swine and swine products in transit between points in non-quarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.32 Movement of swine and swine products through a quarantined area.

Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Division and have been cleaned and disinfected before such use in a manner approved by the Division and under the supervision of a person authorized for the purpose by the Division.

§ 76.33 Movement of swine and swine products which have been exposed to or affected with vesicular exanthema.

Swine which have been exposed to or have been affected with vesicular exanthema, and swine products derived from such swine, moved interstate to an establishment for slaughter and special processing, or for special processing, as the case may be, shall be moved under division seals or accompanied by a representative of the Division or a person specifically authorized for the purpose by the Director of Division.

§ 76.34 Special processing of swine products.

All swine products required under the regulations in this subpart to be specially processed shall be heated throughout according to the following schedules:

(a) Boneless swine products shall be heated to an internal temperature of at least 156° F. momentarily, or to an internal temperature of at least 145° F. for 15 minutes.

(b) Swine products containing bone shall be heated to an internal temperature of at least 156° F. for 15 minutes.

§ 76.35 Cleaning and disinfecting vehicles and facilities.

(a) Railroad cars, boats, trucks, and other vehicles, and their equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering and resting swine, which are used in connection with the interstate movement of swine shall be kept clean.

(b) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section.

(d) The cleaning and disinfecting required by this section shall be done without expense to the Division.

(e) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with one of the disinfectants prescribed in § 76.37. The following prescribed method of cleaning and disinfecting of other facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.37.

§ 76.36 Cleaning and disinfecting public stockyards.

(a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard, or portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fences, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.37.

§ 76.37 Disinfectants to be used.

The disinfections required under the regulations in this subpart shall be performed with one of the following:

(a) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.

(b) Sal soda used at the rate of 13½ ounces to one gallon of water.

(c) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

PART 77—TUBERCULOSIS IN CATTLE

TO PREVENT THE SPREAD OF TUBERCULOSIS IN CATTLE

Sec.

77.1 Interstate movement permitted on compliance conditions and requirements.

MODIFIED ACCREDITED AREAS

77.2 Interstate movement of certain classes of cattle permitted on compliance conditions.

77.3 What constitutes a modified accredited area.

77.3a Modified accredited areas.

NON-MODIFIED ACCREDITED AREAS

77.4 Interstate shipments from non-modified accredited areas prohibited.

77.5 What constitutes non-modified accredited area.

- Sec.
 77.6 Conditions under which interstate shipments from non-modified accredited areas permitted.
 77.7 Interstate shipments from non-modified accredited areas; when permitted.

SHIPMENTS OF TUBERCULOUS CATTLE FOR
SLAUGHTER

- 77.8 Interstate shipments of tuberculous cattle for slaughter; when permitted.

AUTHORITY: §§ 77.1 to 77.8 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, 41 Stat. 699; 21 U. S. C. 111-113, 116, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

TO PREVENT THE SPREAD OF TUBERCULOSIS
IN CATTLE

§ 77.1 Interstate movement permitted
on compliance conditions and re-
quirements.

Subject to the provisions of § 71.3 of this subchapter, cattle of the classes described in §§ 77.2-77.8, may be shipped, driven on foot, transported, and received for the transportation interstate, upon compliance with the conditions and requirements set forth respectively in said §§ 77.2-77.8.

MODIFIED ACCREDITED AREAS

§ 77.2 Interstate movements of certain
classes of cattle permitted on com-
pliance conditions.

Shipments from modified accredited areas.¹ Cattle of the following classes originating in a modified accredited area may be moved interstate, provided the following requirements are strictly complied with, to wit:

(a) *Cattle for dairy and breeding purposes.* Cattle for dairy and breeding purposes when accompanied by a certificate² issued by an authorized State or Federal inspector or by a veterinarian approved by the Division and State, showing the cattle to have originated in such modified accredited area.

(b) *Cattle under State quarantine.* Cattle in herds under State quarantine and those in previously infected herds that have not passed two negative tests applied at 60-day intervals shall be moved interstate in accordance with the provisions of §§ 77.4-77.7.

(c) *Shipments to public stockyards.* Cattle when consigned to a public stockyard.

§ 77.3 What constitutes a modified ac-
credited area.

A modified accredited area is a State or portion thereof, as listed in § 77.3a by

¹ The regulations of the State of destination should be consulted before shipments are made from modified accredited areas.

² There shall be recorded on the face of this certificate the number of cattle, breed, sex, and approximate age of the animals presented for shipment, date and place of issuance, destination, and name or names of the consignee and consignor. One copy of the certificate shall accompany the shipment, one copy shall be mailed to the livestock sanitary official of the State from which the shipment is made, one copy shall be mailed to the livestock sanitary official of the State of destination, and one copy mailed to the Animal Disease Eradication Division, Washington 25, D. C.

the Director of the Animal Disease Eradication Division, ARS, in which said Director has determined that the percentage of cattle affected with tuberculosis does not exceed one-half of one percent and which he has determined maintains the status of a modified accredited area in accordance with provisions of the Uniform Methods and Rules for the Establishment and Maintenance of Tuberculosis-Free Accredited Herds of Cattle and Modified Accredited Areas, which are approved by said Animal Disease Eradication Division: *Provided*, That until July 1, 1960, any State or portion thereof which has qualified under such Methods and Rules as a modified accredited area shall not be deemed for purposes of this part to lose such status by failure to obtain reaccreditation when due under such Methods and Rules, if officials of such State or portion thereof are taking action satisfactory to the Director of said Division to achieve such reaccreditation: *And provided further*, That on and after July 1, 1960, any State or portion thereof which has not qualified for reaccreditation when due, shall lose its modified accredited area status unless officials of such State or portion thereof have taken and are continuing to take action satisfactory to the Director of said Division to achieve such reaccreditation, in which case such additional time not to exceed one year from the date reaccreditation was due, as the Director deems necessary, will be allowed for such area to obtain reaccreditation and during such time the area will retain its status as a modified accredited area if it otherwise qualifies for it under this section. Copies of such Uniform Methods and Rules may be obtained from the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., or from the Federal inspectors or State inspectors performing functions under the provisions of this part.

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all States and Territories of the United States other than the State of Hawaii.

NON-MODIFIED ACCREDITED AREAS

§ 77.4 Interstate shipments from non-
modified accredited areas prohibited.

No cattle originating in a non-modified accredited area³ shall be shipped, driven on foot, transported, or received for transportation interstate except as provided in §§ 77.7, 77.8, unless and until such cattle have been subjected to a physical examination and tuberculin test, applied as directed in § 77.6, and a tuberculin-test chart and health certificate, showing them to be apparently free from tuberculosis and any other contagious, infectious, or communicable disease of animals, has been issued and the requirements of § 71.16 of this subchapter are fully complied with.

³ See § 77.5.

§ 77.5 What constitutes non-modified
accredited area.

A non-modified accredited area is one which has not met the requirements for a modified accredited area.

§ 77.6 Conditions under which inter-
state shipments from non-modified
accredited areas permitted.

The physical examination, tuberculin test, and health certificate and tuberculin-test chart required by § 77.4 shall be made, applied, and issued within 30 days prior to the shipping, driving on foot, transporting, or receiving for transportation, either by a veterinarian of the State of origin who shall have been authorized by such State and approved by the Division to apply the test, make the examination, and issue the certificate and test chart, or by a veterinarian employed by the Division at a public stockyard or other regular Division station: *Provided, however*, That if any animals in a lot of cattle tuberculin tested react, the remainder of the lot shall not be shipped interstate, except for immediate slaughter, without a proper retest: *And provided further*, That all cattle not identified by registration name and number shall be identified by a metal ear tag.

§ 77.7 Interstate shipments from non-
modified accredited areas; when per-
mitted.

Cattle of the classes described in paragraphs (a), (b), and (c), originating in non-modified accredited areas, may be shipped, driven on foot, transported, and received for transportation interstate, without compliance with the provisions of §§ 77.4-77.6.

(a) *Accredited herds.* Cattle from a herd accredited by the Division, in cooperation with the various States, as free from tuberculosis when accompanied by a certificate issued by an authorized State or Federal inspector or by a veterinarian approved by the Division and State, showing the cattle to be from such a herd.

(b) *Slaughter cattle.* Cattle for immediate slaughter when consigned to a place where Division or State meat inspection is maintained or to a place designated by the proper State livestock sanitary official of the State of destination.

(c) *Shipments to public stockyards.* Cattle when consigned to a public stockyard that has pens placarded "Cattle

⁴ When the cattle are tested by a veterinarian other than a Division inspector the original and one copy of the tuberculin-test chart and health certificate shall be sent to the livestock sanitary official of the State from which the cattle are to be shipped or moved for approval by him (except when the test is applied at a public stockyard where Federal inspection is maintained the inspector in charge may approve the certificate), whereupon the original copy shall be forwarded to the Division, one copy of the test chart and health certificate shall be sent to the proper livestock sanitary official of the State of destination in ample time to reach him before the arrival of the cattle at destination, and one copy of the test chart and health certificate shall accompany the cattle to destination.

from non-modified accredited area" set aside for the reception of such cattle.

SHIPMENT OF TUBERCULOUS CATTLE FOR SLAUGHTER

§ 77.8 Interstate shipments of tuberculous cattle for slaughter; when permitted.

Cattle which have reacted to the tuberculin test may be shipped, transported, received for transportation, or otherwise moved interstate for immediate slaughter to an establishment or public stockyard where Federal inspection is maintained under the provisions of the act of March 4, 1907 (34 Stat. 1260), upon compliance with the following conditions:

(a) The cattle shall be marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted" or a similar State reactor tag.

(b) The cattle shall be accompanied to destination by a certificate issued by a Division inspector or a regularly employed State inspector engaged in co-operative tuberculosis-eradication work, showing (1) that the cattle have reacted to the tuberculin test, (2) that they may be moved interstate and (3) the purpose for which they are moved.

(c) The cattle so moved shall be slaughtered under Federal inspection.

(d) The transportation companies shall plainly write or stamp upon the face of each of the waybills, conductors' manifests, and memoranda pertaining to such shipments the words "Tuberculous Cattle" and a statement to the effect that the car, or compartment of the boat in which the cattle have been transported is to be cleaned and disinfected.

(e) The car or the compartment of the boat in which tuberculous cattle have been transported interstate shall be cleaned and disinfected under Division supervision by the final carrier at destination in accordance with §§ 71.4-71.12 of this subchapter.

(f) The cattle shall not be shipped or transported in cars or in compartments of boats containing healthy cattle or hogs unless all the animals are for immediate slaughter or unless the tuberculous cattle are separated from the other animals by a partition which shall be securely affixed to the walls of the car or boat.

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart A—General Provisions

- Sec. 78.1 Definitions.
- 78.2 Notice relating to existence of brucellosis.
- 78.3 Certificates pertaining to movement of animals.

Subpart B—Domestic Animals Affected With Brucellosis

- 78.4 General restriction.
- 78.5 Movement of brucellosis reactors.
- 78.6 Reshipment of purebred brucellosis reactors.
- 78.7 Marking of records.
- 78.8 Cleaning and disinfecting vehicles.
- 78.9 Segregation of brucellosis reactors en route interstate.

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Subpart C—Restrictions on Movement of Cattle Because of Brucellosis

- Sec. 78.10 General restriction.
- 78.11 Movement of brucellosis reactor cattle.
- 78.12 Movement of cattle not known to be affected with brucellosis.

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

- 78.13 Modified certified brucellosis area.
- 78.14 Public stockyards and specifically approved stockyards.
- 78.15 Slaughtering establishments.
- 78.16 Director of Division may designate areas and approve stockyards and slaughtering establishments.

AUTHORITY: §§ 78.1 to 78.16 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U. S. C. 111-113, 114a-1, 120, 121, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

CROSS REFERENCE: For regulations governing paratuberculosis in domestic animals, see Part 80 of this chapter.

Subpart A—General Provisions

§ 78.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Brucellosis*. The infectious and communicable disease of domestic animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

(b) *Division*. The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division*. The Director of the Division, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *State*. Any State, Territory, or the District of Columbia.

(e) *Interstate*. From one State to any other State.

(f) *Person*. Any person, company, or corporation.

(g) *Moved*. Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(h) *Certified brucellosis-free herd*. A herd of cattle officially declared by the Division and a State as free from brucellosis and such declaration being evidenced by a currently effective certificate issued jointly by the Division and such State.

(i) *Modified certified brucellosis area*. A State, or a political subdivision or portion thereof, in which the percentage of cattle affected with brucellosis has been determined by the Agricultural Research Service, United States Department of Agriculture, not to exceed one percent and the percentage of herds in which brucellosis is present has been determined by such Service not to exceed five percent, and which maintains that status in accordance with provisions of the "Uniform Methods and Rules for the Establishment and Maintenance of Certified Brucellosis-free Herds of Cattle and Modified Certified Areas", which are adopted by the United States Livestock Sanitary Association, and approved by

the Division. Copies of such Uniform Methods and Rules are available at the Washington, D. C., office of the Division (Such areas are specified in § 78.13.)

(j) *Official vaccinate*. A bovine animal vaccinated against brucellosis while from 4 through 8 months of age, on or before June 30, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, on or before June 30, 1957, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; or a bovine animal vaccinated against brucellosis while from 4 through 8 months of age, subcutaneously, on or after July 1, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, subcutaneously, on or after July 1, 1957, under the supervision of a Federal or State veterinary official, with 5 cc. of a vaccine approved by the Division; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis.

(k) *Public stockyard*. A stockyard designated in § 78.14 (a) where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(l) *Federal inspector*. An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(m) *State inspector*. An inspector regularly employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved.

(n) *Accredited veterinarian*. A veterinarian approved by the United States Department of Agriculture to perform the function involved.

(o) *Specifically approved stockyard*. A stockyard specifically approved for the purposes of the regulations in this part in accordance with § 78.16(b).

§ 78.2 Notice relating to existence of brucellosis.

On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of brucellosis exists in domestic animals in each State of the Continental United States and in Puerto Rico, Alaska, and Hawaii (17 F.R. 5260).

§ 78.3 Certificates pertaining to movement of animals.

(a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such bill-

ing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

(c) The person issuing a certificate required for the interstate movement of cattle under paragraphs (d) or (e) of § 78.12 shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the cattle.

Subpart B—Domestic Animals Affected With Brucellosis

§ 78.4 General restriction.

Domestic animals affected with brucellosis may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.5 Movement of brucellosis reactors.

Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71 et seq.), or a slaughtering establishment specifically approved for the purpose in accordance with § 78.16 (b), or to a public stockyard or specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which reacted to such a test shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or "U. S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 78.3, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 78.6 Reshipment of purebred brucellosis reactors.

Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized

by the Secretary of Agriculture for brucellosis, may be reshipped interstate under this subpart for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 78.5 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 78.5 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.5.

§ 78.7 Marking of records.

Each transportation agency moving brucellosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Brucellosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 78.8 Cleaning and disinfecting vehicles.

(a) Each railroad car, boat, truck, or other vehicle, in which brucellosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however*, That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian: *And provided, further*, That if such supervision or proper cleaning and disinfecting facilities are not available at the point where the animals are unloaded, upon permission first received from the Division, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Each railroad car, boat, truck, or other vehicle, from which brucellosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however*, That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, upon permission

first secured from the Division, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

§ 78.9 Segregation of brucellosis reactors en route interstate.

Brucellosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to brucellosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

Subpart C—Restrictions on Movement of Cattle Because of Brucellosis

§ 78.10 General restriction.

Cattle may not be moved interstate except as provided in the regulations in this subpart.

§ 78.11 Movement of brucellosis reactor cattle.

Cattle which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate in accordance with the regulations in Subpart B of this part.

§ 78.12 Movement of cattle not known to be affected with brucellosis.¹

(a) *Movement of steers, spayed heifers, and calves under 8 months of age.* Steers and spayed heifers and calves under 8 months of age, not known to be affected with brucellosis, may be moved interstate without restriction under this subpart.

(b) *Movement of cattle for immediate slaughter.* Cattle, not known to be affected with brucellosis, may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or a slaughtering establishment specifically approved for the purpose in accordance with § 78.16(b) or to a public stockyard or specifically approved stockyard for sale to such a slaughtering establishment, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper.

(c) *Movement of cattle to public stockyards or specifically approved stockyards.*

Cattle, not known to be affected with brucellosis, may be moved interstate direct to a public stockyard or specifically approved stockyard without compliance with the other provisions of this section except the provisions of paragraph (f) of this section, if accompanied by

¹ In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper: *Provided, however,* That the movement of said cattle from such stockyard to another destination must comply with the provisions of this part the same as if the cattle had been originally consigned direct from the point of origin to such destination.

(d) *Movement of cattle into areas not certified as modified certified brucellosis areas.*

Cattle of the following classes, from herds not known to be affected with brucellosis, may be moved interstate under this subpart, except into the modified certified brucellosis areas specified in § 78.13, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag number, tattoo, or registration number of each animal or other proper identification, and showing the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis areas specified in § 78.13;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement;

(4) [Reserved]

(5) Cattle which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative; and

(6) Bulls and female cattle of the beef type moved interstate, only for feeding or grazing purposes or for sale for such purposes, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

(e) *Movement of cattle into modified certified brucellosis areas.* Cattle of the following classes, from herds not known to be affected with brucellosis, may be moved interstate under this subpart into the modified certified brucellosis areas specified in § 78.13, if the provisions of paragraph (f) of this section are complied with and such cattle are accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag, tattoo, or registration number of each animal or other proper identification, and the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis areas specified in § 78.13;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement, and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination;

(4) [Reserved]

(5) Cattle which have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official within 30 days prior to the date of movement interstate and found negative, and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination to be maintained in quarantine in such State separate from other cattle until they are negative to another such test administered not less than 30 days nor more than 90 days after the date of the interstate movement or until their death by slaughter or from natural causes;

(6) Cattle from herds, under Federal-State supervision for the control of brucellosis, in which all animals, required to be tested, over eight months of age, except official vaccinates under thirty months of age, have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 90 days prior to the date of movement interstate and found negative; the individual animals to be moved interstate having been subjected to another such test at least 30 days from the date of the previous herd test and within 30 days prior to the date of movement interstate and found negative; and

(7) Bulls and female cattle of the beef type moved interstate, only for feeding or grazing purposes or for sale for such purposes, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

(f) *Handling of cattle in transit to modified certified brucellosis areas.* Cattle, not known to be affected with brucellosis, except those moved under paragraphs (a), (b), or (e) (7) of this section, shall be moved interstate into any modified certified brucellosis area only in clean vehicles and, if unloaded in the course of such movement, shall be handled only in clean pens at public stockyards or specifically approved stockyards, or in clean pens at feed, water, and rest stations.

(g) *Other movements.* The Director of Division may provide for the movement, not otherwise provided for in this section, of cattle, not known to have reacted to a test for brucellosis, under such conditions as he may prescribe to prevent the spread of brucellosis. The Director of Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

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

§ 78.13 Modified certified brucellosis areas.

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

Alabama: Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Etowah, Geneva, Henry, Houston, Jackson, Lee, Madison, Marshall, Morgan, and Randolph Counties;

Arizona: The entire State;

Arkansas: Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Randolph, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties;

Colorado: Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut: The entire State;

Delaware: The entire State;

Florida: Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia: The entire State;

Idaho: The entire State;

Illinois: Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, St. Clair, Shelby, Stephenson, Tazewell, Union, Vermillion, Wabash, Washington, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana: The entire State;

Iowa: Audubon, Delaware, Dickinson, Emmet, Fayette, Lyon, Mitchell, Monona, Pockahontas, Sac, and Warren Counties;

Kansas: Cheyenne, Decatur, Franklin, Geary, Jefferson, Johnson, Nemaha, Osborne, Rawlins, Reno, Sheridan, Sherman, Smith, Thomas, Wallace, and Wyandotte Counties;

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Kentucky: Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckenridge, Butler, Calloway, Campbell, Carlisle, Carter, Edmonson, Elliott, Floyd, Franklin, Fulton, Gallatin, Graves, Greenup, Harrison, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Larue, Lawrence, Lincoln, Logan, McCracken, McLean, Marshall, Martin, Meade, Mercer, Metcalf, Morgan, Muhlenberg, Oldham, Owen, Perry, Pendleton, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Webster, Whitley, and Wolfe Counties;

Louisiana: Assumption, Claiborne, Franklin, St. John the Baptist, St. Landry, and Webster Parishes;

Maine: The entire State;

Maryland: The entire State;

Massachusetts: The entire State;

Michigan: The entire State;

Minnesota: The entire State;

Mississippi: Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri: Adair, Andrew, Barry, Bates, Bollinger, Boone, Buchanan, Butler, Caldwell, Cape Girardeau, Carroll, Carter, Cass, Chariton, Christian, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Iron, Jackson, Jasper, Jefferson, Johnson, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Maries, Marion, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Shelby, Stoddard, Stone, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska: Adams, Banner, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, 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: Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mount-rail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio: Allen, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Logan, Lorain, Lucas, Mahoning, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morrow, Morgan, Muskingum, Noble, Ottawa, Paulding, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma: Adair, Delaware, and Mayes Counties;

Oregon: The entire State;

Pennsylvania: The entire State;

Rhode Island: The entire State;

South Carolina: Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Georgetown, Greenwood, Hampton, Horry, Jasper, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Sumter, Union, and York Counties;

South Dakota: Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmonds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee: The entire State;

Texas: Andrews, Bandera, Blanco, Borden, Brewster, Burnet, Coke, Coleman, Crockett, Crane, Culberson, Dallam, Ector, Gillespie, Glasscock, Hartley, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, Lampasas, Llano, Loving, Mason, McCulloch, Menard, Midland, Mitchell, Motley, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Shackelford, Scurry, Sterling, Stonewall, Sutton, Terrell, Throckmorton, Tom Green, Upton, Ward, Winkler, and Young Counties;

Utah: The entire State;

Vermont: The entire State;

Virginia: Accomack, Appomattox, Alleghany, Amelia, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Giles, Gloucester, Greene, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

Washington: The entire State;

West Virginia: The entire State;

Wisconsin: The entire State;

Wyoming: Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties, and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

Puerto Rico: The entire area;

Virgin Islands of the United States: The entire area.

municable diseases at the following stockyards:

Name of Stockyard and Location

ALABAMA

Bowman Stockyards—Montgomery.

ARIZONA

Cornelius Livestock Co.—Phoenix.
Tovrea Stock Yards—Tovrea.

ARKANSAS

Akansas National Stockyards—Little Rock.
Producers Stockyards, Inc.—North Little Rock.

COLORADO

Union Stock Yards—Denver.

IDAHO

Boise Valley Livestock Commission Co.—Caldwell.
Idaho Livestock Auction, Inc.—Idaho Falls.
Southern Idaho Stockyards Co.—Twin Falls.

ILLINOIS

Union Stock Yards—Chicago.
St. Louis National Stock Yards—National Stock Yards.

INDIANA

Evansville Union Stock Yards—Evansville.
Indianapolis Stockyards Company, Inc.—Indianapolis.
Muncie National Stockyards—Muncie, Ind.

IOWA

Sioux City Stock Yards—Sioux City.

KANSAS

Parsons Stockyards Co.—Parsons.
Wichita Union Stock Yards—Wichita.

KENTUCKY

Bourbon Stockyards—Louisville.

MARYLAND

Baltimore Livestock Auction, Inc.—West Friendship.
Union Stock Yards—Baltimore.

MICHIGAN

Detroit Stock Yards—Detroit.

MINNESOTA

St. Paul Union Stock Yards—South St. Paul.

MISSOURI

Joplin Stockyards—Joplin.
Kansas City Stock Yards—Kansas City.
Mississippi Valley Stock Yards—St. Louis.
St. Joseph Stock Yards—South St. Joseph.
Union Stock Yards Co.—Springfield.

MONTANA

Billings Public Stock Yards—Billings.

NEBRASKA

Union Stock Yards—Omaha.

NEW JERSEY

Jersey City Stock Yards—Jersey City.

NEW MEXICO

Clovis Cattle Commission Co.—Clovis.
Ranchers & Farmers Livestock Sales Co.—Clovis.

NEW YORK

Niagara Frontier Stockyards, Inc.—Buffalo.

NORTH DAKOTA

Union Stock Yards—West Fargo.

OHIO

Cincinnati Union Stock Yards—Cincinnati.
Union Stock Yards—Cleveland.

§ 78.14 Public stockyards and specifically approved stockyards.

(a) Federal inspection is maintained for the inspection of livestock for com-

OKLAHOMA

Oklahoma National Stock Yards—Oklahoma City.
Tulsa Stockyards, Inc.—Tulsa.
Fort Smith Stockyards Co.—West Fort Smith.

OREGON

Portland Union Stock Yards—North Portland.
Ontario Livestock Commission Co.—Ontario.

PENNSYLVANIA

Union Stockyards—Lancaster.
Pittsburgh Joint Stockyards—Pittsburgh.

SOUTH DAKOTA

Sioux Falls Stock Yards—Sioux Falls.

TENNESSEE

Union Stockyards—Nashville.
Dixie National Stock Yards—Memphis.
South Memphis Stock Yards—Memphis.

TEXAS

Ft. Worth Stock Yards—Ft. Worth.
Port City Stock Yards—Houston.
Union Stock Yards—San Antonio.
Texarkana Stockyards, Inc.—Texarkana.

UTAH

Salt Lake Union Stock Yards—North Salt Lake.
Ogden Union Stock Yards—Ogden.

VIRGINIA

Richmond Union Stock Yards—Richmond.

WASHINGTON

Old Union Stockyards—Spokane.

WISCONSIN

Milwaukee Stock Yards—Milwaukee.

(b) Notices containing lists of stockyards specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis are published in the *FEDERAL REGISTER*. Information with respect to these stockyards may also be obtained from this Division and from the Federal Inspectors and State Inspectors.

§ 78.15 Slaughtering establishments.

(a) Information with respect to the slaughtering establishments operating under the provisions of the Meat Inspection Act of March 4, 1907, may be obtained from the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., and from the Federal Inspectors and State Inspectors.

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis are published in the *FEDERAL REGISTER*. Information with respect to these slaughtering establishments may also be obtained from this Division and from the Federal Inspectors and State Inspectors.

§ 78.16 Director of Division may designate areas and approve stockyards and slaughtering establishments.

(a) The Director of Division is hereby authorized to amend § 78.13 to designate additional States, or political subdivi-

sions or portions thereof, as modified certified brucellosis areas when he determines that the areas come within the definition in § 78.1(i), and to delete any such area from the list of modified certified brucellosis areas when he determines that the area no longer comes within such definition.

(b) The Director of Division is hereby authorized to amend § 78.14 to add the names of additional stockyards at which Federal inspection is maintained for the inspection of livestock for communicable diseases and to delete the name of any stockyard at which such Federal inspection is no longer maintained. He is further authorized to specifically approve stockyards and slaughtering establishments for the purposes of the regulations in this part, and promulgate notices listing such stockyards and slaughtering establishments in accordance with §§ 78.14(b) and 78.15(b), when he determines that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations; and to remove from said lists the name of any stockyard or slaughtering establishment when he finds that the inspection or handling of livestock or carcasses or products thereof at such stockyard or establishment is no longer adequate to effectuate the purposes of such regulations.

PART 79—SCRAPIE IN SHEEP

Sec.

79.1 Definitions.

79.3 General restriction.

79.4 Movement of sheep from and through a quarantined area.

79.5 Disinfection of facilities.

AUTHORITY: §§ 79.1 to 79.5 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 79.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Division*. The term "Division" means the Animal Disease Eradication Division of the United States Department of Agriculture.

(b) *Director of the Division*. The term "Director of the Division" means the Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Division inspector*. The term "Division inspector" means an inspector of the Division.

(d) *Person*. The term "person" means any person, company or corporation.

(e) *Moved*. The term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Interstate*. The term "interstate" means from one State, Territory, or the District of Columbia, into or through any

other State, Territory, or the District of Columbia.

§ 79.3 General restriction.

No sheep shall be moved interstate from or through any quarantined area except as provided in the regulations in this part.

§ 79.4 Movement of sheep from and through a quarantined area.

(a) Sheep that have been directly exposed to scrapie may be moved interstate for immediate slaughter from any quarantined area under conditions prescribed in advance by a Division inspector in each instance, to an establishment approved for that purpose by the Director of the Division, if such sheep are not infected with scrapie at the time of such movement.

(b) Sheep of flocks in a quarantined area which upon inspection are found not to show evidence of being infected with scrapie, and insofar as can be determined have not been exposed thereto, may be moved interstate for any purpose. Such inspection shall be made by a Division inspector and sheep so moved shall be accompanied by a certificate from such inspector showing that the sheep are free from scrapie and other contagious or communicable diseases and insofar as can be determined such sheep have not been exposed to scrapie or other contagious or communicable diseases.

(c) The Director of the Division may authorize the movement of sheep not infected with scrapie which is not otherwise authorized by this section under such conditions as he may prescribe to prevent the spread of scrapie.

(d) Sheep may be moved in direct transit between points outside the quarantined area through any such quarantined area without restriction under this part.

§ 79.5 Disinfection of facilities.

Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting sheep, which are used in connection with the interstate movement of sheep from a quarantined area shall be thoroughly cleaned and disinfected immediately after each such use. Sodium hydroxide (lye) at the rate of 13 ounces to 5 gallons of water, or sodium carbonate (soda ash) at the rate of 1 pound to 3 gallons of water, or sal soda at the rate of 13½ ounces to 1 gallon of water, shall be used in such disinfection.

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

Sec.

80.1 Definitions.

80.2 Notice relating to existence of paratuberculosis.

80.3 General restriction.

80.4 Movement of paratuberculosis reactors.

80.5 Reshipment of purebred paratuberculosis reactors.

80.6 Marking of records.

80.7 Cleaning and disinfecting vehicles.

80.8 Segregation of paratuberculosis reactors en route interstate.

80.9 Certificates pertaining to movement of animals.

AUTHORITY: §§ 80.1 to 80.9 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U. S. C. 111-113, 114a-1, 120, 121, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 80.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Paratuberculosis.* The infectious and communicable disease of domestic animals commonly known as Johne's disease and paratuberculosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Public stockyard.* A stockyard designated in § 78.14 (a) of this subchapter where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases; or a stockyard specifically approved under § 78.14 (b) of this subchapter.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 80.2 Notice relating to existence of paratuberculosis.

On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of paratuberculosis exists in domestic animals in Puerto Rico and in each State of the Continental United States except Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming (17 F.R. 5260).

§ 80.3 General restrictions.

Domestic animals affected with paratuberculosis may not be moved interstate except in compliance with the regulations in this part.

§ 80.4 Movement of paratuberculosis reactors.

Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis may be moved interstate under this part for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et. seq.), or a slaughtering establishment specifically approved un-

der § 78.15 (b) of this subchapter, or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "T" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or "U. S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 80.9, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for paratuberculosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are moved.

§ 80.5 Reshipment of purebred paratuberculosis reactors.

Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis, may be reshipped interstate under this part for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 80.4 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 80.4 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 80.4.

§ 80.6 Marking of records.

Each transportation agency moving paratuberculosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Paratuberculosis Reactors" and a statement to the effect that the railroad car, boat, truck or vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 80.7 Cleaning and disinfecting vehicles.

(a) Each railroad car, boat, truck, or other vehicle, in which paratuberculosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the animals are unloaded, upon permission first secured from the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Each railroad car, boat, truck, or other vehicle, from which paratuberculosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfection facilities are not available at such point of transfer, upon having first secured permission from the Animal Disease Eradication Division, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

§ 80.8 Segregation of paratuberculosis reactors en route interstate.

Paratuberculosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to paratuberculosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

§ 80.9 Certificates pertaining to movement of animals.

(a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection

with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

PART 81—EUROPEAN FOWL PEST AND SIMILAR POULTRY DISEASES

Sec.

- 81.1 Interstate transportation of affected or exposed live poultry or materials prohibited.
- 81.2 Infected cars, premises, containers, and other accessories; not to be used for interstate movement of healthy animals until cleaned and disinfected.

AUTHORITY: §§ 81.1 and 81.2 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 81.1 Interstate transportation of affected or exposed live poultry or materials prohibited.

No live chickens, turkeys, or geese affected with or directly exposed to the contagious disease known as European fowl pest or other similar contagious poultry disease, and no carcasses of such animals which have died from any such disease, or manure or litter from such diseased animals, shall be shipped, transported, or moved from one State or the District of Columbia into another State or the District of Columbia.

§ 81.2 Infected cars, premises, containers, and other accessories; not to be used for interstate movement of healthy animals until cleaned and disinfected.

No cars or premises which have contained shipments of any of the animals named in this part which have been found infected with European fowl pest or other similar contagious poultry disease, and no coops, containers, troughs, or other accessories used in the handling of such infected animals, shall be used in connection with the interstate movement of healthy animals of the same kind until the said cars, premises, coops, containers, troughs, or other accessories have been cleaned and disinfected under the supervision of the Animal Disease Eradication Division of the United States Department of Agriculture with a permitted disinfectant, as provided in §§ 71.4-71.11 of this subchapter, or with a 3 percent solution cresol compound, U.S.P.

PART 82—PSITTACOSIS OR ORNITHOSIS IN POULTRY

Sec.

- 82.1 Definitions.
- 82.2 General restrictions.
- 82.3 Cleaning and disinfecting vehicles, premises, and accessories.

AUTHORITY: §§ 82.1 to 82.3 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended;

21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 82.1 Definitions.

As used in connection with this part, the following terms shall have the meaning set forth in this section.

(a) *Psittacosis or ornithosis.* The contagious, infectious, and communicable disease of poultry known as psittacosis or ornithosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, or the Agricultural Marketing Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian specifically approved by the United States Department of Agriculture to perform the function involved.

§ 82.2 General restrictions.

Poultry affected with psittacosis or ornithosis, and carcasses, parts and offal of such poultry, shall not be moved interstate for any purpose.

§ 82.3 Cleaning and disinfecting vehicles, premises, and accessories.

(a) Railroad cars, boats, trucks, and other vehicles, and yards and other premises, which have contained poultry affected with psittacosis or ornithosis shall be cleaned and disinfected in accordance with the provisions of §§ 71.4 through 71.11 of this subchapter: *Provided, however,* That such vehicles, and yards and other premises, may be cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such a vehicle may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Coops, containers, troughs, and other accessories used in the handling of an interstate movement of poultry affected with psittacosis or ornithosis shall be cleaned and disinfected as soon as possible thereafter and before such accessories are moved from the point of unloading. Such cleaning and disinfecting shall be done under the supervision of a Federal inspector, a State

inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter. If such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such an accessory may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(c) Coops, containers, troughs, and other accessories used in the handling of an intrastate movement of poultry affected with psittacosis or ornithosis shall not be moved interstate until such accessories have been cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter.

PART 83—SCREW WORMS

Sec.

- 83.1 Definitions.
- 83.2 Notice relating to existence of screw worms.
- 83.3 Notice of regulation.
- 83.4 Interstate movements of affected livestock.
- 83.5 Cleaning and treatment of means of conveyance, facilities and premises; litter and manure.
- 83.6 Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.
- 83.7 Interstate movement of livestock from certain areas of recurring infestation by railroad or water or air carrier.
- 83.8 Interstate movement of livestock from areas of seasonal infestation.
- 83.9 Certificates; forms and distribution.
- 83.10 Designation of inspection stations.
- 83.11 Approved treatments.
- 83.12 Exceptions.
- 83.12a Administrative instructions designating auxiliary inspection facilities.
- 83.13 Responsibility for handling livestock.
- 83.14 Applicability of general provisions in Part 71 of this chapter.
- 83.15 Interstate movement of dogs.

AUTHORITY: §§ 83.1 to 83.15 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 83.1 Definitions.

As used in this part the following terms shall have the meanings set forth in this section:

(a) *Screw worms.* The communicable disease (myiasis) of livestock caused by the presence of the screw worm, *Callitroga hominivorax*.

(b) *Livestock.* Cattle, sheep, swine, goats, horses, mules, burros, or other livestock.

(c) *Director.* The Director of the Animal Disease Eradication Division, Agricultural Research Service, of the United States Department of Agriculture, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Federal inspector.* An inspector of the Agricultural Research Service of the United States Department of Agriculture responsible for the function in-

volved or a State employee appointed by the Department as a collaborator to perform the function involved.

(e) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the functions involved.

(f) *Person.* Any person, company, or corporation.

(g) *State.* Any State, the District of Columbia, or Puerto Rico.

(h) *Interstate.* From one State into or through any other State or Territory.

(i) *Area of recurring infestation.* The States designated as such in § 83.2 where screwworms usually exist throughout the year or where screwworms usually exist each year from May 1 through November 30.

(j) *Area of seasonal infestation.* The States designated as such in § 83.2 in which there is reason to believe screwworms may exist each year from May 1 through November 30.

(k) *Eradication area.* Alabama, Florida, Georgia, Mississippi, and South Carolina.

(l) [Reserved]

(m) [Reserved]

(n) [Reserved]

(o) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, via land, water, or air.

(p) *Permitted precautionary pesticide.* A permitted precautionary pesticide is any spray, dust, or other pesticide authorized for use under this part by the Director. Information concerning such a pesticide may be obtained from an inspector or the Division.

(q) *Approved treatment.* Any wound treatment listed in § 83.11 or otherwise permitted by the Director in specific cases for use under the regulations in this part.

(r) *Federally inspected slaughtering establishment.* Any establishment where slaughtering operations are conducted under Federal meat inspection pursuant to the Meat Inspection Act of March 4, 1907, as amended and extended (21 U. S. C. 71-96).

(s) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or political subdivision thereof, and who is authorized by such State or political subdivision thereof to perform the function involved.

(t) *Dogs.* Racing, hunting, and livestock working dogs.

§ 83.2 Notice relating to existence of screwworms.

Notice is hereby given that screwworms usually exist in Arizona, California, Louisiana, New Mexico, Texas, and Puerto Rico throughout the year and usually exist in Arkansas during the period May 1 through November 30, both inclusive, of each year, and said areas are hereby designated as areas of recurring infestation. Notice is also hereby given that there is reason to believe that screwworms may exist in all other States of the United States (except Alaska and Hawaii) during the period May 1 through November 30, both inclusive, of each year, and such States are hereby designated as areas of seasonal infestation.

§ 83.3 Notice of regulation.

Notice is hereby given that in order to effectually suppress and extirpate screwworms, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of livestock from areas of recurring infestation and areas of seasonal infestation.

§ 83.4 Interstate movements of affected livestock.

No livestock affected with, or carrying the contagion of, screwworms shall be moved interstate for any purpose.

§ 83.5 Cleaning and treatment of means of conveyance, facilities and premises; litter and manure.

(a) (1) Railroad cars, trucks, boats, aircraft, and other vehicles used in connection with the interstate movement of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after the livestock are unloaded at destination and at each point enroute where the livestock are transferred to another means of conveyance, if the carrier has been given notice from the United States Department of Agriculture or is otherwise on notice that the livestock are so affected or carry such contagion. Otherwise the boat, aircraft, or vehicle shall be so cleaned and treated immediately upon receipt of such notice and wherever it is then located, except that if the boat, aircraft, or vehicle is in transit at the time such notice is received such cleaning and treatment may be postponed until such means of conveyance arrives at its next destination, where it shall be immediately cleaned and treated in accordance with this paragraph. Compliance with this paragraph shall be the responsibility of the carrier having custody of the means of conveyance at the time that cleaning and treatment is required.

(2) Except as provided in subparagraph (1) of this paragraph, no person, knowing that a railroad car, truck, boat, aircraft, or other vehicle has contained any livestock affected with, or carrying the contagion of, screwworms shall move such boat, aircraft, or vehicle interstate for any purpose until it has been thoroughly cleaned and treated in accordance with this paragraph.

(3) Yards, pens, chutes, alleys, and other facilities and premises in the area of seasonal infestation or the eradication area which have been used in connection with interstate shipments of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after such use. Compliance with this requirement shall be the responsibility of the person in possession of such premises or facilities.

(4) All cleaning and treatment required by this paragraph shall be conducted under supervision of a Federal or State inspector, and shall be conducted in accordance with § 71.9 of this chapter

except that all litter and manure removed from any means of conveyance, facilities or premises shall be handled in such a manner as is required by the inspector to insure the destruction of screwworms (in any stage of the life cycle) that might be contained therein; and instead of a permitted disinfectant, dieldrin or heptachlor shall be used in accordance with directions given by the Federal or State inspector to carry out the purposes of this part; and it shall not be necessary to treat the surfaces of fencing or troughs. Aircraft shall be subject to the same requirements as are applicable to boats, and all other vehicles shall be subject to the same requirements as are applicable to cars under this paragraph and § 71.9 of this chapter.

(b) Whenever any livestock are inspected at an inspection station or other place under § 83.6 or § 83.7 (a), all straw and other litter in the railroad car, truck, boat, aircraft, or other vehicle, used in connection with the movement of the livestock to such station or other place shall be thoroughly saturated with a permitted precautionary pesticide as prescribed by a Federal Inspector and under his supervision. No person, knowing that a railroad car, truck, boat, aircraft, or other vehicle, is one in which such livestock were moved to such an inspection station or other place under this part, shall move such means of conveyance interstate until all litter therein has been treated as required by this paragraph.

§ 83.6 Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.

Except as authorized under § 83.12, no livestock shall be moved by road vehicle or on foot, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, or Texas, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless:

(a) Such livestock have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; then (except for livestock moving to public stockyards where Federal inspection is maintained at Memphis, Tennessee, as designated in § 78.14(a) of this chapter) have been thoroughly treated with a permitted precautionary pesticide under the supervision of the inspector at such inspection station; and have been certified by the inspector in accordance with § 83.9(a) and are accompanied to destination by such certificate.

(b) Such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter; have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such station; and the livestock have been certified by

the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or

(c) Such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such station; and the livestock have been certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

§ 83.7 Interstate movement of livestock from certain areas of recurring infestation by railroad or water or air carrier.

(a) Except as authorized under § 83.12, no livestock shall be moved by railroad, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, or Texas at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless:

(1) Such livestock have been unloaded at a feed-water-and-rest station at Baton Rouge, Louisiana, or a public stockyard, designated in § 78.14 of this chapter, at New Orleans, Louisiana, or Memphis, Tennessee, where in either case Federal inspection is made available, or are moved to such a station in Vicksburg, Mississippi, from Louisiana, by the shortest possible route; are inspected by a Federal inspector at such station or stockyard and found upon such inspection to be free of any evidence of screwworms; then (except for livestock moving to public stockyards where Federal inspection is maintained at Memphis, Tennessee, as designated in § 78.14(a) of this chapter) are thoroughly treated at such station or stockyard with a permitted precautionary pesticide under the supervision of the inspector; and are certified by the inspector in accordance with § 83.9(a) and are accompanied to destination by such certificate or

(2) Such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter; are moved to and unloaded and inspected at a feed-water-and-rest station or a public stockyard as provided in subparagraph (1) of this paragraph and found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock are given an approved treatment under the supervision of the inspector at such station or stockyard; and the livestock are certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or

(3) Such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; are moved to and unloaded and inspected at a feed-water-and-rest station or a public stockyard as provided in subparagraph (1) of this paragraph and found upon such

inspection to be free of any evidence of screwworms; any wounds of the livestock are given an approved treatment under the supervision of the inspector at such station or stockyard; and the livestock are certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

(b) [Reserved]

(c) Except as authorized under § 83.12, no livestock shall be moved by water or air carrier, interstate, into or through any part of the eradication area from Arizona, California, Louisiana, New Mexico, Texas, or Puerto Rico at any time, or from Arkansas during the period May 1 to November 30, both inclusive of any year, unless such livestock have been inspected by a Federal inspector or an accredited veterinarian within 36 hours prior to loading at the point of origin of the shipment; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector; and the livestock have been certified by the inspector in accordance with § 83.9 (d) and are accompanied to destination by such certificate.

§ 83.8 Interstate movement of livestock from areas of seasonal infestation.

(a) Except as provided in paragraph (b), (c), or (d) of this section or under § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad or water or air carrier, interstate, into or through any part of the eradication area from any of the areas of seasonal infestation outside the eradication area, during the period May 1 to November 30, both inclusive, of any year, unless such livestock have been inspected by a Federal or State inspector or an accredited veterinarian and found to be free of any evidence of screwworms within 36 hours prior to loading for such movement and have been certified by the inspector or veterinarian in accordance with § 83.9(d) and the certificate accompanies the livestock to destination.

(b) Except as provided in paragraphs (c) and (d) of this section, livestock originating in North Carolina or Tennessee may be moved interstate into Mississippi, Alabama, Georgia, or South Carolina from North Carolina or Tennessee during the period May 1 to November 30, both inclusive, of any year directly to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, for immediate slaughter, or to a federally inspected stockyard or a specifically approved stockyard listed in § 78.14 of this chapter, without inspection and certification as required by paragraph (a) of this section, if the livestock are accompanied to destination by a certificate signed by the consignor of the livestock stating: (1) The number, kind, breed, and sex of livestock covered by the certificate; (2) the destination of the livestock; (3) the purpose for which the livestock are moved interstate; (4) the point from which the livestock are moved interstate; (5) the names and addresses of the consignor and consignee; and that to the best

knowledge of the consignor such livestock bear no evidence of screwworms. The movement during said period from such stockyards to other destinations of such livestock must comply with the provisions of this part the same as if the livestock had been originally consigned direct from the point of origin to such destination except that any inspection and certification required shall be performed at such stockyards.

(c) Except as provided in paragraph (d) of this section or § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad, or otherwise, interstate, into or through any part of the eradication area from any public stockyard where Federal inspection is maintained at Memphis, Tennessee, as designated in § 78.14(a) of this chapter, during the period May 1 to November 30, both inclusive, unless: (1) Such livestock have been inspected by a Federal inspector at the stockyard; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated under the supervision of a Federal inspector with a permitted precautionary pesticide at the stockyard; and have been certified by the Federal inspector in accordance with § 83.9(a) and are accompanied to destination by such certificate, or (2) such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, have been inspected by a Federal inspector at such stockyard; have been found upon such inspection to be free of any evidence of screwworms; any wounds on the livestock have been given an approved treatment under the supervision of the inspector at such stockyard; and the livestock have been certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or (3) such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; have been inspected by a Federal inspector at the stockyard; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such stockyard; and the livestock have been certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

(d) Any livestock being moved interstate from any of the areas of seasonal infestation through any of the areas of recurring infestation, in transit into or through any part of the eradication area, shall be deemed to be moving from such area of recurring infestation when they depart from it and shall be subject to the requirements of § 83.6 or § 83.7, instead of this section, unless they are moved through such area of recurring infestation wholly via air carrier, in which case they shall be subject to the applicable requirements of paragraph (a), (b), or (c) of this section.

§ 83.9 Certificates; forms and distribution.

(a) When a lot of livestock has been inspected and found to be free of any

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evidence of screwworms and has been thoroughly treated with a permitted precautionary pesticide when required at an inspection station or other place in accordance with § 83.6(a), § 83.7(a) (1), § 83.8(c) (1), or § 83.12(a), the inspector may issue a certificate, in quadruplicate, reciting such facts, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(b) When a lot of livestock, to be moved under this part, for immediate slaughter, to a federally inspected slaughtering establishment or a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6 (b), § 83.7 (a) (2), § 83.8 (c) (2), or § 83.12 (a), the inspector may issue a certificate in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(c) When a lot of lactating cows or goats for dairy purposes or any livestock under two weeks of age has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6 (c), § 83.7 (a) (3), § 83.8 (c) (3), or § 83.12 (a), the inspector may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(d) When a lot of livestock, to be moved from an area of seasonal infestation or under § 83.8 (a), or by water or air carrier from an area of recurring infestation under § 83.7 (c), has been inspected by a Federal inspector or an accredited veterinarian and found to be free of any evidence of screwworms, in accordance with said sections, such inspector or veterinarian may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection, the names and addresses of the consignor and consignee, and the point of origin and destination of shipment. In the case of livestock moved under § 83.7 (c), the certificate shall also state that any wounds on the livestock have been given an approved treatment under the supervision of the inspector.

(e) The certificate forms may specify such other information as is required by the Director to carry out the purposes of this part.

(f) The original of each certificate provided for in this section shall be furnished to the applicant therefor and shall accompany the lot of livestock covered by it to destination. The official issuing the certificate should send a copy thereof to the State veterinarian and to the Federal veterinarian in charge of animal disease eradication activities in the State of destination and should also retain a copy in his own file until other disposal is authorized by the Director of the Animal Disease Eradication Division.

§ 83.10 Designation of inspection stations.

(a) The following places along the eastern boundaries of Arkansas and Louisiana, the Louisiana-Mississippi State line and the Arkansas-Tennessee State line, are designated as inspection stations under this part for livestock moving by road vehicle or on foot, interstate from Arizona, California, Louisiana, New Mexico, or Texas at any time or from Arkansas during the period May 1 through November 30, both inclusive, into or through any part of the eradication area:

(1) The premises of Flowers Pierini in Chicot County, Arkansas, on the south side of U. S. Highway 82, approximately $\frac{3}{4}$ mile west of the Mississippi River Bridge at Greenville.

(2) The premises of Claude H. Brady in Delta, Madison Parish, Louisiana, fronting on U. S. Highway 80 and Railroad Avenue.

(3) The premises of Lum Brothers Stockyards in front of Lum Brothers Auction Barn on U. S. Highway 65 $\frac{1}{4}$, approximately five miles west of Vidalia, Concordia Parish, Louisiana.

(4) The premises of Frank W. Bennett in Norwood, East Feliciana Parish, Louisiana, on the east side of State Highway 19, approximately two miles south of the Louisiana-Mississippi State line.

(5) The premises of David A. DeLee in East Feliciana Parish, Louisiana, on the east side of State Highway 67 on a high mound approximately $\frac{2}{10}$ mile south of the Louisiana-Mississippi State line.

(6) The premises of Louis Klotzbach in Tangipahoa Parish, Louisiana, on the east side of U. S. Highway 51, approximately 95 feet south of the Louisiana-Mississippi State line, 30 feet from the establishment known as Coulon's Package Liquor Store.

(7) The premises of Jasper J. Warner, Sr., in Warnerton, Washington Parish, Louisiana, on the east side of State Highway 25, approximately $\frac{7}{10}$ mile south of the Louisiana-Mississippi State line.

(8) The premises of Dr. John L. Pope near Bogalusa in Washington Parish, Louisiana, on the south side of State Highway 10, beginning approximately 180 feet west from the west end of the Pearl River Bridge.

(9) The premises of G. H. Williams and Jerry Stewart in the Eighth Ward of St. Tammany Parish, in Pearl River, Louisiana, on U. S. Highway 11, approximately 80 feet south of the establishment known as Stewart's Bar.

(10) The premises of Mrs. Lois Daws Bolian in St. Tammany Parish, Louisiana, on the southeast side of U. S. High-

way 90, near the Junction of U. S. Highways 90 and 190.

(11) The premises of the Gulf, Mobile, and Ohio Railroad Company in Angie, Washington Parish, Louisiana, bordering State Highway 21 on the west and the Gulf, Mobile and Northern Railroad on the east, approximately 150 feet south of a cotton gin.

(12) The premises of C. B. Hamilton in West Feliciana Parish, Louisiana, on the east side of U. S. Highway 61, approximately $\frac{1}{4}$ mile south of the Louisiana-Mississippi State line.

(13) The premises of James M. Goff and V. Barlow Goff located in Crittenden County, Arkansas, at a point where combined U. S. Highways 70 and 79 converge with combined U. S. Highways 61, 63, and 64, approximately 0.3 mile west of the Mississippi River levee and the Arkansas State Police Vehicle Weighing Station.

§ 83.11 Approved treatments.

The Department has authorized the application of "EQ 335" or "Smear 62" as an approved treatment for wounds of livestock under this part. Other wound treatments may be permitted by an inspector in accordance with Division policy.

§ 83.12 Exceptions.

(a) When the Director finds that any auction market is located within 8 air miles of any inspection station designated in § 83.10 and has adequate facilities for inspection, treatment, and certification of livestock in accordance with the requirements of this Part, and the operator of such stockyard has entered into an agreement with the State in which the stockyard is located, for its operation in accordance with specified safeguards, acceptable to the Director, to prevent the spread of screwworms, the Director shall issue administrative instructions designating such market as an inspection station, auxiliary to such inspection station, for purposes of this paragraph. *Provided*, That such animals are conspicuously identified, upon entering such auxiliary inspection facility, with paint marks or other appropriate means. If, after such animals are sold through the auction market, they are to be returned into the area of recurring infestation, then the owner or shipper, on the day of or the day following the sale, may return such animals into such area through the inspection station where the original permit had been issued without treatment with a permitted precautionary pesticide but under permit from the inspector, if the animals have been properly inspected for evidence of screwworms by the inspector at such auxiliary inspection facility, any wounds on the animals found upon such inspection have been given an approved treatment by the inspector, and such re-entry is made by the most direct route by which it is possible to reach the inspection station; otherwise such return shall be allowed only after treatment with a permitted precautionary pesticide and under a certificate in accordance with § 83.6. The permit allowing re-entry shall be surrendered to the inspector on duty at such inspection station. Thereafter, livestock arriving

at such inspection station under § 83.6 may, if the shipper so desires, be moved to such market on the day of, or preceding the day of, the sale at such market, under permit issued by the inspector at such station, for inspection, treatment, and certification under § 83.6 in lieu of inspection, treatment, and certification at such station.

(b) The requirements of §§ 83.6 and 83.7 for treatment with a permitted precautionary pesticide shall not apply to equines which are shown to be primarily used for exhibition purposes and the appearance of which clearly indicates daily grooming, but the inspection and certification requirements of said sections shall apply to such animals except as provided in this paragraph. If on inspection such animals are found to have any wounds, the wounds shall be given an approved treatment under the supervision of the inspector. Certificates issued under Section 83.9 for

such animals shall indicate that they have not been given the pesticide treatment but that any wounds have been given an approved treatment.

(c) The Director, in specific cases in which, in his opinion, no risk of spread of screwworms exists, may authorize the movement of livestock not known to be affected with, or to carry the contagion of, screwworms, and vehicles, boats, and aircraft, otherwise prohibited by this part, under such conditions as he may require to carry out the purposes of this part.

§ 83.12a Administrative instructions designating auxiliary inspection facilities.

In accordance with § 83.12, the Director has found that the auction markets listed below are within 8 air miles, respectively, of the inspection stations listed below and otherwise qualify for designation as auxiliary inspection facilities.

Inspection stations

1. The premises of Flowers Pierini in Chicot County, Ark., on the south side of U. S. Highway 82, approximately ¾ mile west of the Mississippi River Bridge at Greenville.
2. The premises of Claude H. Brady in Delta, Madison Parish, La., fronting on U. S. Highway 80 and Railroad Avenue.
3. The premises of Lum Brothers stockyards in front of Lum Brothers Auction Barn on U. S. Highway 65-84, approximately five miles west of Vidalia, Concordia Parish, La.

Auction markets

1. Tri-States Stockyard, Greenville, Miss.
2. Lum Brothers Auction Market, Vicksburg, Miss.
3. Lum Brothers Auction Market, Natchez, Miss.

Therefore, each such auction market is designated as an inspection facility, auxiliary to its respective inspection station for the purposes of § 83.12.

§ 83.13 Responsibility for handling livestock.

All unloading, reloading, and other handling of livestock at the inspection stations or other places for purposes of inspection, treatment, and certification under this part shall be the responsibility of the carrier transporting the animals to such place.

§ 83.14 Applicability of general provisions in Part 71 of this chapter.

The provisions in Part 71 of this chapter shall be applicable with respect to the movement of livestock and cleaning and treatment of means of conveyance, facilities and premises to prevent the dissemination of screwworms only insofar as they are not in conflict with the provisions in this part.

§ 83.15 Interstate movement of dogs.

The provisions of the regulations in this part shall be applicable to dogs with the exception of the requirements pertaining to treatment with a permitted precautionary spray and movements to and from public stockyards and specifically approved stockyards.

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Sec. 91.1 Definitions.

§ 91.1 Definitions.

Whenever in the regulations in this part the following words, names, or terms are used they shall be construed as follows:

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

(b) *Division.* The Animal Inspection and Quarantine Division of the Department.

(c) *Director of Division.* Director of the Division.

(d) *Inspector.* An inspector of the Division.

(e) *Animals.* Horses, cattle, sheep, swine, and goats.

(f) *Horses.* Horses, mules, and asses.

(g) *Roofing paper.* Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

(h) *Stanchion.* Post or other fixed upright support.

(i) *Official vaccinate.* A bovine animal vaccinated against brucellosis from four through eight months of age, or a bovine animal of a beef breed in a range or semi-range area, vaccinated against brucellosis from four to twelve months of age, under the supervision of a Federal or State veterinary official with a vaccine approved by the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis.

(j) *Accredited veterinarian.* A veterinarian approved by the Department to perform the function involved.

§ 91.2 Animals to be handled in compliance with regulations.

No animals covered by the regulations in this part shall be exported to a foreign country except in compliance with the provisions thereof.

§ 91.3 Ports of export.

(a) The following ports are hereby designated as ports of export. All animals shall be exported through said ports or through ports designated under paragraph (b) of this section.

(1) *Air and ocean ports.* Portland, Maine; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Miami, Jacksonville, Port Everglades, Tampa and St. Petersburg, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston and Houston, Texas; San Diego, Los Angeles and San Francisco, California; Portland, Oregon; Seattle and Tacoma, Washington.

(2) *Mexican border ports.* Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio and El Paso, Texas; Douglas, Naco and Nogales, Arizona; and Calexico and San Ysidro, California.

(3) *Canadian border ports.* All ports along the United States-Canada land border at which the Health of Animals Division of the Canadian Department of Agriculture maintains veterinary inspection service.

(b) In special cases other ports may be designated by the Director of Division

AUTHORITY: §§ 91.1 to 91.31 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 10, 26 Stat. 417, sec. 1, 26 Stat. 833, as amended; 21 U. S. C. 105, 112, 113, 120, 121; 46 U. S. C. 466a. Interpret or apply 34 Stat. 1263, 41 Stat. 241; 21 U. S. C. 80-82, 86, 96.

with the concurrence of the Bureau of Customs.

§ 91.4 Inspection, testing and certification at origin.

(a) All animals intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate of health issued by a Department veterinarian, a State veterinarian, or an accredited veterinarian, certifying that the animals were inspected in the State of origin and found to be free from evidence of communicable disease and exposure thereto, and that they have been tested in the manner prescribed in paragraph (b) of this section, if they are of a class required by said paragraph to be so tested: *Provided, however,* That the Director of Division may waive such inspection and certification with respect to horses and may waive the tuberculin and brucellosis tests referred to in paragraph (b), when he finds such action may be taken without endangering the livestock export trade of the United States. Certificates accompanying animals to the port of export shall show proper identification of the animals in the shipment with respect to breed, sex, and age and, when applicable, shall also show registration name, registration number, tattoo markings, tag number, or other natural or acquired markings, and shall be endorsed by the veterinarian in charge of Animal Disease Eradication Division field activities of the Department in the State of origin of the animals, or by another Department veterinarian so authorized by the Director of Division.

(b) Diagnostic tests for dairy and breeding cattle: (1) *Tuberculin test.* Unless such test is waived under paragraph (a) of this section, all dairy and breeding cattle intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate, issued and endorsed as provided in said paragraph (a), certifying that each of the animals passed a negative test for tuberculousis applied by a Department veterinarian, a State veterinarian, or an accredited veterinarian, within thirty days prior to the date of movement from the State of origin: *Provided, however,* That calves born after said tuberculin test of the dam will not be required to be so tested or certified.

(2) *Brucellosis test.* Unless such test is waived under paragraph (a) of this section, all dairy and breeding cattle more than six months of age, except official vaccinates under thirty months of age, intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate, issued and endorsed as provided in said paragraph (a), certifying that each of the animals passed a negative test for brucellosis made in laboratory approved for the purpose by the Director of Division within thirty days prior to date of movement from the State of origin.

§ 91.5 Inspection and certification at the port of export.

All animals offered for exportation to any foreign country shall be inspected by

a Department veterinarian at the port of export, and if upon such inspection, and examination of the certificates required under § 91.4, said animals are found to be free from evidence of communicable disease and exposure thereto, the export certificate, issued by the said Department veterinarian to accompany the animals from the port of export, shall contain a statement to that effect: *Provided, however,* That inspection and certification at the port of export shall not be required in the case of animals offered for exportation to Mexico or to Canada through ports along the United States land borders designated in § 91.3, if the certificates required under § 91.4 were issued or endorsed by a Department veterinarian, specifically authorized by the Director of Division for the purpose, in compliance with procedures of inspection specified by the Division to guard against the dissemination of disease to such countries.

§ 91.6 Disinfection of cars and other conveyances.

No animals intended for export to a foreign country shall be transported in cars or other conveyances which have been used in the transportation of livestock since they were last cleaned and disinfected: *Provided, however,* That express cars or other conveyances not regularly used for the transportation of livestock need not be so disinfected. If such animals are confined in crates or portable stalls, these either shall be new and previously unused or shall be cleaned and disinfected before receiving such export animals.

§ 91.7 Rest and inspection before embarkation.

(a) No animals shall be loaded upon a vessel for exportation until they have been allowed at least 5 hours' actual rest in suitable quarters at the port of embarkation: *Provided, however,* That such period of rest will not be required if the animals were transported thereto in cars in which there was opportunity to rest and proper feed and water were provided, or when the animals are to be stowed in box stalls aboard ship.

(b) All animals shall remain at the port of export a sufficient length of time and under conditions to afford proper inspection during daylight. The place of detention for rest and inspection shall be subject to approval of the inspector. Movement of animals from the holding yards, pens, or stables to the transporting vessel, and their loading, storing, and tying, shall be accomplished in a manner satisfactory to the inspector.

§ 91.8 Accommodations for humane treatment of animals on vessels.

Owners or masters of vessels carrying animals from the United States to a foreign country shall provide for such animals feed and water, space, ventilation, fittings, and other facilities as set forth in this part: *Provided, however,* That shipments of animals to points in nearby countries involving not more than 72 hours in transit shall be subject only to such requirements as to space, ventilation, fittings, feed, and water supply as

the Director of Division shall prescribe. Such owners or masters shall not accept for transportation any animal that in the judgment of the inspector is in an unfit condition to withstand the rigors of such transportation.

§ 91.9 Headropes and halters.

Halters, ropes, or other suitable equipment satisfactory to the inspector shall be provided for the handling and tying of horses and cattle.

§ 91.10 Space on vessels.

Except as specified in § 91.8, space on vessels for the various species of animals shall be as follows:

(a) *Horses.* Space for horses shall be not less than 6 feet 3 inches from roof or beams overhead to floor underfoot and shall be at least 8 feet in depth, except that upon approval of the inspector stalls 7 feet deep may be allowed for medium-sized horses. Single stalls shall be not less than 2½ feet wide. Not less than 20 square feet shall be allowed for each horse loose in pen, and for every large horse there shall be at least 27 square feet.

(1) Subject to the approval of the inspector as many as four horses, or as many as seven horses weighing not more than 500 pounds each, may be shipped in pens not less than 10 by 8 feet in size. Mares in foal and stallions, however, shall be shipped only in separate stalls, which shall be not less than 8 feet deep by 3 feet wide and for mares due to foal en route shall be not less than 8 feet deep by 5 feet wide and readily accessible.

(2) Extra stalls suitably located shall be provided in each compartment or on decks where horses are carried so that adequate hospital space can be made available for any that become sick or disabled aboard ship. The number of such stalls shall be as follows: One for the first 4 to 10 horses shipped, another for any number in excess of 10 up to and including 25, and still another for each additional 25 horses or fraction thereof.

(b) *Cattle.* Space for cattle shall be not less than 8 feet in depth and 6 feet from roof or beams overhead to flooring underfoot, except that where floors are raised over pipes and similar obstructions a height of not less than 5 feet 6 inches may be permitted at the discretion of the inspector. No more than four cattle weighing over 850 pounds each shall be shipped in each pen, except at the ends of rows, where five may be allowed together. In such pens there shall be at least 20 square feet of space for each animal. When any such pen includes stanchions, sounding tubes, ventilators, and other obstructions, there shall be not less than 24 square feet of free space for each animal.

(1) Single stalls for cattle shall be not less than 8 feet in depth by 3 feet in width, and larger stalls shall be provided when required by the inspector for cows in advanced pregnancy and for large dairy or breeding cattle. Cows in advanced pregnancy and bulls shall be shipped only in separate stalls. For cows that are due to calve en route, the stalls or pens shall be not less than 5 by 8 feet in size and so located as to be easily accessible.

(2) Calves and yearlings may be stowed at the discretion of the inspector.

(c) *Sheep, goats, and swine.* Space for these animals shall be not less than 3 feet in height. For each animal the space provided shall be at least 1 foot greater in length and breadth than the animal itself, with a 50-percent increase for animals in advanced pregnancy. Double-deck pens shall not exceed 20 x 8 feet in size. Lambs, kids, and pigs may be stowed at the discretion of the inspector.

§ 91.11 Crates and portable stalls.

Animals may be carried in crates or portable stalls which meet the space requirements of § 91.10 and are so constructed as to afford comfort and security. All crates and portable stalls shall be equipped for the feeding and watering of the animals carried therein, and when placed on exposed decks the roofs of same shall conform with the requirements of § 91.22. Crates and portable stalls shall be subject in all cases to the approval of the inspector at the port of embarkation.

§ 91.12 Hatches.

(a) Hatches above animals shall be kept clear at all times, no feed for the animals or freight of any kind being placed thereon.

(b) Animals may be placed on hatches on exposed decks, but the pens or stalls shall be lashed down securely to the satisfaction of the inspector.

(c) Animals may be placed on hatches on underdecks provided the height requirements of § 91.10 can be complied with, but sufficient space shall be left clear on such hatches for passageway across ship and for brow.

(d) On all hatches on which animals are carried and under which hay and feed are stowed, sufficient space shall be left clear for the proper removal and handling of such hay and feed. Such hatches shall be watertight.

§ 91.13 Upper-deck fittings.

Animals may be carried on upper decks in space abutting the outside rails or bulwarks only if such rails or bulwarks are 3 feet or more in height from the deck and are of sufficient strength to hold the necessary fittings securely, or if the space available is sufficient to permit securing the required fittings to provide the necessary strength. When animals are carried on upper decks, bulkheads shall be erected at all unprotected ends of stalls.

§ 91.14 Protection from heat of boilers and engines.

No animals shall be stowed along the alleyways by engine and boiler room unless the sides of said engine and boiler rooms are covered by a tongue-and-groove tight sheathing, making a 3-inch air space: *Provided, however,* That on ships powered with internal-combustion engines this sheathing will not be required.

§ 91.15 Ventilation.

Each underdeck compartment on which animals are being transported shall be equipped with a system of venti-

lation either natural or mechanical that will furnish a complete change of air in the compartment every 5 minutes. When the latter method is employed, a sufficient number of portable blowers of approved type shall be carried to provide ventilation in case of breakdown. Natural ventilation may be procured through ventilators, hatches, doors, and portholes when approved by the inspector.

§ 91.16 Feed and water.

For animals embarked on a voyage which on an average is of more than 20 hours' duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodation shall be provided on board for distribution of the water and for stowage of the feed so that it shall not be unduly exposed to the weather at sea.

§ 91.17 Attendants.

Each vessel on which livestock are embarked shall carry one man who is experienced in the handling of the particular species and a sufficient number of attendants to insure proper care of the animals.

§ 91.18 Lighting.

All vessels carrying animals shall be equipped to provide adequate light at all times for the proper attending of all animals.

§ 91.19 Alleyways.

Alleyways running fore and aft that are used for feeding, watering, and loading animals, including horses in box stalls, shall have a minimum width of 3 feet, but when horses are stowed in other than box stalls the minimum width of alleyways shall be 4 feet: *Provided, however,* That for a distance not to exceed 12 feet at the end of alleyways in bow and stern of ship, and where obstructions less than 3 feet in length occur, the width may be reduced to a minimum of 18 inches. A sufficient number of athwartship alleyways at least 18 inches in width in the clear shall be provided to afford ready access to scuppers and to ends of alleyways running fore and aft except that on exposed decks where scuppers and the ends of fore and aft alleyways are readily accessible athwartship alleyways may be dispensed with.

§ 91.20 Stanchions.

Stanchions shall be provided for all stalls and pens for horses, cattle, sheep, goats, and swine. Metal stanchions will be acceptable if equal in strength and security as provided in this section for wooden stanchions.

(a) *Horses and cattle.* Rail stanchions shall be of not less than 4" x 6" lumber set 5 feet apart on centers secured to ship's rail or bulwark with $\frac{5}{8}$ " hook bolts or collars, and with heels properly braced to sheer streak, or waterway. Inboard stanchions of the same dimensions shall be set in line with the rail stanchions and properly braced. Stanchions shall be securely fastened to roof beams by means of cleats 2" x 4" x 8" in size butted against both sides of stanchions and also by means of angle

braces not less than 1" x 6" x 24" in size properly placed and nailed to secure each stanchion to its beam. Stanchions affixed to bulwarks shall be chucked down with pieces not less than 2" x 3" x 8" lumber. On open-rail ships, spaces between the rails shall be blocked out to permit the affixing of outside planking. If supplementary stanchions are required for rump boards, these shall be not less than 3" x 4" in size properly cleated to beam and deck. Stanchions on underlocks shall be secured by appropriate bracing, cleating, and wedging and set not more than 7 feet 6 inches apart on centers, except that this spacing may be increased to 10 feet when 3" x 10" breast boards are used.

(b) *Sheep, goats, and swine.* Stanchions for single- or double-tier pens for these animals shall be of not less than 3" x 4" lumber set at no greater distance than 5 feet on centers and secured in the same manner as prescribed in this regulation for horses and cattle.

§ 91.21 Beams.

(a) *Horses and cattle.* Beams shall be of not less than 3" x 6" lumber. Those at the ends of fittings and each alternate one shall extend across the ship's beam or abut against permanent deck fittings. The intermediate short beams shall not extend beyond the inner edge of the roof.

(b) *Sheep, goats, and swine.* When two tiers of pens are constructed on upper or exposed decks, beams shall be provided as specified in this section for horses and cattle. Beams of not less than 3" x 4" lumber bolted to stanchions with $\frac{5}{8}$ " bolts shall be provided to support the roof of single-tier pens on exposed decks and the floor of double-tier pens on all decks. Beams supporting upper-tier pens shall be braced in centers by uprights of not less than 2" x 4" lumber extending from deck to under side of beams.

§ 91.22 Roofs.

All pens for carrying animals on exposed decks shall be roofed with not less than 1 $\frac{1}{2}$ " lumber, tongued and grooved or square-edged, extending from outside planking to 2 feet beyond the line of breast boards: *Provided, however,* That if square-edged lumber is used, it shall be properly covered with roofing paper.

§ 91.23 Flooring.

(a) *Horses and cattle.* Flooring shall be laid athwartship and secured by placing ends beneath the under side of foot and rump boards or under a 2" x 2" strip nailed along these boards. Floors may be either of two types, flush or raised. The flush type shall be of not less than 1" lumber laid flat on the deck. The raised type shall be of not less than 2" lumber nailed to scantlings of at least 2" x 3" dimensions laid 2 feet 6 inches apart. If desired, flooring may be laid in portable sections. Flooring will not be required on ships with wooden decks provided footlocks are secured to the deck. Cement or composite material diagonally scored one-half inch deep may be used on iron decks instead of wooden floor-

ing if the footlocks are molded in the same and bolted to the deck.

(b) *Sheep, goats, and swine.* Flooring for these animals shall be the same as prescribed in this section for horses and cattle except that raised flooring need not be greater than 1 inch in thickness.

§ 91.24 Footlocks.

(a) *Horses and cattle.* There shall be four footlocks of 1' x 4" lumber laid fore and aft with flat side down, and so placed as to provide in-between spaces of 12, 14, 26, and 14 inches, beginning at inside of footboard. They shall be well secured with nails of a length that will permit 1-inch clinch in 1-inch flooring and 2-inch penetration in 2-inch flooring.

(b) *Sheep, goats, and swine.* Footlocks for these animals shall be of not less than 1' x 2" lumber, four to each pen, equally distributed and laid in the manner prescribed in paragraph (a) of this section for horses and cattle.

§ 91.25 Outside planking.

All pens for carrying animals on exposed decks shall be provided with outside planking of not less than 1½" tongue-and-groove lumber laid fore and aft of ship driven tightly together and securely nailed to backs of stanchions in a manner to cover all open spaces properly: *Provided, however,* That during warm weather the top-course planking may be left off in order to allow a free circulation of air.

§ 91.26 Breast, front, and foot boards.

(a) *Horses and cattle.* Except as provided in § 91.8, all stalls and pens shall be equipped with breast boards of no less than 2' x 10" dressed lumber securely nailed to the stanchions. Where butting occurs the joints are to be on the stanchions and shall be covered with metal plates 3" square or 5" in diameter and not less than ¼" in thickness. A ⅝" bolt shall then be passed through the plate, joint, and stanchion and securely fastened with a nut. All breast boards shall have 1" holes bored through them at proper distances for tying animals. Breast boards shall be provided with removable sections in order that animals may be loaded into and removed from stalls and pens. All stalls and pens shall be provided with foot boards of not less than 2' x 10" lumber securely nailed or bolted to stanchions.

(b) *Sheep, goats, and swine.* Front boards shall be of not less than 1' x 6" pieces appropriately spaced and extending to the proper height for these species of animals. Provision shall be made for removing a section of front boards to allow entry of animals into pens and removal therefrom.

§ 91.27 Rump boards.

(a) *Horses and cattle.* Rump boards shall form a solid wall at least 4 feet 6 inches high and shall be of lumber not less than 1½" thick if tongued and grooved or 2" if square-edged. Where deck is clear of obstructions rump boards may be set on inside of rail stanchions. When this is not possible, sections so affected may be brought forward to clear such obstructions and shall

be fastened to stanchions provided for this purpose. In lower decks, where ship's construction so justifies, rump boards may be affixed to 2' x 6" wooden pieces set the same as prescribed for stanchions. Rump boards may be formed by filling spaces between cargo battens. Rump boards in stalls or pens built alongside hatches need be carried down only to line of coaming.

(b) *Sheep, goats, and swine.* Pens for these animals on all exposed decks shall be provided with rump boards of the specified size built to a height of 2 feet 6 inches.

§ 91.28 Division boards.

(a) *Horses and cattle.* Division boards shall be used to separate all stalls and pens and to close the sides of same at the ends of rows. They shall be used in sets of four boards of 2' x 10" dressed lumber separated by 3-inch spacers, shall extend from the rump boards to the inboard stanchions, and shall be fitted into appropriate channels or slots at both ends in a manner that will permit their ready removal.

(b) *Sheep, goats, and swine.* Division boards and those forming ends of pens shall be the same as prescribed for front boards for these animals in § 91.26.

§ 91.29 Troughs and hayracks.

All stalls and pens shall be equipped with proper troughs for feeding animals as provided in this section. Racks or nets furnished for feeding hay shall be of a type acceptable to the inspector.

(a) *Horses and cattle.* Troughs may be of metal or wood either removable or fixed. The space between the first footlock and the footboard may be utilized for feeding cattle provided a 2' x 4" piece is affixed along the top surface of said footlock so that it, together with the footboard and the battens, will form an enclosure. When wooden troughs are used an adequate supply of buckets shall be provided for the proper watering of the animals.

(b) *Sheep, goats, and swine.* Pens for these animals shall have feed troughs not less than 8 inches wide and proper receptacles for watering. Pens for sheep and goats should also have ample hay racks suitable for these animals.

§ 91.30 Defective fittings.

If previously used fittings are employed, any portion thereof found by the inspector to be worn, decayed, unsound, or otherwise defective shall be replaced.

§ 91.31 Cleaning and disinfecting vessels, fittings, utensils, and equipment.

All parts of vessels, fittings, utensils, and equipment used in the loading, stowing or other handling of animals in compliance with the provisions of this part shall first be thoroughly cleaned and then disinfected with a Division approved disinfectant under the supervision of an inspector before being again used for or in connection with the transportation of animals from United States ports. Such disinfection of halters, ropes, and similar equipment used in handling and

tying the animals shall be by immersion in the approved disinfectant.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

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AUTHORITY: §§ 92.1 to 92.40 issued under secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; 19 U. S. C. 1306, 21 U. S. C. 102-105, 111.

GENERAL PROVISIONS

§ 92.1 Definitions.

Whenever in this part of the following terms are used unless the context otherwise requires, they shall be construed, respectively, to mean:

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

(b) *Division.* The Animal Inspection and Quarantine Division of the Department.

(c) *Director of Division.* Director of the Division.

(d) *Inspector.* An inspector of the Division.

(e) *Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

(f) *Cattle.* Animals of the bovine species.

(g) *Ruminants.* All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

(h) *Swine.* The domestic hog and all varieties of wild hogs.

(i) *Horses.* Horses, asses, mules, and zebras.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(k) *Accredited areas.* Areas in Canada in which the percentage of cattle infected with tuberculosis is officially declared by the Canadian Government to be less than one-half of 1 percent.

(l) *Restricted areas.* Areas in Canada that are in process of becoming accredited as defined in paragraph (k) of this section.

(m) *Recognized slaughtering center.* Any point where slaughtering operations are regularly carried on and where Federal, State, or local inspection approved by the Division, is maintained.

(n) *Immediate slaughter.* Consignment from the port of entry to some recognized slaughtering center and slaughter thereat within 2 weeks from the date of entry.

(o) *Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

(p) *Fever tick.* *Boophilus annulatus*, including, but not limited to, the varieties *Americana* and *Australis*.

(q) *Permitted dip.* A dip permitted by the Division to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies.

(r) *Brucellosis-certified areas.* Areas in Canada in which the percentage of cattle affected with brucellosis has been officially determined by the Canadian Government not to exceed one percent and the percentage of herds in which brucellosis is present has been similarly determined not to exceed five percent.

(s) *Western provinces of Canada.* Manitoba, Saskatchewan, Alberta and British Columbia.

§ 92.2 General prohibition.

No animal or product subject to the provisions of this part shall be imported or brought into the United States except in accordance with the provisions of this part and Part 94 of this subchapter; nor shall any such animal or product be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regu-

lations: *Provided, however,* That the provisions of this section, §§ 92.3 through 92.5, 92.7 through 92.9, 92.11 through 92.13, 92.15, and 92.16 shall not apply to importations of poultry into the United States Virgin Islands.

§ 92.3 Ports designated for the importation of animals.

(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals shall be entered through said stations, except as provided in paragraphs (b), (c), and (d) of this section, viz: Boston, Massachusetts; New York, New York; Baltimore, Maryland; Jacksonville, Miami, and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Galveston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Tacoma and Seattle, Washington; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Eastport, Calais, Vanceboro, Houlton, Monticello, Bridgewater, Fort Fairfield, Limestone, Van Buren, Madawaska, Fort Kent, Jackman and Holey, Maine; Beecher Falls (Canaan), Island Pond, Derby Line, North Troy, Newport, Richford, St. Albans, Highgate Springs, and Alburg, Vermont; Rouses Point, Mooers Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Roosevelttown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Pembina and Portal, North Dakota; Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, and Nogales, Arizona; and Calexico and San Ysidro, California.

(d) *Special ports.* Charlotte Amalie, St. Thomas, and Christiansted, St. Croix, in the United States Virgin Islands, are hereby designated as quarantine stations for the entry of ruminants and swine from the British Virgin Islands into the United States Virgin Islands for immediate slaughter.

(e) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Director of Division with the concurrence of the Secretary of the Treasury.

§ 92.4 Import permits for ruminants, swine, and poultry and for animal semen.

(a) *Ruminants, swine, and poultry.* For ruminants, swine, and poultry intended for importation from any part

of the world except Canada and except as provided in §§ 92.27 and 92.31, the importer shall first obtain from the Division a permit in two sections. One section will be for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than designated in the permit.

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Division. However, the Director of Division, when he finds that such action may be taken without endangering the livestock industry of the United States may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

(c) *Wild ruminants and wild swine from countries where foot-and-mouth disease or rinderpest exists.* (1) Wild ruminants and wild swine originating in the countries designated in Part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exists may be carriers of such diseases even though the animals do not show clinical evidence of the diseases. In view of these circumstances and in order to prevent the introduction and dissemination of foot-and-mouth disease or rinderpest and protect the livestock of the United States, permits for the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, and of wild swine, will be issued only if such animals are intended for exhibition purposes in a zoological park previously approved by the Director of Division in accordance with the standards specified in subparagraph (2) of this paragraph and if the operator of such approved zoological park and the importer, if such operator and importer are different parties, have entered into the agreement set forth in subparagraph (3) of this paragraph with the Division for the maintenance and handling of such wild ruminants and wild swine in the manner specified in the agreement to prevent the introduction and dissemination of communicable diseases. For purposes of this paragraph "zoological park" means a zoo, park or other place maintained for the exhibition of live animals for recreational or educational

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purposes. The New York port of entry is the only port at which facilities are available which are adequate for the quarantining of wild ruminants and wild swine. Accordingly, permits issued for the importation of such wild animals will require that the animals be imported through the port of New York and quarantined at that port. The Director of Division may cancel such a permit when he finds that any provision of this section or any other provision of the regulations has not been or is not being complied with.

(2) Approval of a zoological park for the receipt and maintenance of imported animals as described in this paragraph, shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages or enclosures in which the animals can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the zoological park which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants and swine within the zoological park; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the zoological park. The operator of the zoological park shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the zoological park for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Prior to the issuance of an import permit under this section, the operator of the approved zoological park to which the animals are to be consigned, and the importer of the animals, if such operator and importer are different parties, shall execute an agreement covering each animal or group of animals for which the import permit is requested. The agreement shall be in the following form:

AGREEMENT FOR THE IMPORTATION, QUARANTINE AND EXHIBITION OF CERTAIN WILD RUMINANTS AND WILD SWINE

-----, operator(s) of the zoological park known as ----- located at ----- (Name)

-----, and ----- hereby (City and state) (Importer)

request a permit for the importation of ----- for exhibition (Number and kinds of animals)

purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in Part 92, Title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a

port of embarkation in the country of origin, approved by the Director of Division as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the port of entry in this country. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing except at a port approved by the Director of Division as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Quarantine Station in Clifton, New Jersey.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of the Animal Inspection and Quarantine Division.

----- (Signature of importer)

Subscribed and sworn to before me this ----- day of -----, 19---

----- (Title or designation)

----- (Name of zoological park)

By -----

----- (Signature of officer of zoological park)

----- (Title of officer)

Subscribed and sworn to before me this ----- day of -----, 19---

----- (Title or designation)

§ 92.5 Certificate for ruminants, swine, and poultry.

(a) *Ruminants and swine.* (1) All ruminants and swine offered for importation from any part of the world except as provided in §§ 92.20, 92.21, 92.22, 92.28, 92.29, 92.35, 92.36, 92.37, and 92.40 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such animals have been kept in said country at least 60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild ruminants or wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only: *And provided further,* That in the case of sheep, goats, and swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom

from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague, or erysipelas has existed on such premises or on adjoining premises.

(2) The certificate accompanying sheep and goats offered for importation from any part of the world, except as provided in §§ 92.21, 92.28, and 92.36, shall, in addition to the statements required by subparagraph (1) of this paragraph, state: (i) That the said salaried veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie, and of any other communicable disease; (ii) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (iii) that, as far as can be determined, the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (iv) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(3) If ruminants or swine are unaccompanied by the certificate as required by subparagraphs (1) and (2) of this paragraph, or if such animals are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

(b) *Poultry.* All poultry, except eggs for hatching, offered for importation from any country of the world except as provided in §§ 92.26, 92.38, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pul-lorum disease (bacillary white diarrhea) and other communicable diseases; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumocephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied

by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pul-
lory disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 92.6 Diagnostic tests.

(a) *Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 92.20 and 92.35 (b) and (c) all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation: *Provided*, That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§ 92.21 and 92.36(b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the animals, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Further tests during quarantine.* Animals that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in § 92.11, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Director of Division.

§ 92.7 Presentation of papers to collector of customs.

The certificates and affidavits required by the regulations in this part shall be presented by the importer to the collector of customs at the port of entry upon arrival of the animals at such port.

§ 92.8 Inspection at the port of entry.

Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world, except as provided in §§ 92.24, 92.25, 92.30, and 92.33. However, the Director of Division, when he finds that such action may be taken without endangering the poultry industry of the United States, may waive inspection at the port of entry or provide for inspection at some other point with

respect to importations from Canada of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto within 60 days prior to the offer for importation shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto within 60 days prior to the offer for importation shall be refused entry, except as provided in § 92.28 (c). Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), or quarantined or otherwise disposed of as the Director of Division may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Director of Division, shall be disposed of as said Director may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

§ 92.9 Articles accompanying animals.

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about animals governed by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 92.10 Movement from conveyances to quarantine station.

Platforms and chutes used for handling imported ruminants or swine shall be cleaned and disinfected under Division supervision after being so used. The said animals shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under Division supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of animals or their fresh products. When movement of the aforesaid animals upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 92.11 Periods of quarantine.

(a) *Cattle.* (1) Cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry.

(2) Cattle imported from Canada, countries of Central America and the West Indies, and Mexico shall be subject to the provisions of §§ 92.20, 92.28, 92.34, and 92.35, respectively.

(b) *Other ruminants and swine.* (1) Swine and ruminants other than cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild ruminants and wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Director of Division to determine their freedom from disease and the infection of disease.

(2) Sheep and goats, and swine imported from Canada shall be subject to the provisions of §§ 92.21 and 92.22, respectively. Ruminants and swine imported from countries of Central America and the West Indies shall be subject to the provisions of §§ 92.28 and 92.29, respectively. Swine and ruminants other than cattle imported from Mexico shall be subject to the provisions of §§ 92.34, 92.36, and 92.37.

(c) *Poultry.* Poultry 60 days of age or older imported from any part of the world except Canada and except as provided in § 92.34 (b) shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests or other tests as may be required by the Director of Division to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Director of Division may require.

§ 92.12 Feed and attendants for animals in quarantine.

(a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Division, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by the Division in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Director of Division may direct.

(b) At a port where quarantine facilities are maintained by the Division, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they

arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Division or pay in advance for the cost thereof, as may be required, and waive all claim against the Division or any employee of the Division for damages which may arise from such service. The Director of Division may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

§ 92.13 Quarantine stations, visiting restricted; sales prohibited.

Visitors shall not be admitted to the quarantine enclosure during any time that animals are in quarantine except that an importer (or his accredited agent or veterinarian) may be admitted to the yards and buildings containing his quarantined animals at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the animals may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 92.14 Milk from quarantined animals.

Milk or cream from animals quarantined under the provisions of this part shall not be used by any person other than those in charge of such animals, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to

such restrictions as he may consider necessary in each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 92.15 Manure from quarantined animals.

No manure shall be removed from the quarantine premises until the release of the animals producing same.

§ 92.16 Appearance of disease among animals in quarantine.

If any contagious disease appears among animals during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected animals shall be disposed of as the Director of Division may direct, depending upon the nature of the disease.

§ 92.17 Horses; accompanying forage and equipment.

Horses offered for importation from any part of the world except Mexico, and countries of Central America and the West Indies and except as provided in § 92.24 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the preceding 60 days, and that as far as it has been possible to ascertain no case of dourine, glanders, surra, or epizootic or ulcerative lymphangitis has occurred in the locality or localities where the horse or horses have been kept during such period. Horses arriving at a port of entry unaccompanied by the aforesaid certificate, if otherwise eligible for importation, may upon permission first secured from the Director of Division be landed subject to such quarantine and blood tests or other tests as he may direct. Even though accompanied by said certificate they may be so quarantined and tested when deemed necessary by the Director of Division. Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States. When no disease is discoverable in an importation of horses, the hay, straw, or other forage accompanying them may remain on board the ship to be returned: *Provided*, That in the case of a vessel carrying cattle, sheep, other ruminants, or swine from the United States on the return voyage, such material shall be stored in the vessel in a place and manner approved by the said inspector and shall not be used in the feeding or bedding of animals exported.

§ 92.18 Dogs for handling livestock.

Collie, Shepherd, and other dogs imported from any part of the world except Canada, Mexico, and countries of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and

quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, *Taenia coenurus*. If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

CANADA¹

§ 92.19 Animals from Canada; declaration to accompany animals offered for importation.

For all cattle, sheep, goats, swine, horses, and poultry offered for importation from Canada, there shall be presented to the collector of customs at the time of entry two copies of a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

§ 92.20 Cattle from Canada.

(a) *Health certificates; detention at port of entry.* Cattle offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Director of Division and the importer shall be responsible for the care, feeding, and handling of such cattle during the period of detention.

(b) *Tuberculin-test certificates.* Importations of cattle from Canada, for purposes other than immediate slaughter as provided in § 92.23, shall be in compliance with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within 1 year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been tuberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cat-

¹ Importations from Canada shall be subject to §§ 92.19 to 92.26, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

tle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle² shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for immediate slaughter as provided in § 92.23.

(c) *Brucellosis test or vaccination certificates.* Importations from Canada of cattle six months or older, except steers and all cattle for immediate slaughter, shall be in compliance with the following conditions and requirements:

(1) Cattle from herds designated as brucellosis-free listed herds by the Canadian Government or cattle from herds not known to be affected in brucellosis-certified areas in Canada, except as provided in subparagraph (2) or (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that the cattle offered for entry have been tested for brucellosis with negative results within 30 days preceding their offer for entry. If one or more reactors or suspects are disclosed in such a herd as a result of a brucellosis test at any time, cattle from such herd shall not be imported into the United States unless after such test the cattle offered for entry, and the herd, have been tested and such cattle are accompanied by a certificate in accordance with subparagraph (3) of this paragraph or the herd has reached full status as a brucellosis-free herd under Canadian regulations.

(2) Cattle of the beef breeds raised under range conditions in the western provinces of Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government

showing them to be such range cattle of the beef breeds and that they have been tested for brucellosis with negative results within 30 days preceding their offer for entry.

(3) All other cattle from Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing:

(i) That all cattle in the herd or herds from which the animals originate (except steers, other cattle under six months of age, and official vaccinates under 30 months of age), have been tested for brucellosis with negative results not more than three months preceding the offer for entry;

(ii) That the cattle offered for entry, except the natural increase, were included in the herd or herds of origin at the time of said herd tests; and

(iii) That the cattle offered for entry (except steers, and other cattle under six months of age and official vaccinates under 30 months of age at the time of their offer for entry), have been tested for brucellosis with negative results within 30 days preceding their offer for entry in addition to and at least 15 days after the herd test specified in subdivision (i) of this subparagraph.

(4) Bulls and female cattle under 30 months of age need not meet the requirements of subparagraph (1), (2), or (3) of this paragraph, provided they are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they were officially vaccinated against brucellosis as calves between the ages of four through eight months for dairy breeds or four months through the day they become eleven months for beef breeds and provided, except for cattle of the beef breeds raised under range conditions in the western provinces of Canada, such animals originate in a herd not known to contain any animals affected with brucellosis. The certificate accompanying such officially-vaccinated cattle shall comply with paragraph (d) of this section except that it shall show, in lieu of the date and place of testing, the date of vaccination and shall also show the age of the animal at the time of vaccination.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

§ 92.21 Sheep and goats from Canada.

(a) Sheep and goats offered for importation from Canada shall be accompanied by a certificate issued by a salaried veterinarian of the Canadian Government stating: (1) That such animals have been inspected on the premises of origin and found free of evidence of scrapie, and of any other communicable disease; (2) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (3) that, as far as can be determined, scrapie

has not existed on any premises on which such sheep or goats were located during the 42 months immediately prior to shipment of the United States; (4) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie; and (5) that, as far as it has been possible to determine, each of such animals is not a sheep or goat that would have been slaughtered under the current Canadian scrapie eradication program had that program been in effect since April 1957.

(b) If sheep or goats are unaccompanied by the certificate required by paragraph (a) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

§ 92.22 Swine from Canada.

(a) *For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said swine have been inspected on the premises of origin immediately before the date of movement therefrom and found to be free of evidence of communicable disease and that, as far as it has been possible to determine, they were not exposed to any such disease during the preceding 60 days; in addition, the certificate shall show that no hog cholera or swine plague has existed on the premises of origin or on adjoining premises for such 60 days.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.23 Animals from Canada for immediate slaughter.

Cattle and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within two weeks from the date of entry, or upon special permission obtained from the Director of Division they may be reconsigned to other points and there slaughtered within the aforesaid period.

§ 92.24 Horses from Canada.

(a) All horses from Canada shall be inspected as provided in § 92.3: *Provided, however,* That the Director of Division may waive inspection of such horses at the port of entry or provide for their inspection at some other point when he finds that such action may be taken without endangering the livestock industry of the United States.

(b) When so ordered by the Director of Division, horses from Canada shall be accompanied by a certificate issued or

² Cattle of the beef breeds raised under range conditions in the western provinces of Canada.

endorsed by a salaried veterinarian of the Canadian government showing that said horses have been inspected on the premises of origin in Canada and found free from evidence of any contagious, infectious, or communicable disease and, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind, and that said horses have been mallein tested with negative results within 30 days preceding their offer for entry.

(c) Any horse from Canada may be detained at the port of entry and there subjected to such tests as may be required by the Director of Division to determine freedom from disease.

§ 92.25 Special provisions.

(a) *In-bond shipments from Canada.* Cattle, sheep, goats, swine, horses, and poultry from Canada transported in bond through the United States for immediate export shall be inspected at the border port of entry and shall otherwise meet the requirements of this Part in the same manner as similar animals destined to points in the United States, except that the Director of Division may permit their inspection at some other point when he finds that such action may be taken without endangering the livestock or poultry of the United States.

(b) *Exhibition animals.* (1) Animals, including poultry, from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized exposition in Canada and have not been in that country more than 30 days are eligible for return to the United States within 10 days from the close of such fair or exposition without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed in accordance with the export regulations in Part 91 of this chapter at the time of entry into Canada, and it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and in any case if they are found by the inspector to be free of communicable disease and exposure thereto.

(2) Ruminants, swine, horses, and poultry from the United States used for rodeo, circus, or stage exhibitions in Canada are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed within the preceding three months, in accordance with the export regulations in Part 91 of this chapter for entry into Canada, and if it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and, in any case, if they are found by the inspector to be free of communicable disease and exposure thereto.

§ 92.26 Poultry from Canada.

All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Director of Division, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES³

§ 92.27 Animals from Central America and the West Indies; permits required.

A permit as provided in § 92.4 shall be secured for the importation of ruminants and swine from countries of Central America into any port of the United States and for the importation of ruminants and swine from countries of the West Indies into the continental United States. The importation of cattle from any area infested with fever ticks, *Boophilus annulatus*, is prohibited, except as provided in § 92.28 (c).

§ 92.28 Ruminants from Central America and the West Indies.

(a) Ruminants offered for importation from countries of Central America and the West Indies, except as provided in paragraph (c) of this section, shall be accompanied by a certificate of a salaried veterinarian of the national government of the country of origin stating that such animals have been in said country at least 60 days immediately preceding the date of shipment therefrom; that he has inspected such animals on the premises of origin and found them free from evidence of any communicable disease; and that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days. If no such veterinary officer is available in the country of origin, ruminants, other than sheep and goats, may be accompanied by an affidavit of the owner or importer stating that such animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom, and that during such period no communicable disease has existed among them or among animals of their kind with which they have come in contact. Ruminants for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least seven days and during that time shall be

³ Importations from countries of Central America and the West Indies shall be subject to §§ 92.27 and 92.30 inclusive, in addition to other sections in this part which are in terms applicable to such importations.

subjected to such dipping, blood tests or other tests, as may be required by the Director of Division to determine their freedom from communicable diseases. If imported for immediate slaughter, such animals shall be handled as provided in § 92.23.

(b) The certificate accompanying sheep and goats offered for importation from countries of Central America and the West Indies shall, in addition to the statements required by paragraph (a) of this section, state: (1) That the said veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie; (2) that, as far as can be determined, scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (3) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(c) Cattle, which have been infested with or exposed to fever ticks, may be imported from the British Virgin Islands into the United States Virgin Islands, for immediate slaughter only, if they are free from fever ticks at the time of such importation; if they are entered through one of the ports designated in § 92.3 (d) and are consigned to a recognized slaughtering center with facilities approved by the Director of Division for holding the animals in isolation until slaughtered, which shall be within 14 days after the date of entry into the United States Virgin Islands; and if they are accompanied by a certificate of a responsible official of the government of the British Virgin Islands certifying that the cattle originated in and are being shipped directly from the British Virgin Islands, that they are free of fever ticks, and that, as far as it has been possible to determine, such cattle are free from evidence of communicable disease and have not been exposed to any such disease common to animals of their kind, other than splenetic, southern, or tick fever, during the 60 days preceding their movement to the United States Virgin Islands.

(d) If ruminants are unaccompanied by the certificate or affidavit as required by paragraph (a), (b), or (c) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry, except as provided in paragraph (c) of this section. Ruminants refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

§ 92.29 Swine from Central America and the West Indies.

Swine offered for importation from countries of Central America and the West Indies shall be accompanied by an affidavit of the owner or importer stating that the said animals have been in the country from which they were directly shipped to the United States for

a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Unless imported for immediate slaughter, said swine shall be quarantined at the port of entry for not less than 1 week, and in the absence of said affidavit shall be quarantined for not less than 2 weeks. While under quarantine the said swine, with the exception of wild swine, shall be immunized against hog cholera under the supervision of a veterinary inspector, at the owner's expense, by one of the methods recognized by the Department. Wild swine shall be subjected to such blood tests or other tests as may be ordered by the Director of Division in each instance to determine their freedom from communicable disease. Swine imported for immediate slaughter shall be handled as provided in § 92.23.

§ 92.30 Horses from Central America and the West Indies.

When so ordered by the Director of Division, horses from countries of Central America and the West Indies shall be subjected to such quarantine and blood tests or other tests as he may deem necessary to determine their freedom from communicable disease. Any such horses that are found to be infested with fever ticks, *Boophilus annulatus*, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Director of Division. In lieu of inspection at the port of entry as prescribed in § 92.8, race horses returning from the West Indies may be inspected at such points as the Director of Division may direct.

MEXICO *

§ 92.31 Permits for ruminants, swine, and poultry.

(a) For ruminants and swine, intended for importation from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja California, the importer or his agent shall deliver to the inspector in charge at the port of entry in writing an application for inspection so that the inspector in charge and representatives of the Bureau of Customs may make mutually satisfactory arrangements for the orderly inspection of the animals. The inspector in charge will provide the importer or his agent with a written statement assigning inspection dates when the animals may be presented for entry.

(b) For ruminants and swine, intended for importation from States of Mexico other than those listed in paragraph (a) of this section and poultry from all of Mexico the importer shall first obtain from the Division a permit in two sections. One section will be for presentation to the American Consul in

the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

§ 92.32 Declaration of purpose.

For all cattle, sheep, goats, swine, and poultry offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said animals are to be imported.

§ 92.33 Inspection at port of entry.

(a) All horses, ruminants, swine, and poultry offered for entry from Mexico, including such animals intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Animals found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 92.35 (a) (2). Ruminants and swine refused entry shall be handled thereafter in accordance with provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined or otherwise disposed of as the Director of Division may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Director of Division, shall be disposed of as said Director may direct.

(b) Animals covered by paragraph (a) of this section shall be imported through ports, designated in § 92.3, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

§ 92.34 Detention at port of entry and periods of quarantine.

(a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Director of Division to determine their freedom from any communicable disease or infection with such disease and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) Cattle, other ruminants, and swine originating in States of Mexico, other than those listed in paragraph (a) of this section, and all poultry, imported from Mexico, except animals being transported in bond for immediate

return to Mexico and eggs for hatching, shall be quarantined at the port of entry for not less than 15 days, counting from the date of arrival at such port. During their quarantine cattle, other ruminants, swine, and poultry shall be subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Director of Division to determine their freedom from any communicable disease or infection with such disease. Any offering for entry from Mexico of cattle, other ruminants, and swine which includes any such animals from Mexican States other than those listed in paragraph (a) of this section, shall be subject to the provisions of this paragraph rather than to the provisions of paragraph (a) of this section.

§ 92.35 Cattle from Mexico.

(a) *Fever ticks.* (1) Except as provided in subparagraph (2) of this paragraph, all cattle offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenic, southern, or tick fever, during the preceding 60 days and if shipped by rail or truck the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, or in a permitted scabies dip, depending on the origin of the animals and subject to the discretion of the inspector. The owner or his agent shall first execute an application for inspection and dipping as provided in paragraph (a) (2) (iii) of this section.

(2) Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:

(i) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease except splenic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in an arsenical solution contain-

* Importations from Mexico shall be subject to §§ 92.31 to 92.40, inclusive, in addition to other sections in this part which are in terms applicable for such importations.

ing a minimum of 0.22 percent of arsenious oxide in solution within 7 to 12 days before being offered for entry.

(iii) The importer, or his duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(b) *Tuberculosis.* All cattle offered for importation from Mexico, except strictly range cattle* and those offered for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for tuberculosis with negative results within 30 days preceding their being offered for entry. The said certificate shall give the date and place of such testing, names of the consignor and consignee, and a description of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Brucellosis.* (1) All bulls and female cattle for entry into the United States from Mexico shall be detained or quarantined at the port of entry, and, except as provided in subparagraph (2) of this paragraph, a blood sample shall be obtained from each animal and an agglutination test made for brucellosis. Animals not negative to the test shall be refused entry.

(2) The following classes of animals shall not be required to be tested under the provisions of subparagraph (1) of this paragraph:

- (i) Cattle for immediate slaughter;
- (ii) Animals under six months of age; and
- (iii) Female calves which are officially vaccinated against brucellosis at the port of entry by a veterinarian at no expense to the Department, under supervision of the inspector, with a vaccine approved by the Agricultural Research Service of

the Department, and which are permanently identified by a tattoo in the right ear or a "V" fire brand on the right jaw as approved by the Agricultural Research Service.

§ 92.36 Sheep and goats and wild ruminants from Mexico.

(a) Sheep and goats offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating: (1) That he has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie, and of any other communicable disease; (2) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (3) that, as far as can be determined, the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (4) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie. If such sheep or goats are shipped by rail or truck the certificate shall further specify that such animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) The certificate accompanying goats offered for importation from Mexico shall, in addition to the statements required by paragraph (a) of this section, state that such goats have been tested for tuberculosis and brucellosis with negative results within 30 days preceding their being offered for entry, and give the date and method of testing, the name of the consignor and of the consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis.

(c) If sheep or goats are unaccompanied by the certificate as required by paragraphs (a) and (b) of this section, or if they are found upon inspection or retesting, as provided for in this part, to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

(d) Certificates will not be required for wild ruminants, other than sheep and goats, originating in and shipped direct from Mexico, but such animals are subject to inspection at the port of entry as provided in § 92.33.

§ 92.37 Swine from Mexico.

(a) Except as provided for in paragraph (b) of this section, all swine of-

fered for importation from Mexico for purposes other than immediate slaughter, shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained or quarantined as provided in § 92.34 and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Director of Division to determine their freedom from communicable disease.

(b) A certificate as specified in this section will not be required for wild swine for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in § 92.33.

§ 92.38 Poultry from Mexico.

Poultry, except eggs for hatching, offered for entry from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis), occurred in the localities where the poultry were kept during such period. Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that the flock or flocks or origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

§ 92.39 Horses from Mexico.

(a) Horses offered for importation from Mexico shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Mexican Government showing that said horses have

* It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern states of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the state of destination.

been inspected on the premises of origin in Mexico and found free from evidence of any contagious, infectious, or communicable disease, and, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days: *Provided, however*, That the Director of Division may waive the certificate requirement with respect to any or all horses from Mexico when he finds that such action may be taken without endangering the livestock industry of the United States.

(b) Horses offered for importation from tick-infested areas of Mexico shall be chute inspected, unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Director of Division. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation after being handled as prescribed in § 92.35 (a) (2) (ii) for cattle from tick-infested areas.

(c) Any horse from Mexico may be detained or quarantined at the port of entry and there subjected to such tests as may be required by the Director of Division to determine freedom from disease, and the importer shall be responsible for the care, feed, and handling of such horses during the period of detention or quarantine.

§ 92.40 Animals for immediate slaughter.

Swine and ruminants, other than sheep and goats, from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a) for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that he has inspected such animals on the premises of origin and found them free of evidence of communicable disease, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Swine and ruminants from Mexican States other than those designated above and sheep and goats from any part of Mexico may be imported only in compliance with other applicable sections in this part.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

Sec.

- 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.
- 94.2 Fresh, chilled, or frozen products (other than meat) of certain ruminants and swine.
- 94.3 Organs, glands, extracts, or secretions of ruminants or swine.
- 94.4 Foreign cured or cooked meats from countries where rinderpest or foot-and-mouth disease exists.
- 94.5 Garbage from foreign meats or meat products.
- 94.6 Dressed poultry.
- 94.7 Disposal of animals, meats, products, and other commodities refused admission.

AUTHORITY: §§ 94.1 to 94.7 issued under sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; 19 U. S. C. 1306, 21 U. S. C. 111.

§ 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.

(a) Notice is hereby given that, in accordance with section 306 of the Tariff Act of 1930 (19 U.S.C. 1306), it has been determined that rinderpest or foot-and-mouth disease exists in the following designated countries, and that official notice thereof has been given to the Secretary of the Treasury:

- (1) Island of Curacao.
- (2) Island of Martinique;
- (3) All countries of South America; and
- (4) All countries east of the 30th meridian west longitude and west of the International Date Line, except Australia, the Channel Islands, Greenland, Iceland, New Zealand, Northern Ireland, Norway, the Republic of Ireland.

(b) The importation from any infected country, designated in paragraph (a) of this section, into the United States of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meat of such animals (including the entry into any port of the United States of any vessel or other means of conveyance having on board as stores or otherwise such animals or meats from any such country) is prohibited, except as provided in Part 92 of this chapter for wild ruminants and wild swine.

§ 94.2 Fresh, chilled, or frozen products (other than meat) of certain ruminants and swine.

The importation of fresh, chilled or frozen products (other than meat) derived from ruminants or swine, originating in any country designated in § 94.1, is prohibited, except as provided in § 94.3 and in Parts 95 and 96 of this chapter.

§ 94.3 Organs, glands, extracts, or secretions of ruminants or swine.

The importation of fresh, chilled, or frozen organs, glands, extracts, or secretions derived from ruminants or swine, originating in any country designated in

§ 94.1, except for pharmaceutical or biological purposes under conditions prescribed by the Director of the Animal Inspection and Quarantine Division in each instance, is prohibited.

§ 94.4 Foreign cured or cooked meats¹ from countries where rinderpest or foot-and-mouth disease exists.

(a) The importation of cured meats derived from ruminants or swine, originating in any country designated in § 94.1 is prohibited unless the following conditions have been fulfilled:

- (1) All bones shall have been completely removed in the country of origin.
- (2) The meat shall have been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived.

(3) The meat shall have been thoroughly cured and fully dried in such manner that it may be stored and handled without refrigeration, as in the case of salami and other summer sausages, *tasaajo*, *xarque*, or jerked beef, bouillon cubes, dried beef, and Westphalia, Italian, and similar type hams.

(b) The importation of cooked meats derived from ruminants or swine originating in any country designated in § 94.1 is prohibited unless the following conditions shall have been fulfilled:

- (1) All bones shall have been completely removed in the country of origin.
- (2) The meat shall have been heated to such an extent that, upon inspection, the meat will have a thoroughly cooked appearance throughout.

(3) When so directed by the Director of the Animal Inspection and Quarantine Division, such meat shall be consigned directly from the port of entry to a meat-processing establishment operating under Federal meat inspection that has been approved by him for the further processing of such meat. Such meat shall be shipped from the port of entry to the approved establishment under Customs seals or seals of the Division and shall be otherwise handled as the said Director of Division may direct. Seals applied under authority of this section shall not be broken except by persons authorized to do so by the said Director of Division.

§ 94.5 Garbage from foreign meats or meat products.

No garbage derived in whole or in part from meats or meat products originating in any country designated in § 94.1 shall be unloaded from any vessel, aircraft or other carrier in the United States or within the territorial waters thereof: *Provided, however*, That such garbage, when contained in tight receptacles, may be so unloaded for incineration or other proper disposal in such manner and under such supervision as may be prescribed by the Director of the Animal Inspection and Quarantine Division.

§ 94.6 Dressed poultry.

The importation of dressed poultry from any foreign country except Canada

¹ This does not include any meat that has been sterilized by heat in hermetically sealed containers.

is prohibited unless such poultry shall have been drawn and the feet and heads shall have been removed.

§ 94.7 Disposal of animals, meats, products, and other commodities refused admission.

Animals, meats, products, and other commodities that are prohibited importation or entry under the regulations in this part shall be handled as follows:

(a) Animals and meats prohibited importation under § 94.1 which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Director of the Animal Inspection and Quarantine Division may direct unless they are exported by the consignee within 10 days on the same vessel and meanwhile are retained on board such vessel under such isolation and other safeguards as said Director of Division may require.

(b) Animals and meats prohibited importation under § 94.1 which come into the United States by any means other than ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Director of the Animal Inspection and Quarantine Division may direct unless they are exported by the consignee within 24 hours on the same carrier and meanwhile are retained on board such carrier under such isolation and other safeguards as said Director of Division may require.

(c) Animals and meats prohibited importation under § 94.1 which come into the United States by any means but are not offered for entry into this country, and animals, meats, products and other commodities prohibited importation or entry under §§ 94.2, 94.3, 94.4, and 94.6 which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Director of the Animal Inspection and Quarantine Division may direct.

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

Sec.	Definitions.
95.1	Definitions.
95.2	Country of origin.
95.3	Byproducts from diseased animals prohibited.
95.5	Untanned hides and skins; requirements for unrestricted entry.
95.6	Untanned hides and skins; importations permitted subject to restrictions.
95.7	Wool, hair, and bristles; requirements for unrestricted entry.
95.8	Wool, hair, and bristles; importations permitted subject to restrictions.
95.9	Glue stock; requirements for unrestricted entry.
95.10	Glue stock; importations permitted subject to restrictions.
95.11	Bones, horns and hoofs for trophies or museums.
95.12	Bones, horns, and hoofs; importations permitted subject to restrictions.

Sec.	Definitions.
95.13	Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry.
95.14	Blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for entry.
95.15	Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.
95.16	Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importation permitted subject to restrictions.
95.17	Glands, organs, ox gall, and like materials; requirements for unrestricted entry.
95.18	Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.
95.19	Animal stomachs.
95.20	Animal manure.
95.21	Hay and straw; requirements for unrestricted entry.
95.22	Hay and straw; importations permitted subject to restrictions.
95.23	Previously used meat covers; importations permitted subject to restrictions.
95.24	Methods for disinfection of hides, skins, and other materials.
95.25	Transportation of restricted import products; placarding cars and marking billing; unloading en route.
95.26	Cars, other vehicles, boats, yards, and premises; cleaning and disinfection.
95.27	Regulations applicable to products from territorial possessions.
95.28	Hay or straw, and similar material from tick-infested areas.

AUTHORITY: §§ 95.1 to 95.28 issued under sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111.

§ 95.1 Definitions.

Whenever in the regulations in this part the following words, names, or terms are used they shall be construed, respectively, to mean:

(a) "Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Inspection and Quarantine Division, United States Department of Agriculture.

(c) "Director of Division" means the Director of the Animal Inspection and Quarantine Division.

(d) "Inspector" means an inspector of the Animal Inspection and Quarantine Division.

(e) "Consular officer" means a consular officer of the United States of America.

(f) "Approved establishment" means an establishment approved by the Division for the receipt and handling of restricted import animal byproducts.

(g) "Approved warehouse" means a warehouse having facilities approved by the Division for the handling and storage, apart from other merchandise, of restricted import products.

(h) "Approved chlorinating equipment" means equipment approved by the Division as efficient for the disinfection of effluents against the contagions of foot-and-mouth disease and rinderpest.

(i) "Approved sewerage system" means a drainage system equipped and operated so as to carry and dispose of sewage without endangering livestock through the contamination of streams or fields and approved by the Division.

(j) "Animal byproducts" means hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption.

(k) "Glue stock" means fleshings, hide cuttings and parings, tendons, or other collagenous parts of animal carcasses.

(l) "Bone meal." "Bone meal" means ground animal bones and hoof meal and horn meal.

(m) "Blood meal" means dried blood of animals.

(n) "Meat meal or tankage" means the rendered and dried carcasses or parts of the carcasses of animals.

(o) "Hay and straw" means dried grasses, clovers, legumes, and similar materials or stalks or stems of various grains, such as barley, oats, rice, rye, and wheat.

§ 95.2 Country of origin.

No products or materials specified in the regulations in this part shall be imported unless there be shown upon the consular invoice, or in some other manner satisfactory to the Director of Division, the name of the country of origin of such product or material: *Provided*, That the country of origin shall be construed to mean (a) in the case of an animal byproduct, the country in which such product was taken from an animal or animals, and (b) in the case of other materials, the country in which such materials were produced.

§ 95.3 Byproducts from diseased animals prohibited.

The importation of any animal byproduct taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest is prohibited.

§ 95.5 Untanned hides and skins; requirements for unrestricted entry.

Untanned hides and/or skins of cattle, buffalo, sheep, goats, other ruminants, and swine which do not meet the conditions of requirements specified in any one of paragraphs (a) to (e) of this section shall not be imported except subject to handling and treatment in accordance with § 95.6 after arrival at the port of entry:

(a) Hides or skins originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Hides or skins may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to be hard dried hides or skins.

(c) Abattoir hides or skins taken from animals slaughtered under national government inspection in a country¹ and in an abattoir in which is maintained an inspection service determined by the

¹ Names of countries of this character will be furnished upon request to Animal Inspection and Quarantine Division.

Secretary of Agriculture to be adequate to assure that they have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of such national government and signed by an official veterinary inspector of such country showing that the therein described hides or skins were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been pickled in a solution of salt containing mineral acid and packed in barrels, casks, or tight cases while still wet with such solution.

(e) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been treated with lime in such manner and for such period as to have become dehaired and to have reached the stage of preparation for immediate manufacture into products ordinarily made from rawhide.

§ 95.6 Untanned hides and skins; importations permitted subject to restrictions.

Hides or skins offered for importation which do not meet the conditions or requirements of § 95.5 shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Director of Division may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission of the Director of Division such hides or skins may be stored for a temporary period in approved warehouses under bond, and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of hides or skins may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port in the United States for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the approved establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight

cases or casks acceptable to the inspector in charge at the port of entry.

(c) They shall be handled at the approved establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said hides and skins from the port of arrival to the said establishment.

§ 95.7 Wool, hair, and bristles; requirements for unrestricted entry.

Wool, hair, or bristles derived from ruminants and/or swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (e) of this section shall not be imported except subject to handling and treatment in accordance with § 95.8 after their arrival at the port of entry: *Provided, however,* That no bloodstained wool, hair, or bristles shall be imported under any condition:

(a) Such wool, hair, or bristles may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Wool or hair clipped from live animals or pulled wool or hair may be imported without other restriction if the said wool or hair is reasonably free from animal manure in the form of dung locks or otherwise.

(c) Wool, hair, or bristles taken from sheep, goats, cattle, or swine, when such animals have been slaughtered under national government inspection in a country¹ and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described wool, hair, or bristles were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Wool, hair, or bristles which have been scoured, thoroughly washed, or dyed may be imported without other restriction.

(e) Wool, hair, or bristles from a disinfecting station of a national government, methods of disinfection at which have been approved by the Secretary of Agriculture, may be imported without other restriction if accompanied by a certificate of the Director or other ac-

¹ Names of countries of this character will be furnished upon request to Animal Inspection and Quarantine Division.

credited official of such station showing that said wool, hair, or bristles covered by the consular invoice specified in said certificate have been subjected to the scouring and disinfecting process required at such station for the disinfection of wool or hair.

§ 95.8 Wool, hair, and bristles; importations permitted subject to restrictions.

Wool, hair, or bristles offered for importation which do not meet the conditions or requirements of § 95.7 shall be handled and treated in the following manner after arrival at the port of entry:

(a) Such wool, hair, or bristles shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Director of Division such wool, hair, or bristles may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of wool, hair, or bristles may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry, subject to the other provisions of this section.

(b) Such wool, hair, or bristles shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases acceptable to an inspector.

(c) Such wool, hair, or bristles shall be handled at the establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest. Such products shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said wool, hair, or bristles from the port of arrival to the said establishment.

§ 95.9 Glue stock; requirements for unrestricted entry.

Glue stock which does not meet the conditions or requirements specified in any one of paragraphs (a) to (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.10 after arrival at the port of entry:

(a) Glue stock originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Glue stock may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been properly

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treated by acidulation or by soaking in milk of lime or a lime paste; or to have been dried so as to render each piece of the hardness of a sun-dried hide.

(c) Glue stock taken from cattle, sheep, goats, or swine slaughtered under national government inspection in a country¹ and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described glue stock was taken from animals slaughtered in such specified abattoir and found free from anthrax foot-and-mouth disease, and rinderpest.

§ 95.10 Glue stock; importations permitted subject to restrictions.

Glue stock offered for importation which does not meet the conditions or requirements of § 95.9 shall be handled and treated in the following manner after arrival at the port of entry:

(a) It shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Director of Division may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission by the Director of Division glue stock may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of glue stock may go forward under customs seals from a coast or border port of arrival with the approval of an inspector at said port to another port for consumption entry, subject, after arrival at the latter port, to the other provisions of this section.

(b) It shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at port of entry.

(c) It shall be handled at the establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest. It shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the condi-

tions and requirements of this section relative to the movement of the said glue stock from the port of arrival to the said establishment.

§ 95.11 Bones, horns, and hoofs for trophies or museums.

Clean, dry bones, horns, and hoofs, that are free from undried pieces of hide, flesh, and sinew and are offered for entry as trophies or for consignment to museums may be imported without other restrictions.

§ 95.12 Bones, horns, and hoofs; importations permitted subject to restrictions.

Bones, horns, and hoofs offered for importation which do not meet the conditions or requirements of § 95.11 shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment having facilities for their disinfection or their conversion into products customarily made from bones, horns, or hoofs: *Provided, however,* That I. T. or in-bond shipments of bones, horns, or hoofs may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of anthrax, foot-and-mouth disease, and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Director of Division or burned at the establishment. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said bones, horns, and hoofs.

§ 95.13 Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry.

Steamed or degelatinized or special steamed bone meal, which, in the normal process of manufacture, has been prepared by heating bone under a minimum of 20 pounds steam pressure for at least one hour at a temperature of not less than 250° Fahrenheit (121° Centigrade), may be imported without further restrictions for use as fertilizer or as feed for domestic animals if such products are free from pieces of bone, hide, flesh, and sinew and contain no more than traces

of hair and wool. Bone meal for use as fertilizer or as feed for domestic animals which does not meet these requirements will not be eligible for entry.

§ 95.14 Blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for entry.

Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products for use as fertilizer or as feed for domestic animals shall not be imported unless such products:

(a) Originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) Are accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° Fahrenheit (68.9° Centigrade).

§ 95.15 Blood meal, blood albumin, intestines, and other animal by-products for industrial use; requirements for unrestricted entry.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements specified in paragraph (a) or (b) of this section shall not be imported except subject to handling and treatment in accordance with § 95.16.

(a) Products specified in this section originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Products specified in this section may be imported without further restriction if accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° F. (68.9° C.).

§ 95.16 Blood meal, blood albumin, intestines, and other animal by-products for industrial use; importations permitted subject to restrictions.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements of § 95.15 shall be handled and treated in the following manner after arrival at the port of entry.

(a) They shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Director of Division they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of such products may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port of consumption entry, subject after arrival at the latter port to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by Division inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said products from the port of arrival to the said establishment.

§ 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products, which do not meet conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with § 95.18.

(a) Such glands, organs, or materials may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Such glands, organs, or materials may be imported without other restriction if accompanied by the certificate of a consular officer showing that in process of preparation the particular product was subjected to a temperature of not less than 156° F. (68.9° C.).

§ 95.18 Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, which do not meet the requirements of § 95.17 may be imported for pharmaceutical purposes if in tight containers and consigned to an approved establishment: *Provided, however,* That upon special permission of the Director of Division they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector. They shall be handled and processed at the said establishment in a manner approved by the Director of Division and the containers shall be destroyed or disinfected as prescribed by him. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of

this section relative to the movement of the said glands, organs, ox gall, and like materials from the port of arrival to the said establishment.

§ 95.19 Animal stomachs.

Stomachs or portions of the stomachs of ruminants or swine, other than those imported for food purposes under the meat-inspection regulations of the Department, shall not be imported without permission from the Director of Division. Importations permitted shall be subject to such restrictions as the Director of Division may deem necessary in each instance.

§ 95.20 Animal manure.

Manure of horses, cattle, sheep, other ruminants, and swine shall not be imported except upon permission from the Director of Division. Importations permitted shall be subject to such restrictions as he may deem necessary in each instance: *Provided, however,* That manure produced by animals while in transit to the United States shall be subject only to the requirements of the Department regulations governing the importation of domestic livestock and other animals.

§ 95.21 Hay and straw; requirements for unrestricted entry.

Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of paragraph (a), (b), or (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry.

(a) Hay or straw may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Hay or straw packing materials may be imported without other restriction if accompanied by a certificate of a consular officer showing that the said material had been disinfected by placing it loosely in a tight compartment and subjecting it to the action of live steam, in all parts of which compartment a temperature of not less than 176° F. (80° C.) was maintained for at least 10 minutes, or by placing it loosely in a tight compartment having a temperature of not less than 65° F. (19° C.) and spraying over and into the hay or straw 10 fluid ounces of formaldehyde solution (containing not less than 37 percent formaldehyde by weight) for each 1000 cubic feet of space in said compartment, which was immediately closed in a manner to prevent the escape of the formaldehyde vapor and kept closed for not less than 8 hours.

(c) Hay or straw packing materials may be imported without other restriction if a certificate of the shipper appears on the consular invoice showing that such packing material was obtained from a disinfecting station, the methods of disinfection at which have been approved by the United States Department of Agriculture, and giving the names of the said disinfecting station and the factory or establishment where the merchandise

covered by the invoice was packed: *Provided, however,* That in the case of goods unaccompanied by a consular invoice a like certificate appearing on the commercial invoice will be acceptable.

95.22 Hay and straw; importations permitted subject to restrictions.

Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of § 95.21 shall be handled and treated in the following manner upon arrival at the port of entry:

(a) Hay or straw packing materials shall be burned or disinfected at the expense of the importer or consignee in the manner and at the time directed by the Director of Division.

(b) Hay or straw for use as feeding material, bedding, or similar purposes shall be stored and held in quarantine for a period of not less than 90 days in an approved warehouse at the port of entry and shall be otherwise handled as directed by the Director of Division.

§ 95.23 Previously used meat covers; importations permitted subject to restrictions.

Cloth or burlap which has been used to cover fresh or frozen meats originating in any country designated in § 94.1 of this subchapter as a country in which rinderpest or foot-and-mouth disease exists, shall not be imported except under the following conditions:

(a) The cloth or burlap shall be consigned from the coast or border port of arrival to an establishment specifically approved for the purpose by the Director of the Division.

(b) The cloth or burlap shall be immediately moved from the coast or border port of arrival, or in case of I. T. or in-bond shipments from the interior port, to the establishment, in railroad cars or trucks, or in vessel compartments, with no other material contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division: *Provided, however,* That upon permission of the Director of Division, such cloth or burlap may be stored for a temporary period in approved warehouses at the port of arrival under bond and under the supervision of an inspector.

(c) The material shall be disinfected and otherwise handled at the establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest, and the material shall not be removed therefrom, except upon special permission of the Director of Division, until all of the conditions and requirements of this section have been complied with.

§ 95.24 Methods for disinfection of hides, skins, and other materials.

Hides, skins, and other materials required by the regulations in this part to be disinfected shall be subjected to disinfection by methods found satisfactory and approved from time to time by the Director of Division.

§ 95.25 Transportation of restricted import products; placarding cars and marking billing; unloading enroute.

(a) Transportation companies or other operators of cars, trucks or other vehicles carrying import products or materials moving under restriction, other than those in tight cases or casks, shall affix to and maintain on both sides of all such vehicles durable placards not less than 5½ by 6 inches in size, on which shall be printed with permanent black ink and in boldface letters not less than 1½ inches in height the words "Restricted import product." These placards shall also bear the words "Clean and disinfect this car or truck." Each of the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall have the words "Restricted import product, clean and disinfect car or truck," plainly written or stamped upon its face. If for any reason the placards required by this section have not been affixed to each car, or the billing has not been marked by the initial or the connecting carrier, or the placards have been removed, destroyed, or rendered illegible, the placards shall be immediately affixed or replaced and the billing marked by the initial or connecting carrier, the intention being that the billing accompanying the shipment shall be marked and each car, truck or other vehicle placarded as specified in this section from the time such shipment leaves the port of entry until it is unloaded at final destination and the cars, trucks or other vehicles are cleaned and disinfected as required by § 95.26.

(b) If it is necessary to unload enroute any of the materials or products transported in a placarded car, truck or other vehicle as provided in this section, the car, truck or other vehicle from which the transfer is made and any part of the premises in or upon which the product or material may have been placed in the course of unloading or reloading shall be cleaned and disinfected by the carrier, in accordance with the provisions of § 95.26, and the said carrier shall immediately report the matter, by telegraph, to the Director of the Animal Inspection and Quarantine Division, Washington 25, D. C. Such report shall include the following information: Nature of emergency; place where product or material was unloaded; original points of shipment and destination; number and initials of the original car or truck; and number and initials of the car, truck or other vehicle into which the product or material is reloaded in case the original car or truck is not used.

§ 95.26 Cars, other vehicles, boats, yards, and premises; cleaning and disinfection.

Cars, other vehicles, boats, yards, and premises which have been used in the transportation, handling, or storing of restricted import products or materials, other than those contained in tight cases or casks, shall be cleaned and disinfected under the supervision of the Division at the time and in the manner provided in this section. Except as provided in paragraph (a) of this section, such cars, other vehicles, and boats shall not be moved in interstate or foreign

commerce until they have been so treated.

(a) *Cars to be cleaned and disinfected by final carrier at destination.* Cars required by this part to be cleaned and disinfected shall be so treated by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however,* That when the products or materials are destined to points at which an inspector or other duly authorized representative of the Division is not maintained or where proper facilities cannot be provided, the transportation company shall seal, bill, and forward the cars in which the products or materials were transported to a point to be agreed upon between the transportation company and the Division, and the transportation company shall there clean and disinfect the said cars under the supervision of the Division.

(b) *Methods of cleaning and disinfection.* (1) Cars, trucks, and other vehicles required by this part to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy by burning or other approved method, clean the exterior and interior of the cars or trucks, and saturate the entire interior surface with a permitted disinfectant.

(2) Boats required by this part to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse from the decks, compartment, and all other parts of the boat used for the transportation of the products or materials covered by this part, and from the portable chutes or other appliances or fixtures used in loading and unloading same, and destroy the litter and other refuse by burning or by other approved methods, and saturate the entire surface of the said decks, compartments, and other parts of the boat with a permitted disinfectant.

(3) Buildings, sheds, and premises required by this part to be disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy the same by burning or other approved methods, and saturate the entire surface of the fencing, chutes, floors, walls, and other parts with a permitted disinfectant.

(c) *Permitted disinfectant.* The disinfectant permitted for use in disinfecting cars, other vehicles, boats, yards, and premises against infection of foot-and-mouth disease and rinderpest is a freshly prepared solution containing not less than one pound avoirdupois of sodium hydroxide of not less than 95 percent purity to each 6 gallons of water. Commercial grades of sodium hydroxide (caustic soda) of less than 95 percent purity or commercial concentrated solutions of caustic soda may be employed, provided that in either case a sufficient quantity be used to insure that the content of the solution in actual sodium hydroxide shall be not less than one pound avoirdupois in each 6 gallons of solution.²

² CAUTION: Great care is necessary in handling sodium hydroxide, as it rapidly destroys organic tissues.

(d) *Permitted disinfectants against ticks.* The disinfectants permitted for use against tick infestation are liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to one gallon of water; or chlorinated lime (U. S. P. strength 30 percent available chlorine) in the proportion of one pound to three gallons of water; or any one of the cresylic disinfectants permitted by the Agricultural Research Service in the proportion of at least four fluid ounces to one gallon of water; or through application of boiling water if the treatment is against rinderpest or foot-and-mouth disease and tick infestation; or other disinfectants or treatments approved by the Director of Division.

§ 95.27 Regulations applicable to products from Territorial possessions.

The regulations in this part shall be applicable to all the products and materials specified in this part which are offered for entry into the United States from any place under the jurisdiction of the United States to which the animal-quarantine laws of this country do not apply.

§ 95.28 Hay or straw and similar material from tick-infested areas.

Hay or straw, grass, or similar material from tick-infested pastures, ranges, or premises may disseminate the contagion of splenic, Southern or Texas fever when imported for animal feed or bedding; therefore, such hay or straw, grass, or similar materials shall not be imported unless such material is first disinfected with a disinfectant specified in § 95.26 (d).

PART 96—RESTRICTION OF IMPORTATIONS OF FOREIGN ANIMAL CASINGS OFFERED FOR ENTRY INTO THE UNITED STATES

Sec.	Form of certificate.
96.1	Uncertified animal casings; disposition.
96.2	Instructions regarding handling certified animal casings.
96.3	Certificate; signature and title of issuing foreign official.
96.4	Certified foreign animal casings arriving at seaboard or border port.
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96.7	Casings admitted on disinfection; sealing; transfer and disinfection.
96.8	Uncertified casings; transportation for disinfection; original shipping containers; disposition of salt.
96.9	Disinfecting plant and equipment for uncertified casings.
96.10	Uncertified casings not disinfected in 30 days; disposition.
96.11	Uncertified casings; disinfection with hydrochloric acid.
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96.13	Common carriers; marking papers.
96.14	Form for reporting release.
96.15	

AUTHORITY: §§ 96.1 to 96.15 issued under sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111.

§ 96.1 Form of certificate.

It is hereby ordered that no animal casings shall be admitted into the United States from any foreign country unless

and until they are accompanied by a certificate bearing the signature of the national Government official having jurisdiction over the health of animals in the country in which the casings originated. The certificate shall be in the following form:

FOREIGN OFFICIAL CERTIFICATE FOR ANIMAL CASINGS

Place _____ Date _____
(City) (Country)

I hereby certify that the animal casings herein described were derived from healthy animals (cattle, sheep, swine, or goats), which received, ante mortem and post mortem veterinary inspections at the time of slaughter, are clean and sound, and were prepared and handled only in a sanitary manner and were not subjected to contagion prior to exportation.

Kind of casings	Number of packages	Weight
_____	_____	_____

Identification marks on the packages _____

Consignor _____ (Address)

Consignee _____ (Destination)

Shipping marks _____ (Signature)

(Official title) _____ (Official issuing the certificate)

(Signature) _____

(Official of the national government having jurisdiction over the health of animals in the country in which the casings originated)

(Official title) _____

§ 96.2 Uncertified animal casings; disposition.

Animal casings which are unaccompanied by the required certificate, those shipped in sheepskins or other skins as containers, and those found upon inspection to be unclean or unsound when offered for importation into the United States shall be kept in customs custody until exported or destroyed, or until disinfected and denatured as prescribed by the Director of the Animal Inspection and Quarantine Division in §§ 96.3-96.15.

§ 96.3 Instructions regarding handling certified animal casings.

A certificate in the English language and exact form prescribed in § 96.1 duly executed shall accompany each consignment of animal casings offered for importation into the United States.

(a) The certificate shall bear the signature of the national government official having jurisdiction over the health of animals in the country in which the casings originate. The national government official referred to in this part shall be construed to mean the official whose jurisdiction with respect to the health of animals in the foreign country is comparable to the jurisdiction of the Secretary of the United States Department of Agriculture in the United States. It should be understood that the intention is to place responsibility for issuance of the certificate upon the foreign government through its appropriate high official. The affixing of the high official's signature on the certificate may be accomplished to the satisfaction of the Department of Agriculture through printing the said official's signature in

the appropriate space on the certificate at the time the certificate is printed. The other signature appearing on the certificate should be the autograph signature of the "official issuing the certificate," who may be any person authorized by the high national official to issue such certificate. The certificate shall bear the insignia of the national government of the foreign country in which the casings originate or other evidence showing that it is a national document of that country.

(b) Animal casings are not classed as meat product, therefore the certificate required for foreign meat product is not acceptable for animal casings offered for importation.

(c) Casings offered for importation into the United States shall remain in customs custody at the port until released by an inspector of the Animal Inspection and Quarantine Division for adwise disposed of as required by this part. mission into the United States or other-

(d) The provision that under certain conditions casings which have been offered for importation shall be exported, shall be construed to mean the removal of the casings from the United States or its possessions.

(1) The provision that under certain conditions casings be destroyed shall be construed to mean the treatment or handling of the casings in a manner to take away completely the usefulness of them as by tanking or incineration.

(2) The provision that under certain conditions casings shall be disinfected and denatured shall be construed to mean such treatment and handling as will be prescribed by the Director of Division to free them from pathogenic substances or organisms, or to render such substances and organisms inert; and that the nature of the casings be changed to make them unfit for eating without destroying other useful properties. For instance, each casing may be split throughout its length and after disinfection, as above indicated, be released for industrial use.

(e) Dried intestines offered for importation into the United States for use as gut strings or similar purpose are not regarded as animal casings within the meaning of this part. Such dried intestines are classed with tendons, sinews, and similar articles and are subject to the provisions of Part 95.

§ 96.4 Certificate; signature and title of issuing foreign official.

The signature and title of the high official of the national government having jurisdiction over the health of animals in foreign countries are acceptable when printed in the appropriate space on the certificate.

§ 96.5 Certified foreign animal casings arriving at seaboard or border port.

(a) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where an inspector of the Division is stationed shall be released for entry by the inspector at the seaboard or border port.

(b) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where no inspec-

tor of the Division is stationed, which are destined to a point in the United States where an inspector of the Division is stationed, shall be shipped in United States Customs custody to destination for release.

(c) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where no inspector of the Division is stationed, which are destined to a point in the United States where no inspector of the Division is stationed, shall be transported in United States Customs custody to the nearest point where an inspector of the Division is stationed for release at that point.

(d) Properly certified foreign animal casings forming a part of a foreign meat consignment routed through a border port to an interior point in the United States shall be transported to destination as though the entire consignment consisted of meat. In such cases the inspector of the Division who inspects the meat at destination shall supervise the release of the casings.

§ 96.6 Dried bladders, weasands, and casings.

Dried animal bladders, dried weasands, and all other dried animal casings offered for importation into the United States as food containers unaccompanied by foreign certification which have been retained in the dry state continuously for not less than 90 days from the date of shipment shown on the consular invoice, may be released for entry as food containers without disinfection.

§ 96.7 Uncertified casings; disinfection at seaboard port.

Uncertified foreign animal casings arriving at a seaboard port may be imported into the United States for use as food containers after they have been disinfected under the direct supervision of an inspector of the Division at the seaboard port.

§ 96.8 Casings admitted on disinfection; sealing; transfer and disinfection.

Foreign animal casings offered for importation into the United States which are admitted upon disinfection shall be handled as follows:

(a) The containers of such casings shall be sealed on the steamship pier or other place of first arrival. Four seals shall be affixed to both ends of each tierce, barrel, and similar container in the space where the ends of the container enter the staves, by means of red sealing wax imprinted with the No. 3 Division brass brand from which "INSP'D & P's'd" and the establishment number have been removed.

(b) Uncertified animal casings sealed as above indicated shall be transferred from the steamship pier or other place of first arrival to the premises of the importer or other designated place, where they shall be disinfected by the importer under the supervision of an inspector of the Division before they are offered for sale. The object of this ruling is to place full responsibility for disinfection of casings on the original importer and to prevent the sale of casings subject to disinfection by the purchaser.

§ 96.9 Uncertified casings; transportation for disinfection; original shipping containers; disposition of salt.

(a) Foreign animal casings arriving in the United States without certification may be forwarded in customs custody to Buffalo, N.Y., Chicago, Ill., Cleveland, Ohio, or South Omaha, Nebr., for disinfection under Division supervision and release by the customs authorities in these cities, provided that before being transported over land in the United States each and every container of such casings shall be disinfected by the application of a solution of sodium hydroxide prepared as follows:

(1) Add two pounds of 95 percent to 98 percent sodium hydroxide (commercial "76 percent caustic soda") to each ten gallons of water and stir until solution is complete.

(2) This solution shall be thoroughly applied to all exterior surfaces of the containers and be allowed to remain for at least thirty minutes to accomplish disinfection. The containers should then be washed with water to remove the caustic soda which otherwise might cause injury to the handlers of the packages.

(b) When uncertified foreign casings are removed from the original shipping containers these containers shall be destroyed by burning or promptly and thoroughly disinfected both inside and out with the solution and in the manner above prescribed. If these containers are to be re-used it is important that they be thoroughly washed both inside and out with water after disinfection has been completed, and in order to insure against the injurious effect of caustic soda remaining in the wood it is advisable to allow the containers to stand for not less than six hours filled with water.

(c) The salt removed from all original shipping containers of uncertified foreign animal casings shall be immediately dissolved in water and heated to boiling, or disposed of as provided in subparagraph (1) or (2) of this section as follows:

(1) Dissolve the salt in the proportion of 90 pounds of salt to 100 gallons of water. Add 2¾ gallons of C. P. hydrochloric acid containing not less than 35 percent actual HCl; mix thoroughly and allow the solution to stand for at least thirty minutes. The finished solution must contain not less than 1 percent actual hydrochloric acid. (This solution may be utilized in the disinfection of casings as prescribed in § 96.12.)

(2) Dissolve the salt in the proportion of 90 pounds of salt to 100 gallons of water. Add 20 pounds of 95 percent to 98 percent sodium hydroxide (commercial "76 percent caustic soda") and stir until solution is complete; and allow it to stand for at least 30 minutes. (This solution may be utilized in the disinfection of casing containers as prescribed in paragraphs (a) (2) and (b) of this section.

(3) It is best to employ flaked caustic soda and not the variety which is very finely powdered. The fine powder is irritating and injurious to workers if it becomes suspended in the air. Containers of caustic soda should be kept

tightly closed as the product deteriorates from contact with the air.

§ 96.10 Disinfecting plant and equipment for uncertified casings.

Uncertified foreign animal casings shall be disinfected only at a plant whose sanitation and disinfecting equipment have been approved by an inspector of the Division.

§ 96.11 Uncertified casings not disinfected in 30 days; disposition.

Foreign animal casings offered for importation without certification shall be disinfected as prescribed in § 96.12 within a period of 30 days after arrival in the United States, subject to the ability of Division inspectors to cover their respective districts. Otherwise such casings shall be exported or destroyed.

§ 96.12 Uncertified casings; disinfection with hydrochloric acid.

Foreign animal casings offered for importation into the United States without certification may be disinfected, as prescribed in this section, under the supervision of a Division inspector for use as food containers, as an alternative for foreign certification.

(a) Disinfect the casings in a solution made as follows: Dissolve 90 pounds common salt in 100 gallons water and mix. Add 2¾ gallons (10.35 liters) C. P. hydrochloric acid containing not less than 35 percent actual HCl and mix thoroughly. The finished solution must contain not less than 1 percent actual hydrochloric acid.

(b) Containers of the disinfectant solution may be either of wood or of metal, but the interior surfaces must be protected by means of an acid resistant coating.

(c) Not more than 175 pounds casings shall be treated with each 100 gallons of the solution. After the treatment of 175 pounds of casings, or at the end of the day if less than 175 pounds of casings are disinfected in any one day, the solution shall be discarded unless means are provided for accurately determining the loss of strength. In event means for accurately determining loss of strength are provided it will be permissible to restore the strength of the solution with fresh acid and use it repeatedly.

(d) Shake as much of the adherent salt as possible from the casings and weigh them. Bundles must be separated but individual hanks need not be untied. Place the casings in the disinfecting solution a few hanks at a time with vigorous agitation to insure the fullest possible contact of the solution with them. Then keep the casings completely submerged in the solution for not less than three-fourths of an hour.

(e) Remove the casings from the solution, rinse them with water, and place them in a solution containing 8½ pounds of sodium bicarbonate in each 100 gallons of water. 100 gallons of this solution is sufficient for 175 pounds of casings. Keep the casings in this solution for 30 minutes, moving them about frequently and vigorously so as to insure complete contact of the solution with the casings. After this neutralization, re-

move the casings from the sodium bicarbonate solution and wash them to remove the excess of bicarbonate.

§ 96.13 Uncertified casings; disinfection with saturated brine solution.

Foreign animal casings offered for importation into the United States upon disinfection, may either be disinfected with hydrochloric acid as at present or if preferred may be submerged in a saturated brine solution at a temperature not less than 127° F. for at least 15 minutes. The time held as well as the temperature of such brine solution must be recorded on a one-hour dial of a recording thermometer and filed in the local Division office for official inspection at any time. In order that this required temperature may be more readily maintained, such casings must first be submerged in a brine solution at approximately 127° F. for about five minutes immediately before the 15-minute recorded submersion period begins. This may be done either in the testing vat or a preliminary vat. By following this procedure the temperature will not vary unduly and thus cause unsatisfactory results. After removing the casings from the testing vat, it will be found advantageous to submerge them in another vat containing cold brine solution or cold water in order to remove the extra heat from the casings as promptly as possible, but of course this is optional with the importer. In order to obtain the most satisfactory results, the hanks, rings, and similar units must be separated as much as possible without untying, but "dolls" will not be permitted to be disinfected by this heating method. In order to keep the temperature of the brine in the testing vat of a uniform degree, it is necessary to agitate the solution occasionally by moving the casings. The tip of the recording thermometer should be located at a point which would be approximately at the bottom of the volume of casings being disinfected.

§ 96.14 Common carriers; marking papers.

Railroad companies, express companies, and other common carriers transporting foreign animal casings which have been released for entry shall mark the transportation papers accompanying the casings with the statement "Released by U.S. Customs."

§ 96.15 Form for reporting release.

MI Form 109-L, reporting the release of foreign animal casings, should be prepared in triplicate, the original copy, with foreign official certificate attached, shall be forwarded to Washington, the duplicate copy to the collector of customs at port of entry, and the triplicate copy retained for the station records.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Sec.

97.1 Overtime work at border ports, sea-ports and airports.

97.2 Administrative instructions prescribing commuted travel time.

AUTHORITY: §§ 97.1 and 97.2 issued under 64 Stat. 561; 5 U.S.C. 576.

§ 97.1 Overtime work at border ports, seaports, and airports.

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime period and shall pay the Administrator of the Agricultural Research Service at the rate of \$5.80 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

§ 97.2 Administrative instructions prescribing commuted travel time.

Each period of overtime duty as prescribed in § 97.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The period of requested overtime outside of the regular tour of duty may necessitate the services of more than one employee or travel from another point, in which event the commuted travel period as illustrated in this section may differ depending upon the station from which the employee travels. The commuted travel time period for the respective ports, stations and areas is as follows:

ONE HOUR

Alburt, Vt. (served from St. Albans, Vt.).
Alexandria Bay, N.Y. (served from Clayton, N.Y.).
Brownsville, Tex.
Buffalo, N.Y.
Calxico, Calif. (served from El Centro, Calif.).
Champlain, N.Y.
Del Rio, Tex.
Derby Line, Vt. (served from Newport, Vt.).
Douglas, Ariz.
Eagle Pass, Tex.
El Paso, Tex.
Galveston, Tex.
Highgate Springs, Vt. (served from St. Albans, Vt.).
Hidalgo, Tex.
Houlton, Maine.
Laredo, Tex.
Monticello, Maine (served from Houlton, Maine).
Mooser Junction, N.Y. (served from Champlain, N.Y.).
Morristown, N.Y. (served from Ogdensburg, N.Y.).
Naco, Ariz.
Newport, Vt.
Nogales, Ariz.
North Troy, Vt. (served from Newport, Vt.).
Noyes, Minn. (served from Pembina, N. Dak.).
Ogdensburg, N.Y.
Pembina, N. Dak.
Portal, N. Dak.
Presidio, Tex.
Port Huron, Mich.
Rio Grande, Tex.
Roma, Tex.
Rouses Point, N.Y. (served from Champlain, N.Y.).
San Juan, P.R.
San Luis, Ariz.
San Ysidro, Calif.
St. Albans, Vt.
Spokane, Wash.
Sweetgrass, Mont.
Yuma, Ariz.

TWO HOURS

Blaine, Wash. (served from Bellingham, Wash.).
Bridgewater, Maine (served from Houlton, Maine).
Honolulu, T.H.
Houston, Tex.
Indianapolis, Ind.
Island Pond, Vt. (served from Newport, Vt.).
Jacksonville, Fla.
Lynden, Wash. (served from Bellingham, Wash.).
Miami, Fla.
Mobile, Ala.
Naco, Ariz. (served from Douglas, Ariz.).
Niagara Falls, N.Y. (served from Buffalo, N.Y.).
Norfolk-Newport News, Va.
Oroville, Wash. (served from Tonasket, Wash.).
Portland, Oreg.
Richford, Vt. (served from St. Albans, Vt.).
San Diego, Calif. (served from San Ysidro, Calif.).
St. Petersburg, Fla. (served from Tampa, Fla.).
San Francisco, Calif.
Seattle, Wash.
Sumas, Wash. (served from Bellingham, Wash.).
Tacoma, Wash. (served from Olympia, Wash.).
Tampa, Fla.
Waddington, N.Y. (served from Ogdensburg, N.Y.).
Yuma, Ariz. (served from San Luis, Ariz.).

THREE HOURS

Antelope Wells, N. Mex. (served from El Paso, Tex.).
Baltimore, Md.

Beechers Falls, Vt. (served from Newport, Vt.).
Boston, Mass.
Calais, Maine (served from Houlton, Maine).
Chateaugay, N.Y. (served from Champlain, N.Y.).
Columbus, N. Mex. (served from El Paso, Tex.).
Del Rio, Tex. (served from Eagle Pass, Tex.).
Detroit, Mich.
Eastport, Idaho (served from Spokane, Wash.).
Eastport, Maine (served from Houlton, Maine).
Fort Covington, N.Y. (served from Ogdensburg, N.Y.).
Fort Fairfield, Maine (served from Houlton, Maine).
Fort Kent, Maine (served from Houlton, Maine).
Hidalgo, Tex. (served from Brownsville, Tex.).
Hogansburg, N.Y. (served from Ogdensburg, N.Y.).
Holeb, Maine (served from Augusta, Maine).
Jackman, Maine (served from Augusta, Maine).
Laurier, Wash. (served from Tonasket, Wash.).
Limestone, Maine (served from Houlton, Maine).
Los Angeles, Calif.
Madawaska, Maine (served from Houlton, Maine).
Malone, N.Y. (served from Champlain, N.Y.).
Newport News, Va. (served from Richmond, Va.).
New Orleans, La.
New York, N.Y.
Nighthawk, Wash. (served from Tonasket, Wash.).
Nogales, Ariz. (served from Tucson, Ariz.).
Philadelphia, Pa.
Porthill, Idaho (served from Spokane, Wash.).
Presidio, Tex. (served from El Paso, Tex.).
Rio Grande City, Tex. (served from Brownsville, Tex.).
Roma, Tex. (served from Brownsville, Tex.).
Roosevelt, N.Y. (served from Ogdensburg, N.Y.).
Sault Ste. Marie, Mich. (served from Lansing, Mich.).
Sasabe, Ariz. (served from Tucson, Ariz.).
Trout River, N.Y. (served from Champlain, N.Y.).
Van Buren, Maine (served from Houlton, Maine).
Vanceboro, Maine (served from Houlton, Maine).
Wilmington, Del. (served from Phila. Pa.).

The commuted travel time for locations not listed herein and designated under § 92.3(e) shall be three hours.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Animal Inspection and Quarantine Division.

Done at Washington, D.C., this 26th day of May 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-5072; Filed, May 31, 1961; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, § 6.204, paragraph (a) (1) is added to Part 6 as set out below.

§ 6.204 Department of Defense.

(a) *Office of the Secretary.* (1) Professional Members of Policy Planning Staff in positions at grades GS-16 and above, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 61-5077; Filed, May 31, 1961;
8:49 a.m.]

Title 7—AGRICULTURE

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

PART 937—NECTARINES GROWN IN CALIFORNIA

Determination Relative to the Expenses and the Fixing of the Rate of Assessment for the 1961-62 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the May 13, 1961, issue of the FEDERAL REGISTER (26 F.R. 4172) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending February 28, 1962, under the marketing agreement and Order No. 37 (7 CFR Part 937), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 937.204 Expenses and rate of assessment for the 1961-62 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement

and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1961, and ending February 28, 1962, will amount to \$118,605.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles nectarines shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at two and one-half cents (\$0.025) per standard lug box, or equivalent quantity of nectarines in other containers or in bulk so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 937.42 of said marketing agreement and order.

It is hereby 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. 1001-1011) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable nectarines from the beginning of such period; and (2) the current fiscal period began on March 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable nectarines beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in § 828.4 of the Agricultural Code of California.

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

Dated: May 26, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-5057; Filed, May 31, 1961;
8:46 a.m.]

[Milk Order 68]

PART 968—MILK IN WICHITA, KANS., MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 968.0 to 968.95 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 968.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in con-

flict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 29, 1961, and the decision of the Secretary containing all amendment provisions of this order was issued May 24, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 968.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 968.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 Wichita, Kansas, marketing area.

"Wichita, Kansas, marketing area" means all the territory within Sedgwick, Cowley, Sumner, Butler, Marion, and Harvey counties, all in the State of Kansas, and all Federal, State and municipal institutions and bases located therein.

§ 968.6 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.7 Approved dairy farmer.

"Approved dairy farmer" means any person who produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area.

§ 968.8 Producer.

"Producer" means any approved dairy farmer whose milk is (a) received at a pool plant, or (b) caused to be diverted from a pool plant by a handler to a non-pool plant for the account of such handler. Milk so diverted shall have been deemed to have been received at the pool plant from which it was diverted.

§ 968.9 Approved plant.

"Approved plant" means any plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for supplying milk for fluid consumption to any agency of the United States Government located within the marketing area.

§ 968.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-handler or a plant exempt pursuant to § 968.61.

(a) During any of the months of March, April, May, June or July within which such plant disposes of as Class I milk an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 35 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(c) From which during the month not less than 50 percent of its total receipts from approved dairy farmers and approved plants is shipped to a plant(s) described in paragraphs (a) and (b) of this section: *Provided*, That any plant which has shipped to a plant(s) described in paragraphs (a) and (b) of this section the required percentage of its receipts during each of the months of August through November shall be designated a pool plant in each of the following months of December through July unless written request for nonpool status is furnished to the market administrator;

(d) Which is operated by a cooperative association and 60 percent or more of the milk delivered during the current month by approved dairy farmers who are members of such association, is delivered directly or is transferred by the association to pool plants as described in paragraphs (a) and (b) of this section; and

(e) For the purpose of this definition the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted;

RULES AND REGULATIONS

(2) Milk for which a cooperative association is defined as the handler pursuant to § 968.11 shall be deemed to have been received by such cooperative association at the pool plant; and

(3) Milk transferred as Class I milk from an approved plant to another approved plant shall be credited as a Class I disposition as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, milk so transferred will be credited to the Class I disposition of the transferring plant only to the extent that classification as Class I milk is required pursuant to § 968.44(a)(2);

(ii) In any case in which the entire quantity of Class I milk disposed of in packages of a particular size and form is received in such packages from another approved plant, all such Class I disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate Class I disposition of the receiving plant.

§ 968.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to a pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered); or

(d) Any cooperative association with respect to the milk of any member producer delivered for the account of such cooperative association to the pool plant of another cooperative association.

§ 968.12 Producer-handler.

"Producer-handler" means any approved dairy farmer who operates an approved plant at which no fluid milk products are received during the month except from his own production or as transfers from a pool plant(s).

§ 968.13 Producer milk.

"Producer milk" means all the skim milk and butterfat received at a pool plant directly from producers, diverted pursuant to § 968.8, or received from a cooperative association pursuant to § 968.11 (c) or (d).

§ 968.14 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts of fluid milk products and cottage cheese during the month except (1) fluid milk products and cottage cheese received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including

those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 968.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including milk drinks labeled "diet food", "dietary food" and similar designations which are not disposed of in hermetically sealed cans), yogurt, cream (except frozen and aerated cream), cultured sour cream, and any mixture (except frozen dessert mixes and eggnog) of cream and milk or skim milk.

§ 968.16 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of any fluid milk product other than a delivery to any milk processing plant.

MARKET ADMINISTRATOR

§ 968.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions pro-

vided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 968.30 to 968.32, or

(2) Made payments pursuant to §§ 968.80 to 968.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51(a) and the Class I butterfat differential pursuant to § 968.52(a) both for the current month; and the minimum prices for Class II and Class III milk computed pursuant to § 968.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 968.52 (b) and (c), all for the previous month;

(2) On or before the 11th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 (a) both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 13th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS, AND FACILITIES

§ 968.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk or milk products as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 Payroll reports.

On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and at the end of each month.

§ 968.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or

when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 to § 968.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 968.41 Classes of utilization.

Subject to the conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except that fluid milk products labeled as "diet food", "dietary foods", and similar designations shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk or cream of the same butterfat content; and

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans.

(b) Class II shall be all skim milk and butterfat used to produce cottage cheese in plants approved for the sale of cottage cheese in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section;

(2) Used for starter churning, whole-sale baking and candy making;

(3) Disposed of as livestock feed;

(4) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(5) The weight of skim milk in fluid milk products which is not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage of producer milk but not in excess of:

(i) Two percent of receipts of skim milk and butterfat from a cooperative association handler pursuant to § 968.11(c), if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, and receipts of skim milk and butterfat directly from producers (excluding milk diverted pursuant to § 968.8);

(ii) Plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk lots from pool plants of

other handlers or received directly from cooperative associations pursuant to § 968.11(c) unless two percent shrinkage is assigned pursuant to (i) of this subparagraph;

(iii) Less 1.5 percent of skim milk and butterfat disposed of in bulk lots to the pool plants of other handlers except shrinkage assigned pursuant to subdivision (i) of this subparagraph.

(7) In shrinkage of other source milk; and

(8) In inventory of fluid milk products on hand at the end of the month.

§ 968.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting quantities between:

(1) The receipts of skim milk and butterfat in the net quantity of milk:

(i) Received directly from producers (not including milk diverted to nonpool plants);

(ii) Received from cooperative associations pursuant to § 968.11(c) and (d); and

(iii) Received in bulk by transfer or diversion from pool plants of other handlers; and

(2) The receipts of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

§ 968.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 968.44 Transfers.

Skim milk and butterfat transferred or diverted by a handler shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the highest-priced possible utilization.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from

the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class III milk if its utilization as Class III milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to an unapproved plant located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for Class I or Class II usage as defined in §§ 968.41 (a) and (b), respectively, by such unapproved plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second plant under paragraph (d) of this section the same conditions of audit classification and allocation shall apply.

§ 968.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 968.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 968.45 the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 968.41 (c) (5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk, in series beginning

with the lowest priced utilization, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced utilization, the pounds of skim milk in inventory at the beginning of the month in the form of any product specified in § 968.41(a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44(a);

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced utilization. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 968.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Carnation Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using

the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 Class prices.

Subject to the provisions of §§ 968.52 and 968.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for each of the 12 months immediately following the effective date of this amendment shall be the basic formula price for the preceding month plus \$1.57 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided*, That the Class I price so computed shall be not less than the Class I price for milk containing 3.8 percent butterfat for the same period pursuant to Federal Order No. 13 (Greater Kansas City) during each month of the period August through March and plus ten cents for each of the months of April through July, nor more than the Kansas City Class I price (3.8 percent butterfat content) plus fifty cents during each of the months of the period August through March and plus sixty cents for each of the months of April through July.

(1) Divide the total receipts of milk from producers in the second and third months preceding by the total volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January.....	October-November.....	125	135
February.....	November-December.....	124	134
March.....	December-January.....	125	135
April.....	January-February.....	125	135
May.....	February-March.....	132	142
June.....	March-April.....	136	146
July.....	April-May.....	143	153
August.....	May-June.....	137	147
September.....	June-July.....	131	141
October.....	July-August.....	131	141
November.....	August-September.....	130	140
December.....	September-October.....	126	136

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 80 cents.

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.

(2) The average price reported by the Department for the current month for milk used in the manufacture of American Cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 3.8 percent butterfat basis by direct ratio.

§ 968.52 Handler butterfat differential.

If the average butterfat test of Class I, Class II or Class III milk as calculated pursuant to § 968.46 is more or less than

3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.120;

(c) *Class III milk.* Multiply such price for the current month by 0.115.

§ 968.53 Location differentials to handlers.

For milk which is received at a plant located more than 70 miles by the shortest highway distance, as determined by the market administrator, from the courthouse at Wichita, Kansas, and which is classified as Class I milk, the prices computed pursuant to § 968.51(a) shall be reduced by 12 cents if such plant is located more than 70 miles but not more than 80 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles: *Provided*, That for the purposes of calculating such differential, transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.

§ 968.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 968.60 Producer-handlers.

Sections 968.40 to 968.46, 968.50 to 968.54, 968.61, 968.62, 968.70, 968.72 and 968.80 to 968.88 shall not apply to a producer-handler.

§ 968.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 968.10 (a) or (b) and the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Wichita marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to the provisions of § 968.10(c) or § 968.10(d).

§ 968.62 Handler operating an approved plant which is not a pool plant.

Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 to § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of paragraph (a) of this section unless the handler elects the computation specified in paragraph (b) of this section.

(a) The product of the quantity of milk received by such handler which was (1) disposed of during the month in the marketing area on routes as Class I milk by the difference between the applicable Class I and the Class III prices or (2) used to produce cottage cheese so disposed of as Class II by the difference between the Class II and Class III prices.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 Net pool obligations of handlers.

The net pool obligation for milk received during each month by each handler shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46(c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46(a)(7) and the corresponding step of § 968.46(b) by the applicable respective class prices;

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b); or

(2) The hundredweight of producer milk classified as Class III utilization

(except as shrinkage) for the preceding month;

(d) Add an amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class II price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b); or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month less the hundredweight of milk subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b).

(e) During any month in which the total receipts of producer milk are more than 120 percent of the total Class I utilization at all pool plants, add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b).

(2) Milk in inventory subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 968.46(a)(3) and the corresponding step of § 968.46(b) for the month preceding.

(f) During any month in which the total receipts of producer milk are more than 120 percent of the total Class I utilization at all pool plants, add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class II price and the Class III price with respect to:

(1) Other source milk subtracted from Class II pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b).

(2) Milk in inventory subtracted from Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 968.46(a)(3) and the corresponding step of § 968.46(b) for the month preceding.

§ 968.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.8 percent butterfat content, received from producers f.o.b. pool plants located within 70 miles of the Wichita, Kansas, Court House, as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 for such month, except those in default of payments required pursuant to §§ 968.80 and 968.83 for the preceding month;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 per-

cent; or add if such average butterfat is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Add the total of the values of the applicable location differentials pursuant to § 968.81(b);

(d) Add an amount not less than one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of milk received from producers by all handlers;

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section.

§ 968.72 Notification of handlers.

On or before the 11th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 968.46 and 968.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 968.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 968.80 and 968.83; and

(e) The amount to be paid by such handler pursuant to §§ 968.86 and 968.87.

PAYMENTS

§ 968.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the second working day following the 11th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 for such producers' deliveries of milk, respectively, adjusted by the butterfat and location differentials computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer (1) to whom payment is not made pursuant to paragraph (c) of this section, and (2) who is still delivering Grade A milk to such handler, an advance payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class III price for 3.8 percent milk for the preceding month, without deduction for hauling.

(c) On or before the 14th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 14th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

(d) On or before the 10th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 968.11 (c) and (d), not less than the value of such milk as classified pursuant to § 968.44(a) at the applicable respective class price(s).

§ 968.81 Producer butterfat and location differentials.

(a) *Producer butterfat differential.* In making payments pursuant to § 968.80(a) the uniform prices per hundredweight shall be adjusted for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 968.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

(b) *Producer location differential.* In making payments to producers and cooperative associations, a handler may deduct from the applicable uniform price with respect to all milk received from producers at a pool plant located more than 70 miles, by the shortest highway distance, as determined by the market administrator, from the courthouse at Wichita, Kansas, the same amount per hundredweight as is applicable to the plant, pursuant to § 968.53.

§ 968.82 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, and 968.82, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount

on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 Payments out of the producer-settlement fund.

(a) On or before the 13th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available, and

(c) Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 968.82, 968.83, 968.85, 968.86 or 968.87.

§ 968.85 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80(a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 968.87 Expense of administration.

As his pro rata share of the expense of administration of this part each handler (1) with respect to all milk received from approved dairy farmers, except that in the case of a handler who elects to compute his obligation under § 968.62(a) only with respect to the quantity of milk disposed of as Class I or Class II in the marketing area and (2) with respect to other source milk allocated to Class I or Class II pursuant to § 968.46 during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary. In the case of any handler operating a nonpool plant which is also subject to the assessment of administrative expense under another order, the payments due under this section shall be reduced by the amount of administrative expense payments under the other order.

§ 968.88 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives

the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed, and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the act, a petition claiming such money.

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§ 968.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 968.91.

§ 968.91 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

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§ 968.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

§ 968.94 Agents.

The Secretary may by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 968.95 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., May 25, 1961, to be effective on and after the first day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-5028; Filed, May 31, 1961;
8:45 a.m.]

PART 1021—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Order No. 121 (7 CFR Part 1021), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr and Willacy in Texas (Lower Rio Grande Valley), was published in the FEDERAL REGISTER May 11, 1961 (26 F.R. 4069). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

This notice afforded interested persons an opportunity to file data, views and arguments pertaining thereto not less than five days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which was recommended by the Texas Valley Tomato Committee established pursuant to the aforesaid marketing order, it is hereby found and determined that:

§ 1021.203 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee established pursuant to Marketing Order No. 121, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order, during the fiscal period ending February 28, 1962, will amount to \$15,000.00.

(b) The rate of assessment to be paid by each handler pursuant to this part shall be three-fourths of one cent (\$0.0075) per 60-pound crate of tomatoes, or the equivalent quantity thereof in other containers handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 121 (7 CFR Part 1021).

It is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period and (2) the current fiscal period began on March 1, 1961, and the rate of assessments herein fixed will automatically apply to all assessable tomatoes beginning with such date.

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

Dated: May 26, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-5070; Filed, May 31, 1961;
8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket 7725 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Alpha Distributing Co.

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John Holonka et al. doing business as Alpha Distributing Co., New York, N.Y., Docket 7725, Mar. 14, 1961]

In the Matter of John Holonka, and Harry Apostoleris, Individually, and as Copartners, Doing Business as Alpha Distributing Co.

Consent order requiring New York City distributors of phonograph records to cease giving concealed payola to disk jockeys and other personnel of television and radio programs as inducement for the frequent playing of their records to increase sales.

The order to cease and desist is as follows:

It is ordered, That respondents John Holonka and Harry Apostoleris, individually, and as copartners doing business as Alpha Distributing Co., or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed, in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or either of them, have a financial interest of any nature.

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any

such records in which respondents, or either of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 15, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-5042; Filed, May 31, 1961; 8:45 a.m.]

[Docket 7660 o]

PART 13—PROHIBITED TRADE PRACTICES

Colgate-Palmolive Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*; § 13.170-70 Preventive or protective.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Colgate-Palmolive Company, New York, N.Y., Docket 7660, Mar. 9, 1961]

Order requiring a manufacturer of a dentifrice, among other products, with headquarters in New York City, to cease representing falsely in advertisements and television commercials that its "Colgate Dental Cream with Gardol" formed a "protective shield" around teeth, thereby affording users complete protection against tooth decay or the development of cavities in their teeth.

The order to cease and desist is as follows:

It is therefore ordered, That respondent Colgate-Palmolive Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the product "Colgate Dental Cream with Gardol" or any other dentifrice possessing substantially the same properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing, directly or by implication, that said dentifrice affords the users thereof with complete protection

against tooth decay or the development of cavities in their teeth.

2. Misrepresenting in any manner the degree or extent of protection against tooth decay or the development of cavities in teeth afforded users of any such dentifrice.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent, Colgate-Palmolive Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: March 9, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-5043; Filed, May 31, 1961; 8:45 a.m.]

[Docket 8167 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Warren Woolen Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Goods: § 13.-1590 *Composition*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Warren Woolen Co. et al., Stafford Springs, Conn., Docket 8167, Mar. 8, 1961]

In the Matter of The Warren Woolen Co., a Corporation, and Richard Valentine, William Sorenson, and Richard Rugen, Individually and as Officers of Said Corporation

Consent order requiring distributors of woolen fabrics in Stafford Springs, Conn., to cease furnishing to garment manufacturers for attachment to clothing made from its fabrics containing no llama fleece whatsoever, cloth labels bearing the statements "53% Llama, 47% wool" and "Llama-Lure".

The order to cease and desist is as follows:

It is ordered, That respondents, The Warren Woolen Co., a corporation, and its officers, and Richard Valentine, William Sorenson and Richard Rugen, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Llama-Lure," or any other term, word or expression of the same import in connection with fabrics that do not contain the fleece of the Llama; or misrepresenting in any man-

ner the type of fiber contained in a fabric;

2. Furnishing any means or instrumentality to others by and through which they may misrepresent the type of fiber contained in garments manufactured from their fabrics.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 8, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-5044; Filed, May 31, 1961; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-178; Order No. 234]

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

MAY 25, 1961.

In this proceeding the Commission has under consideration the prescription of a new Part 156, entitled "Applications for Orders Under Section 7(a) of the Natural Gas Act" of Subchapter E, Regulations Under the Natural Gas Act, of Chapter I of Title 18, Code of Federal Regulations, to read as set forth below. The part herein approved sets out regulations to be followed by applicants for the issuance of orders pursuant to section 7(a) of the Natural Gas Act (52 Stat. 824; 15 U.S.C. 717f(a)), which authorizes the Commission, after notice and opportunity for hearing, to direct a natural gas company to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural gas to the public.

General public notice of the proposed rulemaking was given by publication of notice in the FEDERAL REGISTER on August 26, 1959 (24 F.R. 6915), and by mailing copies thereof to interested persons, including natural gas companies, and to State and Federal agencies.

The regulations prescribed herein were developed in cooperation with representatives of the industry affected. In response to the notice, views and comments in writing were received from or on behalf of the following: Colorado-Wyoming Gas Company; Columbia Gas System Service Corporation; Robert S. Hunt; Western Kentucky Gas Company; City of Long Beach, California; J. David

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Mann, Jr.; Southern California Edison Company; Southern Natural Gas Company; and Texas Gas Transmission Corporation.

Thorough consideration was given to all suggestions and protests received, though not all have been adopted. The majority of those received expressed approval of the regulations as being desirable, but suggested certain amendments principally to § 156.5 which would serve to clarify and materially assist both future applicants and the Commission in its analysis of the information submitted. The Commission has considered the amendments proposed in the light of the arguments presented and has incorporated those which it thinks will best serve the public interest.

Some of the replies indicate that the word "transmission" carries the connotation "jurisdictional." This is not necessarily true. A facility may be utilized for the "transmission" of natural gas, i.e., from the supplier's facilities to the distribution facilities of the applicant. If such use meets the conditions of section 1(c) of the Natural Gas Act and the applicant has obtained a declaration of exemption in accordance with Part 152 of the Commission's Regulations Under the Natural Gas Act, the facilities would not be subject to Commission jurisdiction even though they perform the transmission function.

Applicants seeking Commission action under section 7(a) of the Act are now following the provisions of Part 157 of the regulations so far as they are applicable. The regulations prescribed herein will provide, in the future, exclusive criteria for applications filed under this section.

Upon consideration of the entire record in this proceeding, including the various proposed amendments, comments and suggestions, the experience acquired by the Commission in the administration of the Natural Gas Act, and the regulations thereunder, the Commission finds:

(1) Amendment of the Regulations Under the Natural Gas Act as herein ordered is appropriate and necessary for carrying out the provisions of that Act.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 7(a) and 16 thereof (52 Stat. 824, 52 Stat. 830; 15 U.S.C. 717f(a) and 717o), orders:

(A) Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is amended by adding a new Part 156, "Applications for Orders Under Section 7(a) of the Natural Gas Act" to read as set forth in the attachment hereto.

(B) This amendment shall become effective on July 1, 1961.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

Sec.

156.1 Who may apply.

156.2 Purpose and intent of rules.

Sec.

156.3 Applications; number of copies; general requirements.

156.4 Form of exhibits to be attached to applications.

156.5 Exhibits.

156.6 Acceptance for filing or rejection of application.

156.7 Service of application.

156.8 Notice of application.

156.9 Protests and interventions.

156.10 Hearings.

156.11 Dismissal of application.

AUTHORITY: §§ 156.1 to 156.11 issued under 52 Stat. 824, 830; 15 U.S.C. 717f(a) and 717o.

§ 156.1 Who may apply.

Any person or municipality as defined in section 2 of the Natural Gas Act engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public may file with the Commission an application pursuant to the provisions of section 7(a) of the Natural Gas Act for an order of the Commission directing a natural gas company to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to such person or municipality, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural gas company.

§ 156.2 Purpose and intent of rules.

(a) Applications filed pursuant to the provisions of section 7(a) of the Natural Gas Act shall contain all information necessary to advise the Commission fully concerning the applicant, the service which applicant requests the Commission to direct the natural gas company to render together with a description of any improvement or extension of facilities which the natural gas company would be required to make in connection with the rendition of the service, applicant's present and proposed operations, construction, service, and sales together with a description of any extension or improvement of facilities by applicant which would be required to enable applicant to engage in the local distribution of natural gas.

(b) Every requirement of this part shall be considered as an obligation upon the applicant which can be avoided only by a definite and positive showing that the information or data required by the applicable sections of the regulations is not necessary to the consideration and ultimate determination of the application.

(c) This part will be strictly applied to all applications as submitted and the burden of adequate presentation in understandable form as well as justification for omitted data or information rests with the applicant.

(d) Under this part, the natural gas company from which applicant is seeking the service is a party respondent to the proceeding.

§ 156.3 Applications; number of copies; general requirements.

(a) *Applicable rules.* An original and 7 conformed copies of an application under this part shall be filed with the

Commission. The Commission reserves the right to request additional copies. In all other respects applications shall conform to the requirements of §§ 156.1 through 156.5, and applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter. Amendments to or withdrawals of applications shall be filed in accordance with the requirements of § 1.11 of this chapter.

(b) *General content of application.* Each application filed shall set forth the following information:

(1) The exact legal name of applicant; the name of the natural gas company (respondent) from which applicant is seeking an extension or improvement of transportation facilities, physical connection of facilities or service of natural gas together with a concise description of the extension, improvement, physical connection of facilities or service sought from such company including the estimated volumes of natural gas involved to meet annual and maximum day requirements for the estimated first three years of proposed operation.

(2) Applicant's principal place of business; whether applicant is an individual, corporation or municipality as defined in section 2 of the Natural Gas Act; State under the laws of which applicant is incorporated, organized or authorized; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(3) The facts relied upon by applicant to show that the proposed extension or improvement of transportation facilities, physical connection of facilities or service and sale of natural gas are necessary or desirable in the public interest.

(4) A concise description of applicant's operations, if any, at the time the application is filed.

(5) A concise description of applicant's proposed operations, construction, service and sales together with a description of any extension or improvement of facilities by applicant which would be required to enable applicant to engage in the local distribution of natural gas and including the proposed dates for the beginning and completion of construction and commencement of operations.

(6) A full statement concerning and description of any certificate of public convenience and necessity, franchise or other authorization which applicant has applied for or received from any State commission or municipality covering its proposed operations.

(7) A full statement as to whether any other application must be or is to be filed by applicant with any other Federal or State body, or other political subdivision or agency of a State to enable applicant to engage in the local distribution of natural gas in the territory it proposes to serve.

(8) Each application shall contain a table of contents which shall list all exhibits and documents filed in compliance with §§ 156.1 through 156.5, as well as other documents and exhibits filed therewith, identifying them by their appropriate titles and alphabetical letter

designations specified in § 156.5. The alphabetical designations specified in § 156.5 must be strictly adhered to and any additional exhibits submitted on applicant's own volition, pursuant to § 156.5(b), shall be designated in sequence under the letter designation X (X1, X2, X3, etc.).

(c) *Incorporation by reference.* Any information required by this part which is already on file with the Commission may be incorporated by reference.

§ 156.4 Form of exhibits to be attached to applications.

(a) *General requirements.* Each exhibit shall contain a title page showing applicant's name, Docket No. CP----- (number designation to be left blank), title of exhibit, and if exhibit consists of 10 or more pages a table of contents citing by page, section number or subdivision the component elements or matters contained therein.

(b) *Measurement base.* All gas volumes shall be stated upon a uniform basis of measurement, and, in addition, if the uniform basis of measurement used in any application is other than 14.73 p.s.i.a., then the volume or volumes of natural gas to be received from any source and delivered by applicant shall also be stated upon a basis of 14.73 p.s.i.a. Similarly, total volumes on all summary sheets, as well as grand totals of volumes in any exhibit, shall also be stated upon a basis of 14.73 p.s.i.a. if the basis of measurement used is other than 14.73 p.s.i.a.

§ 156.5 Exhibits.

(a) *Exhibits to be submitted with application.* All of the following exhibits shall be submitted with the application when tendered for filing. Such exhibits may be attached to the application or furnished in a separate volume or separate volumes designated "Exhibits to Application." Such separate volume or volumes shall indicate on the cover thereof applicant's name and bear Docket No. CP----- (number designation to be left blank).

(1) *Exhibit A—Articles of incorporation and bylaws.* If applicant is not an individual, a conformed copy of its articles of incorporation and bylaws, or other similar documents. One certified copy shall be submitted with the original application.

(2) *Exhibit B—State and local authorizations.* (i) A copy of any certificate of public convenience and necessity or similar authorization which applicant has obtained from the State commission or commissions of each of the States in which applicant engages or proposes to engage in the local distribution of natural gas; (ii) a copy of any franchise or similar authorization which applicant has obtained from each of the municipalities in which applicant engages or proposes to engage in the local distribution of natural gas; and (iii) a copy of any other authorization or form of consent which applicant has obtained from any State, State commission, municipality or from any agency of the Federal government necessary or incidental to applicant's proposal to engage in the local distribution of natural gas. One

certified copy of each of the documents specified in subdivisions (i), (ii), and (iii) of this paragraph shall be submitted as exhibits to the original application.

(3) *Exhibit C—Officials.* A list of the names and business addresses of applicant's officers and directors, or similar officials if applicant is not a corporation.

(4) *Exhibit D—Subsidiaries and affiliation.* If applicant or any of its officers or directors, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the construction or financing of such enterprises or operations, a detailed explanation of each such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of applicant—give a detailed explanation of each such relationship.

(5) *Exhibit F—Location of facilities.* A geographical map of suitable scale and detail showing all of the transmission facilities proposed to be installed and operated by Applicant between distribution systems of Applicant and the transmission pipeline system of the proposed supplier (respondent), and include:

(i) Location, length, and size of applicant's transmission pipelines.

(ii) Location and size (related horsepower) of applicant's transmission compressor stations.

(iii) Location and designation of each point of connection of applicant's proposed transmission facilities with (a) proposed pipeline supplier (respondent) main line industrial customers, gas pipeline or distribution systems, showing towns and communities to be served, and (b) gas producing and storage fields, or other sources of supply.

(iv) Location, length and size of facilities required to be installed by the proposed supplier (respondent) necessary for the rendition of service requested by the applicant.

(6) *Exhibit G—Flow diagram showing daily design capacity and reflecting operation with proposed transmission facilities.* A flow diagram showing daily design capacity of all transmission facilities proposed to be installed and operated by applicant between distribution facilities of applicant and the transmission pipeline system of the proposed supplier (respondent) including the following:

(i) Diameter, wall thickness, and length of pipe to be installed.

(ii) For each transmission compressor station, the size, type, and number of compressor units, horsepower required, horsepower to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and takeoff point and at the beginning and terminus of all proposed transmission facilities.

(7) *Exhibit G-I—Flow diagram reflecting maximum capabilities.* If Exhibit G does not reflect the maximum deliveries of all transmission facilities, proposed to be installed and operated by applicant between distribution facilities of applicant and the transmission pipeline system of the proposed supplier (respondent), under most favorable operating conditions, without installation of any facilities in addition to those proposed in the application, include an additional diagram or diagrams to depict such maximum capabilities.

(8) *Exhibit G-II—Flow diagram data.* Exhibits G and G-I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(i) Assumption, bases, formulae, and methods used in the development and preparation of such diagrams and accompanying data.

(ii) A description of the transmission pipe and fittings to be installed, specifying the diameter, wall thickness, yield point, ultimate tensile strength, method of fabrication, and methods of testing proposed.

(iii) Type, capacity, and location of each natural gas storage field or facility, or other similar plant or facility directly attached to the applicant's transmission system.

(9) *Exhibit H—Total gas supply data.* A statement of the total gas supply committed to, controlled by, or possessed by an applicant which is available to it for the acts and the services proposed, together with:

(i) The estimated total volume of proven reserves in place for each reservoir in each field from which applicant takes natural gas, giving names and location of fields (state, county, or parish).

(ii) The estimated total volumes of proven reserves available to applicant by fee or under lease, segregated by gas fields and reservoirs thereof, giving names and locations of fields (state, county, or parish).

(iii) The names and addresses of persons with whom applicant has gas purchase contracts, the effective dates and remaining terms in years of such contracts.

(iv) A study, showing the daily volumes of natural gas which can and are proposed to be obtained each year from each source of supply.

(v) Estimate of the Btu content of the gas available to or requested by applicant for proposed service.

(vi) A study of each proposed gas storage field showing: Location; geology; original and present reserves for each reservoir; original and present pressure of each reservoir; proposed top and base storage pressures; proposed top and base gas volumes to be stored; a deliverability study, including daily and annual injection and withdrawal rates and pressures; and maximum daily deliverability and maximum storage capacity under the proposed plan of development.

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(10) *Exhibit I—Market data.* An estimate by distribution systems of the volumes of gas to be delivered during the year in which proposed service is estimated to begin and during each of the first 3 full years of operation of the proposed facilities, and actual data of like import for each of the 3 years next preceding the filing of the application, together with:

(i) Names and locations of areas to be served, showing the number of residential, commercial, firm industrial, interruptible industrial, residential space-heating, commercial spaceheating, and other types of customers for each distribution system to be served; and the names and locations of each firm and interruptible direct industrial customer whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000-Mcf or more per year.

(ii) Applicant's total annual and peak day gas requirements by classification of service in subdivision (i) of this subparagraph, divided as follows: Gas requirements (a) for each distribution area where gas is sold or to be sold by applicant at retail; (b) for all main-line direct industrial customers; and (c) company use and unaccounted-for gas.

(iii) Total past and expected curtailments of service by the applicant in each distribution area proposed to be supplied with gas from the project, all to be listed by the classifications of service as indicated in subdivision (i) of this subparagraph.

(iv) Explanation of basic factors used in estimating future requirements, including, for example: Peak day and annual degree day deficiencies, annual load factors of applicant's deliveries to its proposed customers; derivation of numbers of customers proposed to be served; individual consumer peak day and annual consumption factors for each class of consumers, with supporting historical data; forecasted saturation of space heating as related to past experience; and full detail as to all other sources of gas supply available to applicant and to each of its customers, including manufacturing facilities and liquid petroleum gas.

(v) A full description of all facilities, other than transmission facilities, necessary to provide service in the communities to be served.

(vi) A copy of each market survey made within the past 3 years for the markets proposed to be served.

(11) *Exhibit J—Conversion to natural gas.* If manufactured gas service exists in a community proposed to be served, submit with respect to each such community:

(i) Description of existing gas manufacturing facilities and their physical condition, including: the type, size, daily output capacity, and installation date of each gas generating unit; daily sendout capacity of plant; and capacity of storage holders.

(ii) Statement of kind of gas proposed to be distributed; use proposed to be made of gas manufacturing facilities in connection with such service; estimated cost of converting gas manufacturing facilities to high Btu gas production,

showing Btu content, whether such conversion of manufacturing facilities is planned, and estimated daily sendout capacity after conversion.

(iii) Study showing estimated cost of converting consumers' appliances to natural gas and the accounting proposed for such cost.

(iv) Study showing savings, if any, for each of the first 3 full years of proposed natural gas operation and the basis therefor.

(v) Study showing any rate reduction and/or improvement in service to the ultimate consumers.

(12) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities involved in the application, showing cost of construction by operating units such as distribution facilities, compressor stations, transmission pipelines and laterals, measuring and regulating stations, and separately stating the cost of rights-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, interest during construction, and contingencies. Detailed estimates of cost of facilities required to be installed by the pipeline supplier shall be separately stated.

(13) *Exhibit L—Financing.* Plans for financing the proposed facilities for which the application is filed, together with:

(i) A detailed description of applicant's outstanding and proposed securities and liabilities, showing amount (face value and number), interest or dividend rate, dates of issue and maturity, voting privileges, and principal terms and conditions applicable to each.

(ii) The manner in which applicant proposes to dispose of securities by private sale, competitive bidding or otherwise; the persons, if known, to whom they will be sold or issued, and evidence that such persons have agreed to purchase the securities, and if not known, the class or classes of such persons.

(iii) A statement showing for each proposed issue, by total amount and by unit, the estimated sale price and estimated net proceeds to the applicant.

(iv) A statement as to the extent to which the applicant will rely on temporary financing in connection with the proposed construction, and statements tending to substantiate the fact that such temporary loans will be made available.

(v) Statement of anticipated cash flow, including provision during the period of construction and the first 3 full years of proposed operation for interest requirements, dividends, and capital retirements.

(vi) Statement showing, over the life of each issue, the annual amount of securities which applicant expects to retire through operation of a sinking fund or other extinguishment of the obligation.

(vii) A balance sheet and income statement (12 months) of most recent date available.

(viii) Comparative pro forma balance sheets and income statements for the period of construction and each of the

first 3 full years of operation, giving effect to the proposed construction and proposed financing of the project.

(ix) Any additional data and information upon which applicant proposes to rely in showing the adequacy and availability to it of resources for financing its proposed project.

(14) *Exhibit M—Construction, operation, and management.* A concise statement setting forth arrangements for supervision, management, engineering, accounting, legal, or other similar service to be rendered in connection with the construction or operation of the project, if not to be performed by employees of applicant, including reference to any existing or contemplated agreements therefor.

(15) *Exhibit N—Revenues, expenses, income.* Applicant shall submit pro forma statements for each of the first 3 full years of operation of all the proposed facilities, showing:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service and further subdivided by sales to direct industrial customers, sales to other utilities (if any), transportation for other gas utilities and other sales.

(ii) Gas system annual operating expenses, cost of gas purchased, depreciation, depletion, taxes, utility income and resulting rate of return on net investment in gas plant, including working capital, or in the case of a municipality applicant similar data and amortization-interest schedule for life of each bond issue related to the proposed project. Cost of gas purchased shall be at the currently effective applicable rate of the pipeline supplier or applicable rate filed by such pipeline supplier, but not effective at date of filing, whichever is the higher.

(iii) The information required by subdivisions (i) and (ii) of this subparagraph need not be furnished when the applicant furnishes as a part of its application a pro forma copy of a certificate of convenience and necessity or similar authorization issued to it by the local State commission having jurisdiction over its proposed operations.

(16) *Exhibit P—Rates.* (i) A statement of the rates proposed to be charged for the proposed services to be rendered. Indicate whether rates are subject to regulation by the State or local authorities.

(ii) Identification of the rate schedule of the natural gas company (respondent) under which gas is proposed to be purchased.

(b) *Additional exhibits.* Applicant shall submit additional exhibits necessary to support or clarify its application. Such exhibits shall be identified and designated as provided by § 156.3(b) (8).

(c) *Additional information.* Upon request by the Secretary, prior to or during hearing upon the application, applicant shall submit such additional data, information, exhibits, or other detail as may be specified. Such additional information shall conform to the requirements of §§ 1.15, 1.16, and 1.17 of the rules of practice and procedure unless otherwise directed by the Secretary.

§ 156.6 Acceptance for filing or rejection of application.

Applications will be docketed when received and the applicant so advised. Any application which does not conform to the requirements of §§ 156.1 through 156.5 will be rejected by the Secretary. All but one copy of a rejected application will be returned. An application which relates to an operation concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

§ 156.7 Service of application.

After an application has been accepted for filing, the Secretary will cause a copy thereof to be served upon the natural gas company (respondent) against which an order pursuant to section 7(a) of the Natural Gas Act has been requested. The natural gas company shall, within thirty days after the date of service of such application file its answer (an original and 7 conformed copies) to such application in which it shall state whether it has any objection to the grant of the application. If the natural gas company objects to the grant of the relief sought by the application, it shall fully state the grounds and reasons for its objections. The answer shall be verified and shall be signed by an executive of the natural gas company.

§ 156.8 Notice of application.

Notice of each application filed, except when rejected in accordance with § 156.6, will be published in the **FEDERAL REGISTER** and copies of such notice mailed to the State affected thereby.

§ 156.9 Protests and interventions.

Notices of applications, as provided by § 156.8 will fix the time within which any person desiring to participate in the proceeding or to file a protest regarding the application, may file a petition to intervene or protest, and within which any interested regulatory agency desiring to intervene may file its notice of intervention. Failure to make timely filing will constitute ground for denial of participation, in the absence of extraordinary circumstances for good cause shown.

§ 156.10 Hearings.

The Commission will schedule each application for public hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of the rules of practice and procedure. Provided, however, that where no protests or petitions to intervene have been received and accepted, the Commission may, after the due date for such protests or petitions to intervene, issue the requested order without hearing.

§ 156.11 Dismissal of application.

Except for good cause shown, failure of an applicant to go forward on the date set for hearing and present its full case in support of its application will constitute ground for the summary dismissal

of the application and the termination of the proceedings.

[F.R. Doc. 61-5041; Filed, May 31, 1961; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER INSURANCE CONTRACT

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

SUBCHAPTER H—WAR HOUSING INSURANCE

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

SUBCHAPTER N—NATIONAL DEFENSE HOUSING INSURANCE

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Miscellaneous Amendments

1. In § 204.4 paragraphs (a) and (b) are amended and a new paragraph (c) (6) is added to read as follows:

§ 204.4 Prepayment premiums.

(a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. In the event the mortgage is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(c) * * *

(6) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interprets or applies sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1706c)

2. Section 222.35 is amended to read as follows:

§ 222.35 Computation of adjusted premium.

Where the principal obligation of any mortgage accepted for insurance is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium of 1 percent of the original principal amount of the prepaid mortgage.

3. Section 222.36 is amended to read as follows:

§ 222.36 Maximum adjusted MIP.

No adjusted premium shall exceed the aggregate amount of MIP which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

4. In § 222.37 a new paragraph (j) is added to read as follows:

§ 222.37 Prepayments excepted from adjusted premium charge.

(j) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

5. Section 222.46 is amended to read as follows:

§ 222.46 Computation of voluntary termination charge.

In the event the Commissioner receives a request for voluntary termination of the insurance contract before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner a termination charge equal to 1 percent of the original principal amount of the mortgage except as otherwise provided in this part.

6. Section 222.47 is amended to read as follows:

§ 222.47 Maximum voluntary termination charge.

In no event shall the charge for voluntary termination of the insurance contract exceed the aggregate amount of MIP which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

7. In § 222.48 a new paragraph (c) is added to read as follows:

§ 222.48 Exception from voluntary termination charge.

* * * * *

(c) The request for voluntary termination of the contract of insurance is received by the Commissioner after the due date of the 120th scheduled monthly

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payment, without taking into account delinquent payments or prepayments.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

8. In § 277.3 paragraphs (e) and (f) are amended and a new paragraph (g) is added as follows:

§ 277.3 Premiums.

(e) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. In the event the mortgage is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(f) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(g) * * *

(6) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interpret or applies sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

9. In § 295.4 paragraphs (a) and (b) are amended and a new paragraph (c) is added as follows:

§ 295.4 Prepayment premiums.

(a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. In the event the mortgage is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(c) * * *

(6) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interpret or applies sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., May 26, 1961.

[SEAL]

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-5074; Filed, May 31, 1961; 8:49 a.m.]

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

PART 237—MORTGAGE INSURANCE FOR NURSING HOMES; ELIGIBILITY REQUIREMENTS FOR MORTGAGE

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

Miscellaneous Amendments

1. Section 221.19 is amended to read as follows:

§ 221.19 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961, or

(3) 5¼ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after May 29, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 237.29 is amended to read as follows:

§ 237.29 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961, or

(3) 5¼ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after May 29, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

3. Section 243.11 is amended to read as follows:

§ 243.11 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961, or

(3) 5¼ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after May 29, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., May 26, 1961.

[SEAL]

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-5073; Filed, May 31, 1961; 8:49 a.m.]

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

Section 232.30 is amended by adding a new paragraph (c) as follows:

§ 232.30 Eligibility of miscellaneous type mortgages.

(c) For the purposes of this section, an eligible mortgagor is defined as a person or legal entity acceptable to the Commissioner. Such a mortgagor may, in the discretion of the Commissioner, be (1) uncontrolled or (2) controlled in such degree and manner as the Commissioner may find desirable under the circumstances.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

Issued at Washington, D.C., May 26, 1961.

[SEAL]

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-5076; Filed, May 31, 1961; 8:49 a.m.]

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In Part 268 there is added to the Table of Contents a new heading as follows:

Sec.
268.10a Mortgage lien.

Part 268 is amended by adding a new § 268.10a as follows:

§ 268.10a Mortgage lien.

A mortgagor shall certify at final endorsement of the loan for insurance that:

(a) The property covered by the mortgage is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(b) There will not be outstanding any unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except obligations approved by the Commissioner.

(Sec. 211, 42 Stat. 23; 12 U.S.C. 1715b. Interpretations or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715f)

Issued at Washington, D.C., May 26, 1961.

[SEAL] NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-5075; Filed, May 31, 1961; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2393]

[1254130]

ALASKA

Partly Revoking Executive Orders No. 792 of May 4, 1908, and No. 4605 of March 8, 1927

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 792 of May 4, 1908, withdrawing lands for military purposes, and Executive Order No. 4605 of March 8, 1927, placing lands in certain abandoned military reservations under the control of the Secretary of the Interior for disposition, are hereby revoked so far as they affect 9,848 acres known as the "Tolovana Telegraph Station" in latitude 64°50' N., longitude 149°55' W.

2. The lands are located on the right bank of the lower Tanana River, approximately 65 miles west of Fairbanks, Alaska. The soil consists of Tanana silt loam, which supports a cover of white spruce, and aspen of fair size. Understory plants include blueberry, lingonberry and various other shrubs, grasses and forbs.

3. Until 10:00 a.m., on August 24, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section

6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 76.1-76.18.

4. Beginning at 10:00 a.m., on August 24, 1961, the lands shall be subject to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JAMES K. CARR,
Under Secretary of the Interior.

MAY 25, 1961.

[F.R. Doc. 61-5046; Filed, May 31, 1961; 8:45 a.m.]

[Public Land Order 2394]

[Juneau 012055]

ALASKA

Withdrawing Lands for Use of Forest Service for an Administrative Site; Revoking Public Land Order No. 564 of February 21, 1949, in its Entirety, and Executive Order No. 6269 of October 6, 1933, in Part; Correcting Public Land Order No. 2355 of May 2, 1961

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, in connection with administration of the Tongass National Forest:

TRACT I

Beginning at the southeast Corner of Lot 2, U.S. Survey 1079 which is located on the northerly right-of-way line of Tongass Avenue; thence

N. 24°04' E., 183.82 feet along the southeast boundary of Lot 2 to a point;

S. 65°56' E., 178.2 feet to a point;

S. 24°04' W., 183.82 feet to a point on the northerly boundary of the right-of-way for Tongass Avenue;

Thence approximately N. 63°58' W., 180 feet to the point of beginning, containing 0.75 acre, and will be described as Lot 3 of U.S. Survey 1079 upon acceptance of supplemental plat.

TRACT II

Beginning at Corner No. 4 M.C. of U.S. Survey 1079; thence

N. 24°04' E., 29.7 feet to a point on Line 3-4 of said survey;

S. 63°58' E., 398.46 feet to a point on the southerly right-of-way of Tongass Avenue;

S. 24°04' W., approximately 55.44 feet to the line of mean high tide of Tongass Narrows;

Thence by the meanders of the high tide line;

N. 60°15' W., approximately 247.5 feet;

N. 69°45' W., 46.2 feet;

N. 55°30' W., 105.6 feet to the point of beginning, containing 0.38 acre and will be described as Lot 4, U.S. Survey 1079 upon acceptance of supplemental plat.

2. Public Land Order No. 564 of February 21, 1949, which withdrew a portion of the lands described in Paragraph 1 of this order for use of the Forest Service, is hereby revoked in its entirety, and Executive Order No. 6269 of October 6, 1933, which withdrew lands for the Washington-Alaska Military Cable and Telegraph System, is hereby revoked so far as it affects the lands described in said Paragraph 1.

3. In Federal Register Document 61-4153, appearing in the FEDERAL REGISTER issue of May 5, 1961, at Page 3928 as Public Land Order No. 2355, that part of the third course of the description under Paragraph 1b, reading "Thence S. 24°04' E." is hereby corrected to read "Thence S. 24°04' W."

4. Until 10:00 a.m., on August 24, 1961, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order and not included in the withdrawal made by Paragraph 1 hereof, in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. Thereafter, the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

JOHN M. KELLY,
Assistant Secretary of the Interior.

MAY 25, 1961.

[F.R. Doc. 61-5047; Filed, May 31, 1961; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Canada and North Borneo

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Canada", as amended by 26 F.R. 3305-3306, under Postal Union Mail, amend the first paragraph of the item *Observations* to read as follows:

Observations. Mail for members of the Canadian armed forces serving overseas must be addressed as follows:

Number, rank, name.

Unit.

CAPO (number).

Montreal, Quebec, Canada.

II. In country "North Borneo (State of)", under Parcel Post, strike out the

RULES AND REGULATIONS

item "*Air parcel post*. No service."; and insert in lieu thereof the following as a result of air parcel post service being established, effective June 1, 1961:

Air parcel rates. \$2.12 first 4 ounces or fraction; 98¢ each additional 4 ounces or fraction.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-5049; Filed, May 31, 1961;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

POTATOES GROWN IN COLORADO

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the approval of the rules and regulations, hereinafter set forth, pursuant to Marketing Agreement No. 97 and Order No. 58, as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

GENERAL

- Sec.
958.100 Order.
958.101 Terms.
958.102 Communications.
958.103 Term of office.
958.104 Fiscal period.

AUTHORITY: §§ 958.100 to 958.104, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

GENERAL

§ 958.100 Order.

"Order" means Order No. 958 as amended (25 F.R. 7092) regulating the handling of Irish potatoes grown in the State of Colorado.

§ 958.101 Terms.

The terms used in this subpart shall have the same meaning as when used in the order.

§ 958.102 Communications.

Unless otherwise provided in the order, or by specific direction of an area committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the office of the committee for the area in which potatoes relating thereto are grown.

§ 958.103 Fiscal period.

Each fiscal period shall begin on June 1 of each year and end on May 31 of the following year, both dates inclusive.

§ 958.104 Term of office.

The term of office of area committee members and alternates shall be for two years beginning June 1 and ending May 31 of the second year following.

Dated: May 26, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-5071; Filed, May 31, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 60-WA-34]

CODED JET ROUTES

Designation; Extension of Time for Comments

In a notice of proposed rule making published in the FEDERAL REGISTER on

April 13, 1961 (26 F.R. 3157), it was stated that the Federal Aviation Agency proposed a revision to Part 602 of the regulations of the Administrator to provide for the designation of coded jet routes outside the continental control area and for the designation of "Jet Advisory Areas" within the continental control area.

In accordance with the terms of the notice, the time for public comment was to expire forty-five days after date of publication of the notice. The Air Transport Association of America has informed the Federal Aviation Agency that it wishes additional time to present data concerning these proposals and has requested that the period provided for comments be extended. This request appears to be reasonable. Therefore, in order to provide the Air Transport Association and other interested persons additional time to submit written data, views or arguments, the date for filing such material is extended to June 15, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-WA-34 is extended to June 15, 1961. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on May 25, 1961.

J. R. BAILEY,
*Assistant Chief,
Airspace Utilization Division.*

[F.R. Doc. 61-5040; Filed, May 31, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[471.12]

CERTAIN SO-CALLED COTTON PICKER LAP

Tariff Classification

MAY 25, 1961.

The purpose of this notice is to advise interested persons of a question pending as to the proper tariff classification of certain so-called cotton picker lap.

In a circular dated April 11, 1961, the Bureau ruled that cotton picker lap or cotton card lap which at the time of entry for consumption, or withdrawal from warehouse for consumption, is not in a condition to be fed directly to the carding machines is not classifiable as card lap under paragraph 901(c), Tariff Act of 1930, but is properly classifiable as cotton under paragraph 783 or 1662 of the tariff act according to staple length.

It appears probable that the provision for card lap in paragraph 901(c) of the tariff act covers merchandise which would be commonly and commercially known as card lap in the trade and commerce of the United States, which in ordinary commercial practice is fed into a carding machine without preliminary processing of any kind, such as further picking, and which will form as a product of the card in ordinary commercial practice a product of a kind usable in the ordinary course of business.

There is under consideration the question of the correct tariff classification of certain merchandise entered as card lap under paragraph 901(c) but which possessed certain abnormalities such as numerous thick and thin places, holes in the bat, and uneven selvages not generally found in card lap which is fed directly into the carding machine. Experiments demonstrated, however, that the described product was capable of being fed directly to the card with the resulting production of a sliver capable of being blended with other sliver of better quality in a ratio of one to five to form a yarn. It develops that it has been the practice to classify such merchandise as card lap under paragraph 901(c).

Before reaching a final conclusion as to whether the classification of such merchandise as card lap under paragraph 901(c) may be continued, the Bureau will give consideration to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau no later than 30 days from the date of publication of this notice. No hearings will be held.

By separate order, collectors at the ports of entry involved are being instructed to proceed with classification of all importations of such merchandise as if the present question were not pending.

[SEAL]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-5069; Filed, May 31, 1961;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 22, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 063413, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for use as the McKinley Big Tree Grove Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, Fourth and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 10 S., R. 26 E.,
Sec. 26: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described above aggregate 520 acres of Federal land in the Sierra National Forest.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 61-5045; Filed, May 31, 1961;
8:45 a.m.]

Fish and Wildlife Service PATUXENT WILDLIFE RESEARCH CENTER, MARYLAND

Sport Fishing

Notice is hereby given that pursuant to Part 60, Title 50, Code of Federal

Regulations, sport fishing will be permitted on the Patuxent Wildlife Research Center, Maryland. The open area is confined to Snowden Pond, comprising 7 acres as delineated on a map available at the Center headquarters and from the office of the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass and sunfish.

(b) Open season: June 1, 1961, through September 30, 1961; sunrise to sunset only.

(c) Daily creel limits: Black bass, 5, sunfish, no limit.

(d) Methods of fishing:

(1) Hook and line tackle and baits permitted by Maryland law, except that no live minnows or other fish may be used for bait.

(2) The use of boats, canoes, and similar floating devices, without motors, is permitted. Launching of boats is permitted only in the area designated by signs.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on the Patuxent Wildlife Research Center which are set forth in Title 50, Code of Federal Regulations, Part 60.

(2) A Federal permit is required to fish. A total of 300 permits will be issued in order of receipt of requests. Application should be made to the Director, Patuxent Wildlife Research Center, Laurel, Maryland. Each permit shall authorize the holder; and members of his immediate family to fish.

(3) Each permittee is required to complete a fishing report form for each day fished, which will show the name of permittee, date of fishing, hours fished, type of bait used, and fish taken by species and size.

(4) The provisions of this notice are effective upon publication in the FEDERAL REGISTER and will remain effective through September 30, 1961.

DANIEL H. JANZEN,
Director, Bureau of Sport
Fisheries and Wildlife.

[F.R. Doc. 61-5055; Filed, May 31, 1961;
8:46 a.m.]

National Park Service

[Order No. 8, Amdt. 5]

SUPERINTENDENTS, REGION THREE Delegation of Authority With Respect to Preservation of Historical and Archeological Data

Sections 1, 2, and 3 are amended to withhold delegation of authority by adding the following exceptions:

Section 1(h) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be

lost as the result of the construction of a dam.

Section 2(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

Section 3(o) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1958, ed., sec. 2)

THOMAS J. ALLEN,
Regional Director,
Region Three Office.

MAY 4, 1961.

[F.R. Doc. 61-5058; Filed, May 31, 1961;
8:46 a.m.]

[Order No. 3, Amdt. 7]

SUPERINTENDENTS, REGION FOUR

Delegation of Authority With Respect to Preservation of Historical and Archeological Data

1. A new paragraph (h) and reading as follows, is added to section 1:

(h) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

2. A new paragraph (i) and reading as follows, is added to section 2:

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

3. A new paragraph (o) and reading as follows, is added to section 3:

(o) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(National Park Service Order No. 14 (19 F.R. 8824) 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2, Region Four Order No. 3 (21 F.R. 1494))

LAWRENCE C. MERRIAM,
Regional Director,
Region Four Office.

MAY 3, 1961.

[F.R. Doc. 61-5059; Filed, May 31, 1961;
8:47 a.m.]

Office of the Secretary DIRECTOR OF COAL RESEARCH Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

PART 211—OTHER DEPARTMENTAL OFFICES

CHAPTER 11—OFFICE OF COAL RESEARCH

211.11.1 General authority. The Director of Coal Research, except as pro-

vided in 200 DM 2.1 and 211 DM 11.2, is authorized to exercise the authority of the Secretary of the Interior pursuant to the act of July 7, 1960 (74 Stat. 336), with respect to the development through research, of new and more efficient methods of mining, preparing, and utilizing coal.

211.11.2 Limitations. The following authorities are not delegated in the general authority above:

A. Authority to appoint members of the General Technical Advisory Committee.

B. Authority to determine exceptions to and limitations which are necessary in the interest of national defense on availability of information, uses, products, patents, and other developments resulting from research as provided in sections 6 of the act.

C. Authority to enter into agreements for the acquisition or use of patents for processes or equipment to further the purposes of this program as provided in section 6 of the act.

JAMES K. CARR,
Acting Secretary of the Interior.

MAY 25, 1961.

[F.R. Doc. 61-5048; Filed, May 31, 1961;
8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

Delegation of Authority

The description of the organization, functions, and procedures, etc. of the Food and Drug Administration, as published in the FEDERAL REGISTER of January 17, 1959 (24 F.R. 439) section III B is changed to read as follows:

III. Delegations of authority.

* * * * *

B. * * * * *

1. General delegation of authority. The Deputy Commissioner of Food and Drugs is authorized to perform all the functions of the Commissioner of Food and Drugs. In the absence from duty of both the Commissioner and the Deputy Commissioner of Food and Drugs, Assistant Commissioner Winton B. Ran-

kin shall perform all the functions of the Commissioner of Food and Drugs.

Dated: May 19, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

Notwithstanding the last sentence in section 10.40 of the Statement of Organization and Delegation of Authority of the Department, 22 F.R. 1045, 1051 (February 20, 1957), the foregoing delegation of authority shall be effective immediately.

Dated: May 22, 1961.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-5061; Filed, May 31, 1961;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on May 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after May 1, as using humane methods on May 1, or a later date in May, will be listed in a supplemental list. Previously published lists represented establishments reported in April or May 1961 as humanely slaughtering and handling the designated species of livestock on April 1 or some later date in April 1961 (26 F.R. 3964 and 4070). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Names of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Valleydale Packers, Inc.	34	(*)	(*)	(*)		(*)	
Armour and Co.	35	(*)	(*)	(*)		(*)	
Montana Packing Co., Inc.	37	(*)	(*)	(*)		(*)	
Pocomoke Provision Co.	39	(*)	(*)	(*)		(*)	
Armour and Co.	40	(*)	(*)	(*)		(*)	
Hill Packing Co.	41E					(*)	(*)
Sunnyland Packing Co.	43	(*)				(*)	
Stark Wetzel and Co., Inc.	44	(*)				(*)	
Do.	44A					(*)	
Idaho Meat Packers.	46	(*)	(*)	(*)		(*)	
Consolidated Dressed Beef Co., Inc.	47	(*)	(*)	(*)		(*)	
Lackawanna Beef and Provision Co.	49	(*)	(*)	(*)		(*)	
Nevada Meat Packing Co.	52	(*)	(*)	(*)		(*)	
Midwestern Beef, Inc.	53	(*)	(*)	(*)		(*)	
Sunnyland Packing Co. of Alabama.	56	(*)				(*)	
Weiland Packing Co., Inc.	61					(*)	
Empire Packing Corp.	65					(*)	
Somerville Packing Co.	66					(*)	
The Quaker Oats Co.	67E					(*)	
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	(*)
Armour and Co.	75	(*)	(*)	(*)	(*)	(*)	

Names of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Stahl Meyer, Inc.	583						
Andrew Peterman Co., Inc.	583						
Coffeyville Packing Co., Inc.	583						
F. A. Ferris & Co., Inc.	583						
Peoria Packing Co., Inc.	583						
City of Austin Municipal Abattoir	590						
Swift and Co.	591						
Harman Packing Co.	596						
New York City Packing Co.	602						
San Francisco Central Packing Co.	606						
Swift and Co.	608						
Eastern Oregon Meat Co., Inc.	611						
National Tex Co.	613						
Donner Packing Co.	614						
Kummer Packing Co.	617						
Acme Meat Co., Inc.	618						
Hill Packing Co.	623						
Big Foot Packing Co., Inc.	625						
E. A. Miller and Sons Packing Co., Inc.	628						
H. H. Heim Co.	630						
General Meat Co.	632						
Edner Bros. Packers	633						
Zipron Bro., Inc.	635						
Auburn Packing Co., Inc.	636						
R and C Packing Co.	645						
Bird Provision Co.	647						
Spencer Packing Co.	648						
The William Schludenberg T. J. Kurdle Co.	649						
John Morrell and Co.	650						
Nagle Packing Co.	653						
Dugdale Packing Co.	653						
Oldham Farm Sausage Co., Inc.	390						
Roth Packing Co.	392						
The Jacob Schlaefers Sons Co.	394						
Dubuque Packing Co.	395						
Logan Packing Co.	396						
Watsonville Dressed Beef, Inc.	397						
Superior Packing Co.	398						
Los Banos Abattoir	399						
Gebee Packing Co.	400						
Neunhoff Bros.	404						
Knudsen Packing Co., Inc.	406						
Albion Packing Co.	410						
The Lundy Packing Co.	412						
Frost Morn Meats	413						
Philadelphia Boneless Beef Co.	414						
Murray Packing Co., Inc.	418						
E. W. Kneib, Inc.	421						
The Collins Packing Co.	422						
Hebron Packing Co., Inc.	423						
Lone Star Packing Co.	425						
Monarch Meat Packing Co.	433						
Queen Packing Corp.	436						
Schneider Packing Co.	439						
Omaha Dressed Beef Co.	440						
Prime Packing Co., Inc.	441						
Del Curto Meat Co.	443						
Peerless Packing Co., Inc.	448						
Midwest Packing Co.	451						
Dewitt Packing Corp.	456						
Swift and Co.	459						
Morris Rifkin and Sons, Inc.	460						
Lancaster Packing Co.	462						
Bewar Packing Co.	467						
Cornhusker Packing Co.	468						
Eckert Packing Co.	471						
Armour and Co.	477						
Eldridge Packing Co.	478						
Middletown Beef Co., Inc.	483						
St. Cloud Meat Packing Co.	485						
East Tennessee Packing Co.	487						
Nebraska Beef Co.	489						
Golding Packing Co., Inc.	490						
Mid State Packers, Inc.	494						
Triangle Meat Distributors, Inc.	497						
Siox Falls, S. Dak.	501						
Swift and Co.	505						
B. Rothschild and Co.	506						
Frosty Morn Meats	507						
Gruensfelder Packing Co.	508						
Armour and Co.	509						
The Vinn and Dillon Packing Co.	510						
Shen Valley Meat Packers, Inc.	511						
Illinois Packing Co.	521						
Palmer Packing Co., Inc.	524						
Wilson Packing Co.	275						
Bookey Packing Co.	281						
Agar Packing Co., Inc.	282						
Solano Meat Co.	283						
Rossler Packing Co. of Erie	285						
Western Packing Co.	286						
Arbogast and Bastian Co.	288						
The H. H. Meyer Packing Co.	290						
San Jose Meat Co.	292						
Gus Juengling and Son, Inc.	298						
Waldock Packing Co.	301						
Great Falls Meat Co.	302						
Commercial Packing Co., Inc.	305						
Do.	305 A						
Star Packing Co.	306						
Survall Packing Co.	307						
Melton Provision Co.	311						
Ideal Packing Co., Inc.	312						
Webb Packing Co.	316						
Greater New York Packing Co., Inc.	317 A						
Estes Packing Co.	319						
Stadler Packing Co., Inc.	320						
Turlock Meat Co.	325						
Frisco Packing Co.	327						
C and M Meat Packing Corp.	329						
Royal Packing Co.	331						
Sokolik Packing Co.	331 A						
Shapiro Packing Co., Inc.	332						
Great Western Packing Co., Inc.	334						
Nobles Independent Meat Co.	335						
Midland Empire Packing Co., Inc.	339						
Pes Moines Packing Co.	340						
Peters Packing Co., Inc.	341						
State Packing Co., Inc.	344						
Unza Packing Co.	345						
Union Packing Co.	351						
Samuels E. I. ex Packing Co.	353						
Frigo Meat Packing Co.	354						
Heil Packing Co.	357						
Marka Meats Co.	362						
Meyers Packing Co.	363						
United Dressed Beef Co.	364						
James Allan and Sons	365						
Westport Packing Corp.	369						
Fischer Packing Co.	374						
The John Hilberg and Sons Co.	375						
Cross Bros. Meat Packers, Inc.	376						
Emge Packing Co., Inc.	380						
Smithfield Packing Co., Inc.	382						
American Stores Co.	384						
Liebmann Packing Co.	388						
Kansas City Dressed Beef Co.	388						
Armour and Co.	156						
Missouri Farmers Association Packing Division	159						
Carl Packing Co., Inc.	160						
Joel E. Harrell and Son, Inc.	162						
Swift and Co.	166 A						
Brown Packing Co.	167						
Camp Packing Co., Inc.	174						
Armour and Co.	177						
Peerless Packing Co.	180						
Montrose Beef Co.	181						
Swift and Co.	184						
The Rath Packing Co.	186						
Do.	186 C						
Fort Dodge Packing Co., Inc.	187						
Seattle Packing Co.	191						
Krey Packing Co.	192						
John Morrell and Co.	196						

NOTICES

Names of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Hynes Packing Co.	197	(*)	(*)	(*)		(*)	
George A. Hormel and Co.	199	(*)					
Do.	199A						
Do.	199D					(*)	
Do.	199I					(*)	
Do.	199N					(*)	
Cudahy Packing Co.	202	(*)				(*)	
Engle Packing Co., Inc.	205		(*)				
Central Packing Co., Inc.	208	(*)					
Heinz Riverside Abattoir, Inc.	210					(*)	
Penn Packing Co.	212						
Elburn Packing Co.	213	(*)					
Kneip Packing Co.	213C		(*)				
Fred Dold and Sons Packing Co.	214	(*)					
Lincoln Meat Co.	217						
York Packing Co., Inc.	220					(*)	
Gwaltney, Inc.	221A					(*)	
Armour and Co.	222	(*)				(*)	
Hygrade Food Products Corp.	224	(*)		(*)		(*)	
Do.	224B		(*)	(*)		(*)	
Custom Processing Co., Inc.	227						
Gold Merit Packing Co., Inc.	232			(*)			
Walt Schilling and Co., Inc.	235	(*)					
Raskin Packing Co.	237			(*)		(*)	
Armour and Co.	238						
P D and J Meats	240	(*)		(*)		(*)	
Greenwood Packing Plant	242		(*)	(*)			
Iowa Beef Packers, Inc.	245					(*)	
John Morrell and Co.	246					(*)	
The Danahy Packing Co.	247					(*)	
Swift and Co.	249	(*)				(*)	
Frosty Morn Meats, Inc.	250	(*)				(*)	
Balentine Packing Co., Inc.	258		(*)			(*)	
The Jones Dairy Farm	263					(*)	
Pacific Meat Co., Inc.	267	(*)				(*)	
Houston Packing Co.	271	(*)			(*)	(*)	
Elliott Packing Co.	274	(*)			(*)	(*)	
Armour and Co.	2AD			(*)		(*)	
Do.	2AT			(*)		(*)	
Do.	2B			(*)		(*)	
Do.	2C			(*)		(*)	
Do.	2E			(*)		(*)	
Do.	2H			(*)		(*)	
Do.	2LT			(*)	(*)	(*)	
Do.	2SD			(*)	(*)	(*)	
Do.	2WN			(*)	(*)	(*)	
Swift and Co.	3A	(*)				(*)	
Do.	3AC					(*)	
Do.	3AE					(*)	
Do.	3AF					(*)	
Do.	3AN					(*)	
Do.	3AW					(*)	
Do.	3B					(*)	
Do.	3C					(*)	
Do.	3CC					(*)	
Do.	3D					(*)	
Do.	3E					(*)	
Do.	3F					(*)	
Do.	3FF					(*)	
Do.	3K					(*)	
Do.	3L					(*)	
Do.	3N					(*)	
Do.	3R					(*)	
Do.	3S					(*)	
Do.	3UU					(*)	
Do.	3W					(*)	
Do.	3Z					(*)	
Do.	6C					(*)	
Lykes Bros., Inc. of Georgia	8					(*)	
The Cudahy Packing Co.	10					(*)	
Hygrade Food Products Corp.	12					(*)	
Do.	12A					(*)	
Do.	12C					(*)	
Do.	12D					(*)	
Do.	12G					(*)	
Do.	12P					(*)	
Mickelberrys Food Products Co.	16					(*)	
John Morrell and Co.	17					(*)	
Do.	17A					(*)	
Do.	17D					(*)	
The Cudahy Packing Co.	19					(*)	
The Cudahy Packing Co. of Nebraska	19E					(*)	
Wilson and Co., Inc.	20A					(*)	
Do.	20N					(*)	
Do.	20Q					(*)	
Do.	20Y					(*)	
Brander Meat Co.	25					(*)	
American Packing Co.	26					(*)	
The Sperry and Barnes Co.	27C					(*)	
Patrick Cudahy, Inc.	28					(*)	
Kreinberg and Krasny, Inc.	30					(*)	
Roegelien Provision Co.	32					(*)	
The Klarer Co.	995A					(*)	
Do.	995C					(*)	
Klarer Dixie, Inc.	995D					(*)	
Valley Meat Co.	1009					(*)	
Armour and Co.	1085					(*)	
Browns Packing House	1154					(*)	
Landy Packing Co.	1171					(*)	
The Harris Packing Co.	1175					(*)	
A. F. Moyer and Sons, Inc.	1311					(*)	
McCabe Packing Plant	1312					(*)	
Samuels and Co., Inc.	1313					(*)	
H and H Packing Co.	1315					(*)	
Nebraska-Iowa Dressed Beef Co.	1318					(*)	

Done at Washington, D.C., this 24th day of May 1961.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-4968; Filed, May 31, 1961; 8:45 a.m.]

Commodity Stabilization Service and Commodity Credit Corporation

LENDING AGENCY AGREEMENT; COTTON

Decrease in Interest Rate

Correction

In F.R. Doc. 61-3953, appearing at page 3652 of the issue for Friday, April 28, 1961, the "3¼" in the first paragraph should read "3¼", so that the final phrase of the paragraph reads as follows: "and 3¼ percent thereafter."

FEDERAL AVIATION AGENCY

[OE Docket No. 61-LA-14]

PROPOSED RADIO ANTENNA ARRAY

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace:

Sun State Broadcasting Systems, Inc., North Hollywood, California, proposes to erect a three-tower radio antenna array near San Fernando, California, at latitude 34°18'22.5" north, longitude 118°24'18" west. The overall height of the structures would be 1,558 feet above mean sea level (208 feet above ground).

No aeronautical objections were made in response to the circularization. The study revealed that the proposed antenna array would exceed the Agency's TSO-N18 and the Joint Industry/Government Tall Structures Committee criteria as applied to the indicated airports as follows:

1. It would be located 1.4 miles north-east of the San Fernando Airport and would penetrate the conical surface of TSO-N18 criteria by 113 feet and the horizontal surface of JIGTSC criteria by 238 feet.

2. It would be located 3 miles north of the Whiteman Airpark and would penetrate the inner conical surface of JIGTSC criteria by 305 feet.

3. It would be located 7.6 miles north/northwest of the Lockheed Air Terminal and would penetrate the outer conical surface of JIGTSC criteria by 170 feet.

4. It would be located 8.2 miles north-east of the Van Nuys Airport and would penetrate the outer conical surface of JIGTSC criteria by 109 feet.

The study disclosed that the proposed structures would be shielded by terrain of a greater height on three sides, and the penetration of criteria described above would not adversely affect air traffic operations at the listed airports. No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, I find that the proposed antenna array at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint, be interposed by this Agency, provided that the structures are obstruction marked and lighted in accordance with applicable procedures.

The finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C. on May 25, 1961.

LEE E. WARREN,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 61-5039; Filed, May 31, 1961;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3969]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Filing Regarding Issuance and Sale of Unsecured Notes to Banks; Intrasystem Issuances and Sales and Acquisitions of Common Stocks, Long-Term and Short-Term Notes

MAY 24, 1961.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), New York, New York, a registered holding company and its wholly-owned subsidiary companies, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), New York State Natural Gas Corporation ("New York State"), The Peoples Natural Gas Company ("Peoples"), The River Gas Company ("River") and Lake Shore Pipe Line Co. ("Lake Shore") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45, 50(a) (2) and (3), and 70(a) (4) (D) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration on file at the office of this Commission for a statement of the proposed transactions which are summarized as follows:

Consolidated proposes to issue and sell to commercial banks an aggregate of

\$35,000,000 unsecured promissory notes having a maturity of not more than twelve months from the date of the first borrowing. The interest rate on the notes will be the prime rate of interest of The Chase Manhattan Bank ("Chase") in effect on the date of the first borrowing. Consolidated will have the right of prepayment, in whole or in part, from time to time, upon ten days' prior written notice, without premium. The \$35,000,000 of funds so obtained will be used for financing the seasonal increase in gas storage inventories of subsidiary companies. Repayment of the notes will be made as gas is withdrawn from storage and sold during the 1961-1962 heating season.

The notes and the face amounts thereof will be issued and sold to the banks as indicated below:

Bank	Participation
<i>New York City</i>	
The Chase Manhattan Bank.....	\$12,000,000
The First National City Bank of New York.....	2,750,000
Morgan Guaranty Trust Co. of New York.....	2,500,000
Bankers Trust Co.....	1,500,000
Chemical Bank New York Trust Co.....	1,500,000
The Hanover Bank.....	1,500,000
Irving Trust Co.....	1,500,000
Manufacturers Trust Co.....	1,500,000
<i>Ohio—Cleveland</i>	
The National City Bank of Cleveland.....	2,200,000
Union Commerce Bank.....	1,100,000
Central National Bank of Cleveland.....	350,000
Society National Bank of Cleveland.....	300,000
<i>Akron</i>	
First National Bank of Akron..	225,000
Akron Dime Bank.....	150,000
The Firestone Bank.....	150,000
<i>Ashtabula</i>	
The Farmers National Bank & Trust Co. of Ashtabula.....	50,000
<i>Canton</i>	
The Harter Bank & Trust Co....	175,000
First National Bank of Canton..	150,000
The Canton National Bank.....	75,000
The Peoples-Merchants Trust Co.....	75,000
<i>Painesville</i>	
The Lake County National Bank of Painesville, Ohio.....	50,000
<i>Warren</i>	
The Second National Bank of Warren.....	50,000
The Union Savings & Trust Co..	50,000
<i>Youngstown</i>	
The Mahoning National Bank of Youngstown.....	350,000
The Union National Bank of Youngstown, Ohio.....	150,000
<i>Pennsylvania—Pittsburgh</i>	
Pittsburgh National Bank.....	1,400,000
Mellon National Bank and Trust Co.....	1,300,000
The Union National Bank of Pittsburgh.....	500,000
<i>Altoona</i>	
Altoona Central Bank and Trust Co.....	100,000
<i>Johnstown</i>	
Johnstown Bank and Trust Co....	50,000
United States National Bank in Johnstown.....	50,000
<i>New York—Elmira</i>	
Marine Midland Trust Co. of Southern New York.....	400,000
<i>Syracuse</i>	
Marine Midland Trust Co. of Central New York.....	400,000

Bank—Continued

<i>West Virginia—Clarksburg</i>	
The Empire National Bank of Clarksburg.....	\$100,000
The Union National Bank of Clarksburg.....	100,000
<i>Morgantown</i>	
The First National Bank of Morgantown.....	100,000
<i>Parkersburg</i>	
The Parkersburg National Bank	100,000
	35,000,000

Four subsidiary companies of Consolidated propose to issue, and Consolidated proposes to acquire, short-term notes aggregating \$35,000,000 to finance the seasonal increase in gas storage inventories for the 1961-1962 heating season. These short-term notes will mature not more than twelve months from the date of the first borrowing by each subsidiary and will also mature on or before the maturity date of Consolidated's \$35,000,000 of unsecured short-term promissory gas storage notes, and will bear the same rate of interest as Consolidated's related short-term gas storage notes. The respective amounts of the subsidiary companies' short-term notes to be issued are as follows:

East Ohio.....	\$8,000,000
Hope.....	6,500,000
New York State.....	19,500,000
Peoples.....	1,000,000
	35,000,000

These short-term gas storage notes of the subsidiary companies will be repaid as gas is withdrawn from storage and sold during the 1961-1962 heating season.

Five subsidiary companies of Consolidated propose to issue, and Consolidated proposes to acquire, in exchange for an equal amount of their 4 percent construction notes which mature on June 28, 1961, an aggregate of \$29,600,000 of non-negotiable long-term notes. The subsidiary companies' long-term notes will bear an interest rate based on and substantially equal to the effective cost of money to Consolidated obtained by Consolidated through the issuance and sale in February 1961, of its 4½ percent Debentures due February 1, 1986, and the issuance and sale in May 1961 of its 4 percent Debentures due May 1, 1986. Such interest is to be paid semi-annually on January 31st and July 31st. These long-term notes will be issued in the principal amounts and will mature as set forth below:

East Ohio (maturing).....	\$10,000,000
\$400,000 each Jan. 31, 1966, to 1985, inclusive; and \$2,000,000 on Jan. 31, 1986.	
Hope (maturing).....	4,000,000
\$150,000 each Jan. 31, 1966, to 1985, inclusive; and \$1,000,000 on Jan. 31, 1986.	
New York State (maturing).....	11,000,000
\$450,000 each Jan. 31, 1966, to 1985, inclusive; and \$2,000,000 on Jan. 31, 1986.	
Peoples (maturing).....	4,500,000
\$175,000 each Jan. 31, 1966, to 1985, inclusive; and \$1,000,000 on Jan. 31, 1986.	
River (maturing).....	100,000
\$5,000 each Jan. 31, 1966, to 1985, inclusive.	
	29,600,000

To provide part of the funds for the financing of their 1961 construction programs, four subsidiary companies of Consolidated propose to issue and sell, and Consolidated proposes to acquire, an aggregate of \$32,500,000 of non-negotiable long-term notes from time to time during 1961. These notes will bear an interest rate which is based on and substantially equal to the effective cost of money obtained by Consolidated through the issuance and sale in February 1961 of its 4½ percent Debentures due February 1, 1966, and the issuance and sale in May 1961 of its ----- percent Debentures due May 1, 1966. Such interest is to be paid semi-annually on January 31st and July 31st. These long-term notes will be issued in the principal amounts and will mature as set forth below:

East Ohio (maturing)-----	\$15,000,000
\$600,000 each January 31st,	
1966 to 1985, inclusive; and	
\$3,000,000 on January 31,	
1986.	
Hope (maturing)-----	2,000,000
\$75,000 each January 31st 1966	
to 1985, inclusive; and \$500,-	
000 on January 31, 1986.	
New York State (maturing)-----	12,500,000
\$500,000 each January 31st	
1966 to 1985, inclusive; and	
\$2,500,000 on January 31,	
1986.	
Peoples (maturing)-----	3,000,000
\$125,000 each January 31st,	
1966 to 1985, inclusive; and	
\$500,000 on January 31,	
1986.	
Total-----	32,500,000

Consolidated also proposes to purchase for cash from two subsidiary companies, and such subsidiary companies propose to issue and sell to Consolidated, at the aggregate par value of \$400,000, additional capital stock from time to time in 1961 as follows:

Subsidiary and number of shares	Aggregate par value
Lake Shore; 10,000 shares, \$10 par value-----	\$100,000
River; 3,000 shares, \$100 par value-----	300,000
Total-----	400,000

The joint application-declaration states that the following State commissions, of the States in which the companies are doing business, have jurisdiction over the proposed transactions as indicated below:

Ohio Public Utilities Commission has jurisdiction over

(1) the issuances and sales of long-term notes proposed by East Ohio and River; and

(2) the issuances and sales of capital stocks proposed by Lake Shore and River;

The Public Service Commission of West Virginia has jurisdiction over the issuances and sales of long-term notes and short-term notes proposed by Hope.

The Pennsylvania Public Utility Commission has jurisdiction over the issuance and sale of long-term notes proposed by Peoples.

The several applications being filed with these State commissions and the orders of such commissions, when issued, will be filed by amendment.

It is estimated that the fees and expenses in connection with the proposed transactions will not exceed, in the aggregate, \$1,200, including Federal original issue tax of \$440 and various State taxes and filing fees of \$260.

Notice is further given that any interested person may, not later than June 12, 1961, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the joint application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.
[F.R. Doc. 61-5050; Filed, May 31, 1961;
8:46 a.m.]

[File No. 24NY-5209]

ANTHONY PARELLA

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 24, 1961.

I. Anthony Parella as "The Whole Darn Shooting Match" Company (issuer), 230 West 54th Street, New York 19, New York, filed, on July 21, 1960, a notification on Form 1-A and an offering circular covering a proposed offering of pre-formation limited partnership interests in the amount of \$125,000, for the purpose of obtaining an exemption from the registration requirements under section 3(b) of the Securities Act of 1933, as amended, pursuant to Regulation A.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer failed to comply with Rule 256(a) (1) in that it offered securities without the delivery of an offering circular containing the information specified in Schedule I of Form 1-A;

2. The terms and conditions of Rule 253 were not complied with in that the issuer used sales literature which was not filed with the Commission prior to its use.

B. The notification on Form 1-A contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

The failure to disclose that the offering would be made in jurisdictions other than those stated in response to Item 8(c) of the notification.

C. The offering has been and would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-5051; Filed, May 31, 1961;
8:46 a.m.]

[File No. 1-4252]

UNITED INDUSTRIAL CORP.

Order Summarily Suspending Trading

MAY 25, 1961.

The Common Stock, \$1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock \$8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to ef-

fect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 26, 1961, to June 4, 1961, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-5052; Filed, May 31, 1961;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 163]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 26, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Deviation No. 7), GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas 35, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 75 and Interstate Highway 45 at a point approximately 10 miles south of Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75 about 5 miles south of Corsicana, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 75.

No. MC 2306 (Deviation No. 8), STRICKLAND MOTOR FREIGHT LINES, INC., P.O. Box 5689, Dallas 2, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 20 and Interchange 61 of the New York Thruway near Ripley, N.Y. over the New York Thruway to New York, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 20 and Interchange 61 of the New York Thruway over U.S. Highway 20 to junction New York Highway 78, thence over New York Highway 33, thence over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over New York Highway 9J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J., and return over the same route.

No. MC 3261 (Deviation No. 3), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed May 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over U.S. Highway 40 to junction Interstate Highway 294, thence over Interstate Highway 294 to Newark, N.J., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington, D.C., over U.S. Highway 1 via Baltimore to Philadelphia, Pa. (also from Baltimore over U.S. Highway 40 to junction with U.S. Highway 13, and thence over U.S. Highway 13 to Philadelphia), and thence over U.S. Highway 1 to New York, N.Y.

No. MC 59680 (Deviation No. 9), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ware, Ill., over Illinois Highway 146 to junction U.S. Highway 51 at Anna, Ill., thence over U.S. Highway 51 to Bloomington, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ware over Illinois Highway 3 to Red Bud, Ill., and over Illinois Highway 159 to Belleville, Ill., and thence over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 66 to Bloomington, Ill., and return over the same route.

No. MC 59680 (Deviation No. 10), STRICKLAND TRANSPORTATION

CO., INC., P.O. Box 5689, Dallas 2, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway 87 to Lubbock, Tex., thence over U.S. Highway 84 to junction Texas Highway 208 near Snyder, Tex., thence over Texas Highway 208 to San Angelo, Tex., thence over U.S. Highway 87 to Eden, Tex., thence over U.S. Highway 83 to Menard, Tex., thence over Texas Highway 29 to Mason, Tex., thence over U.S. Highway 87 to San Antonio, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Amarillo over U.S. Highway 287 to Wichita Falls, Tex., thence over U.S. Highway 281 to San Antonio, and return over the same route.

No. MC 59680 (Deviation No. 11), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to Junction City, Ark., thence over Louisiana Highway 9 to Homer, La., thence over U.S. Highway 79 to Shreveport, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Shreveport, over U.S. Highway 71 to Texarkana, Ark., thence over U.S. Highway 67 to Little Rock; and from Shreveport over Louisiana Highway 3 to the Arkansas-Louisiana State line, thence over Arkansas Highway 29 to Hope, Ark., thence over U.S. Highway 67 to Little Rock, and return over the same routes.

No. MC 59680 (Deviation No. 12), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 70 to Brownsville, Tenn., thence over Alternate U.S. Highway 70 to Huntingdon, Tenn., thence over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31 W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, thence over U.S. Highway 25 to Detroit, Michigan, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, over U.S. Highways 63 and 61 to Turrell, Ark., thence over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois 3 to Red Bud, Ill.,

thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction of U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 12 to junction U.S. Highway 112, thence over U.S. Highway 112 to Detroit, and return over the same route.

No. MC 59680 (Deviation No. 13), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed May 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ware, Ill., over Illinois Highway 146 to Anna, Ill., thence over U.S. Highway 51 to Vandalia, Ill., thence over U.S. Highway 40 to Springfield, Ohio, thence over U.S. Highway 68 to Toledo, Ohio, thence over U.S. Highway 25 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ware, over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 12 to junction U.S. Highway 112, and thence over U.S. Highway 112 to Detroit, Mich., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Deviation No. 5), TRANSCONTINENTAL BUS SYSTEM, 315 Continental Avenue, Dallas 7, Tex., filed May 8, 1961. Attorney Warren A. Goff, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Arizona Highways 79 and 279 over Arizona Highway 79 to a point 4 miles north of that junction, thence over Interstate Highway 17 to Flagstaff, Ariz., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Los Angeles, Calif., over U.S. Highway 66 via Glendora, Calif., to junction Arrow Highway, thence over Arrow Highway via San Dimas, Calif., to San Bernardino, Calif., thence over unnumbered highways to junction U.S. Highway 99, thence over U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 via Aguila, Ariz., to Phoenix, Ariz., thence over U.S. Highway 89 via Wickenburg, Congress Junction and Prescott, Ariz., to Flagstaff (also from Prescott over U.S. Highway 89 to junction Alternate U.S. Highway 89) thence over Alternate U.S. Highway 89 to Flagstaff, thence over U.S. Highway 89 to Kanab, Utah, from junction Arizona

Highways 69 and 79, over Arizona Highway 69 to junction U.S. Highway 89; and from junction U.S. Highway 89 and Arizona Highway 69 near Phoenix, over Arizona Highway 69 to junction Arizona Highway 79, thence over Arizona Highway 79 to junction Arizona Highway 279 near Camp Verde, Ariz., thence over Arizona Highway 279 to junction Alternate U.S. Highway 89 near Cottonwood, Ariz., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5065; Filed, May 31, 1961;
8:47 a.m.]

[Notice 379]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 26, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers, or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 175), filed April 25, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Tex., and the plant site of Monsanto Chemical Co. at Chocolate Bayou, Tex.; from Houston over Texas Highway 35 to its intersection with Brazoria County Road 171 approximately midway between Alvin and Angleton, Tex., thence over Brazoria County Road 171 to its intersection with Brazoria County Road 194, thence over Brazoria County Road 194 to the plant site of Monsanto Chemical Company at Chocolate Bayou, and return over the same route, serving no intermediate points, but with the right of joinder at the intersection of Texas Highway 35 and Brazoria County Road 171.

NOTE: Applicant states that in addition to the above-described roads it proposes to use Brazoria County Roads 158, 160, 169, 191 and such unnumbered access roads as necessary.

HEARING: July 17, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 1968 (Sub No. 74), filed March 21, 1961. Applicant: BRASWELL FREIGHT LINES, INC., 301 Reynolds, El Paso, Tex. Applicant's attorney: M. Ward Bailey, 807 Continental Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives* and *general commodities* (except those of unusual value, livestock, household goods, commodities in bulk, and those requiring special equipment), serving Alpine, La., located about ten (10) miles north of Alexandria, La., at the junction of U.S. Highways 71 and 167, as an intermediate point in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: July 12, 1961, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 4405 (Sub No. 378), filed May 4, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers and trailer chassis*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service; (1) from points in Los Angeles County, Calif. (except Pomona), to points in the United States including Alaska but excluding Hawaii. (2) From Vina Vista, Calif., to points in Alaska, California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states no duplicating authority is sought in this application.

HEARING: July 27, 1961, at the Federal Building, Los Angeles, Calif., before Examiner Frank R. Saltzman.

No. MC 8948 (Sub No. 50), filed May 15, 1961. Applicant: WESTERN TRUCK LINES, LTD., 2550 East 28th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, livestock, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving points in El Paso County, Tex., as off-route points in connection with applicant's route operations to and from El Paso, Tex.

HEARING: June 5, 1961, at the Hotel Paso Del Norte, El Paso, Tex., before

Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 9895 (Sub No. 116), filed May 15, 1961. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, P.O. Box 838, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Colorado to points in South Dakota.

NOTE: Common control may be involved.

HEARING: July 17, 1961, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 20783 (Sub No. 55), filed May 23, 1961. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, between Rochelle, Ill., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING: June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 40007 (Sub No. 70), filed May 8, 1961. Applicant: RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila Street, Los Angeles 22, Calif. Applicant's attorney: John C. Allen, 1212 Wilshire Boulevard, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed fats and blends*, from points in California to points in Nevada, Oregon, Washington, Utah, and Idaho.

NOTE: Applicant states the two principal stockholders of this company also hold a 50 percent stock interest in Consolidated Copperstate Lines, an interstate carrier through ownership of the stock of Service Tank Lines.

HEARING: July 27, 1961, at the Federal Building, Los Angeles, Calif., before Examiner Frank R. Saltzman.

No. MC 41116 (Sub-No. 9), filed April 26, 1961. Applicant: LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, P.O. Box 603, Crowley, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from Jefferson Island; (2) from Avery Island, and (3) from Weeks Island, La., to points in Arkansas.

NOTE: Applicant states the proposed operations will be under contract with Diamond Crystal Salt Co., International Salt Co., and

Morton Salt Co., as shown in (1), (2), and (3) above, respectively.

HEARING: July 10, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 35, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 48958 (Sub No. 56) (CORRECTION), filed May 8, 1961, published FEDERAL REGISTER issue of May 17, 1961, corrected May 20, 1961, and republished as corrected this issue. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. Applicant's attorney: Morris G. Cobb, P.O. Box 9050, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, those requiring special equipment, and those injurious or contaminating to other lading), from and to points in El Paso County, Tex.

NOTE: This republication describes the territory to be served as "from and to" points in El Paso County, Tex., inadvertently described as "between" points in previous publication.

HEARING: Remains as assigned June 5, 1961, at the Hotel Paso, Del Norte, El Paso, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 52751 (Sub No. 26), filed May 22, 1961. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between Minneapolis and St. Paul, Minn., and points in the Upper Peninsula of Michigan.

HEARING: June 29, 1961, at the Federal Building and U.S. Court House, Room 393, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 282, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 52861 (Sub No. 2), filed May 22, 1961. Applicant: HAROLD W. STEWART INC., 102 Andrus Road, Toledo, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from points in Ottawa and Sandusky Counties, Ohio, to points in Illinois (except Chicago and points in the Chicago Commercial Zone), points in Pennsylvania west of U.S. Highway 219 (except the Counties of Erie, Crawford, Mercer, Lawrence, Beaver, Washington, Greene, Venango, Butler, and Allegheny), and including Port Allegany; points in New York west of U.S. Highway 19; and points in West Virginia west of U.S. Highway 219 (except the Counties of Hancock, Brooke, Ohio, Marshall, Wood, Mason, Cabell, Putnam, and Kanawha), and *empty containers or*

other such incidental facilities (not specified) used in transporting the commodities specified, on return.

HEARING: June 22, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner A. Lane Cricher.

No. MC 53841 (Sub No. 1), filed April 28, 1961. Applicant: W. H. CHRISTIE & SONS, Kane, Pa. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden dowels, wood products and materials, machinery and equipment* used in the manufacture of wooden dowels and wood products, between Kane, Pa., on the one hand, and, on the other, Parkersburg, W. Va.

HEARING: July 24, 1961, at the U.S. Court House, Charleston, W. Va., before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 66900 (Sub No. 24), filed April 13, 1961. Applicant: HOUFF TRANSFER, INCORPORATED, Weyers Cave, Va. Applicant's attorney: Glenn F. Morgan, 925 Whitfield Avenue, Sarasota, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities requiring special equipment, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between Staunton, Va., and Charleston, W. Va. RESTRICTION: Restricted to transportation of traffic which has moved or will move between Staunton and Charleston in applicant's trailers on rail cars in substituted rail-for-motor service, and provided that the authority now held and herein sought shall be construed as comprising a single operating right which shall not be severable for sale or otherwise.

NOTE: Applicant states it now holds authority over irregular routes which permits operation between Staunton, Va., and Charleston, W. Va., by use of certain gateways and the tacking of separately obtained certificated authorities.

HEARING: July 26, 1961, at the U.S. Court House, Charleston, W. Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 72495 (Sub No. 3), filed April 27, 1961. Applicant: DON SWART, doing business as DON SWART TRUCKING, P.O. Box 49, Wellsburg, W. Va. Applicant's attorney: Ronald W. Kasserian, Suite 900, Riley Law Building, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities as are transported in dump trucks*, between points in Ohio, Pennsylvania, and West Virginia within fifty (50) miles of Elm Grove, W. Va.

NOTE: Applicant presently holds authority to transport coal and road building materials within the subject territory.

HEARING: July 24, 1961, at the U.S. Court House, Charleston, W. Va., before Joint Board No. 59, or, if the Joint Board

waives its right to participate, before Examiner Garland E. Taylor.

No. MC 73381 (Sub No. 12), filed May 19, 1961. Applicant: JOHN A. SEIB, doing business as SHIPPERS MOTOR EXPRESS, 115 North 12th Street, Omaha, Nebr. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, packinghouse products, and commodities used by packing houses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 as modified in 61 M.C.C. 766, between Rochelle, Ill., on the one hand, and, on the other, Chicago, Ill., Omaha, Nebr., and Denver, Colo.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING: June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 92983 (Sub No. 392), filed May 21, 1961. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils and blends thereof*, in bulk, in tank vehicles, between Rochelle, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, West Virginia, Virginia, Wisconsin, and the District of Columbia.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING: June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 94265 (Sub No. 77), filed March 22, 1961. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Appendix I, to the reports in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Greeley, Pueblo, and Denver, Colo., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia.

HEARING: July 13, 1961, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 96324 (Sub No. 5), filed May 2, 1961. Applicant: GENERAL DELIVERY, INC., 36 East Grafton Road,

P.O. Box 1816, Fairmont, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from New York City, N.Y., to Clarksburg, W. Va. (2) *Glassware*, from Clarksburg, W. Va., to points in New York and New Jersey. (3) *Fiberboard boxes and milk cartons*, from Fulton, N.Y., to Elkins, W. Va. (4) *Fiberboard boxes, partitions and sheets*, (a) from Bradford, Pa., and Cleveland, Ohio to Star City, Morgantown, Fairmont, and Parkersburg, W. Va., (b) from Bristol, Pa., to points in West Virginia, and (c) from Cleveland, Ohio, New York, N.Y., Boundbrook, N.J., Philadelphia, Pa., and East Landsdown, Pa., to Fairmont, W. Va. (5) *Molds and machine parts used in the manufacture of glassware*, (a) from Bridgeton, N.J., to Fairmont and Charleston, W. Va., (b) between Fairmont and Star City, W. Va., on the one hand, and, on the other, points in Illinois and Indiana. (6) *Pulpboard or fiberboard*, in rolls, from Jaite, Ohio, Hopewell, Va., and Baltimore, Md., to Fairmont, W. Va. (7) *Glass containers, fiberboard boxes, wooden bottle carriers, and closures for glass containers*, (a) from Star City, W. Va., to points in Pennsylvania, Ohio, Kentucky, Maryland, Virginia, New Jersey, New York, Illinois, and Indiana, (b) from Fairmont, W. Va., to points in Illinois and Indiana. (8) *Empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities in (1), (2), (3), (4), (5), (6), and (7), on return.

HEARING: July 28, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner Garland E. Taylor.

No. MC 98748 (Sub No. 3), filed March 31, 1961. Applicant: GEORGE A. DUNMYRE, JR., KENNETH R. DUNMYRE, JAMES E. DUNMYRE, AND ROBERT L. DUNMYRE, a partnership, doing business as DUNMYRE MOTOR EXPRESS, Slippery Rock Street, Chicora, Butler County, Pa. Applicant's attorney: Edward M. Larkin, 1221 Grant Building, Pittsburgh 19, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum chloride dry*, in drums and sealed bins, from Elkton, Md., to Petrolia, Pa., and *empty drums and empty sealed bins*, from Petrolia, Pa., to Elkton, Md.

HEARING: July 10, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Garland E. Taylor.

No. MC 103051 (Sub No. 109), filed May 15, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from Charleston, Tenn., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common Control may be involved.

HEARING: June 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 103993 (Sub No. 149), filed April 28, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Camper bodies*, with and without equipment and furniture and appliances, from points in Utah to points in the United States, including Alaska but excluding Hawaii, and *rejected shipments and equipment incidental to the handling of the above-specified commodities*, on return.

HEARING: June 19, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Samuel Horwich.

No. MC 105434 (Sub No. 2), filed February 13, 1961. Applicant: BENJAMIN SHANDER, doing business as COOPERATIVE POOL CAR DISTRIBUTORS, 144 Spring Garden Street, Philadelphia 23, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Philadelphia, Pa., to points in Pennsylvania in and east of Tioga, Lycoming, Clinton, Centre, Mifflin, Juniata, Perry, Cumberland, and Franklin Counties, and *returned or rejected shipments of new furniture*, on return.

HEARING: July 11, 1961, in Room 300, U.S. Custom House & Appraisers' Store, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Allen W. Hagerty.

No. MC 107107 (Sub No. 164) (AMENDMENT), filed March 15, 1961, published issue May 24, 1961, and amended May 22, 1961, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Beverage preparations, milk food, malted milk, syrups, nuts* (shelled and unshelled), *candy*, and *confectionery*, from Villa Park, Ill., to Savannah, Ga., and points in Florida. (2) *Bakery materials and blueberries*, from Elk Grove Village, Ill., to Savannah, Ga., and points in Florida.

NOTE: The purpose of this republication is to add (2) above.

HEARING: Remains as assigned July 17, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 107403 (Sub No. 337), filed May 11, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes, and Shertz, Suite 601, 226 South Sixteenth Street, Philadelphia 2, Pa. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes transporting: *Fish oils, sea animal oils and vegetable oils, and blends thereof*, in bulk, in tank vehicles, from Elizabeth and Newark, N.J., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: June 23, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 107403 (Sub No. 338), filed May 15, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes, and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, including *silica gel* and *spent*, in bulk, in covered hopper vehicles, between points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: July 20, 1961, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Garland E. Taylor.

No. MC 107403 (Sub No. 339), filed May 15, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes, and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish, and sea animal oils, products and blends thereof*, in bulk, in tank vehicles, having prior or subsequent movement by water, between Toledo, Ohio, on the one hand, and, on the other, Marion, Ohio.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: June 23, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 107403 (Sub No. 340), filed May 23, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, Suite 601—226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities* (except flour, sodium chloride, beet and cane sugar, and portland and masonry cement), in bulk, in tank and hopper type vehicles and other specialized bulk transportation equipment and (2) *rejected shipments* of the commodities specified, between Boonton, Newark, Paulsboro, and Rahway, N.J., South Danville, Pa., and Stonewall, Va., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (RE-
STRICTED AGAINST (1) Phosphate and phosphate rock from Philadelphia,

Pa.; (2) lime and limestone from Midletown, Va., and points within six (6) miles thereof; points in Dauphine, and Lebanon Counties, Pa., and points in Texas and Maryland; and (3) the following commodities from Baltimore, and Hagerstown, Md., Fertilizer, fertilizer products, feed, feed ingredients, insecticides, asphalt, and asphalt products.)

NOTE: Applicant holds contract carrier authority in MC 117637 and Subs thereunder therefore dual operations may be involved.

HEARING: June 13, 1961, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 107496 (Sub No. 192), filed May 8, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish, resins and plastics*, in bulk, in tank vehicles, from Burlington, Iowa, to points in Illinois, Missouri, Wisconsin, Michigan, Indiana, Minnesota, Nebraska, Ohio, and Colorado.

NOTE: Applicant states it is wholly owned by John Ruan, and controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation. Applicant has pending applications in MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: June 26, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Raymond V. Sar.

No. MC 109689 (Sub No. 118), filed March 27, 1961. Applicant: W. S. HATCH COMPANY, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer solutions, and fertilizer ingredients*, in bulk, in tank vehicles, from points in Colorado, to points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

HEARING: July 10, 1961, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 110698 (Sub No. 151) (AMENDMENT), filed April 19, 1961, published issue May 3, 1961, amended May 4, 1961, and republished as amended this issue. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish oils, sea animal oils and vegetable oils, and blends thereof*, in bulk, in tank vehicles, from Elizabeth and Newark, N.J., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *Fish oils, sea animal oils, vegetable oils, and blends thereof, and resins, in conjunction with shipments of those commodities*, in bulk, in tank vehicles, from Elizabeth and Newark, N.J., to points in Kentucky.

NOTE: The purpose of this republication is to add item (2) to the authority previously sought.

HEARING: June 23, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 111434 (Sub No. 32), filed May 11, 1961. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk, in tank vehicles, from Laramie, Wyo., and points within ten miles thereof, to Vernal, Utah, and points within ten miles thereof; and Denver, Colo., and Kimball, Nebr., and *returned shipments* of the above commodity, on return.

HEARING: July 18, 1961, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 111812 (Sub No. 127) (CORRECTION), filed April 13, 1961, published in the FEDERAL REGISTER, issue of May 3, 1961, republished issue of May 17, 1961, and republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. A correction was published in the FEDERAL REGISTER, issue of May 17, 1961, to correct the spelling of Schenley, Pa. Inadvertently Schenley was referred to as a destination point. The purpose of this correction is to show that *Schenley, Pa.*, is one of the *origin points*.

HEARING: Remains as assigned June 6, 1961, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner Frank J. Mahoney.

No. MC 112020 (Sub No. 118), filed May 19, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and blends thereof*, in bulk, in tank vehicles, between Rochelle, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing" published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING: June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 112020 (Sub No. 119), filed May 23, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, and in packages, from Hockley, Blue Ridge, and Baffin Bay, Tex., and points within 10 miles of each to points in Arkansas, Alabama, Colorado, Florida, Louisiana, Mississippi, New Mexico, and Oklahoma, and *damaged and rejected shipments* of above specified commodity, on return.

NOTE: Common control may be involved.

HEARING: June 16, 1961, at the Baker Hotel, Dallas, Tex., before Examiner James I. Carr.

No. MC 112020 (Sub No. 120), filed May 26, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, in tank vehicles, hopper vehicles, hydraulic unloading dump vehicles, cable unloading dump vehicles, or tank type gravity unloading dump vehicles, between points in Texas, Oklahoma, Louisiana, and Arkansas.

NOTE: Common control may be involved.

HEARING: June 19, 1961, at the Baker Hotel, Dallas, Tex., before Examiner James I. Carr.

No. MC 113336 (Sub No. 47), filed May 16, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Charleston, Tenn., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: June 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 113514 (Sub No. 71), filed May 22, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, 1528 Main Street, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk and in packages, from Hockley, Blue Ridge, and Baffin Bay, Tex., and points within ten (10) miles of each, to points in Arkansas, Alabama, Colorado, Florida, Louisiana, Mississippi, New Mexico, and Oklahoma; and (2) *damaged and rejected shipments* of salt, from the above-specified destination points to Hockley, Blue Ridge, and Baffin Bay, Tex., and points within ten (10) miles of each.

NOTE: Applicant states it is under common control with Texas Corporations Chemical Express and Cement Transports, Inc.

HEARING: June 16, 1961, at the Baker Hotel, Dallas, Tex., before Examiner James I. Carr.

No. MC 113779 (Sub No. 144), filed April 10, 1961. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 26035, Houston 32, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in bulk, in tank vehicles, from Monroe, La., and points within ten (10) miles thereof to points in Texas.

HEARING: July 13, 1961, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 113779 (Sub No. 145), filed April 10, 1961. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 26035, Houston 32, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and chemicals*, in bulk, in tank vehicles, from Good Hope, La., to points in Texas.

HEARING: July 14, 1961, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 113779 (Sub No. 148), filed April 28, 1961. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 26035, Houston 32, Tex. Applicant's attorney: Dale Woodall, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, including animal and poultry tonics and feed additives*, in bulk, in tank and hopper vehicles, from Austin, Tex., to points in California, Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota Tennessee (except Kingsport), Utah, Washington, Wisconsin, and Wyoming.

HEARING: July 18, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Charles B. Heineman.

No. MC 113855 (Sub No. 51) (CORRECTION), filed February 3, 1961, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., U.S. Highway 52 South, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. The purpose of this correction is to show that in reference to the previous publication, in the restriction, reference was made to the above requested (3) authority, whereas it should have been the above requested (b) authority.

HEARING: Remains as assigned June 21, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 114364 (Sub No. 54), filed April 28, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, P.O. Box 672, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Torrington, Wyo., to Pueblo, Colo.; and (2) from Pueblo, Colo., to Rocky Ford, Colo.

NOTE: Applicant presently holds authority to transport sugar from Torrington, Wyo., to Rocky Ford, Colo. Applicant states that the purpose of this application is to permit storage in transit at warehouse facilities at Pueblo, Colo. Common control may be involved.

HEARING: July 12, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 115826 (Sub No. 9), filed April 10, 1961. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in their production and sale, between Denver, Golden and Pueblo, Colo., on the one hand, and, on the other, points in California.

HEARING: July 24, 1961, at the Federal Building, Los Angeles, Calif., before Examiner Frank R. Saltzman.

No. MC 117344 (Sub No. 71), filed March 15, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shellac*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Bristol County, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: July 19, 1961, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Garland E. Taylor.

No. MC 117416 (Sub No. 6), filed April 24, 1961. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and advertising materials*, used in the sale and display of bakery goods when shipped with bakery goods, from Cincinnati, Ohio and Macon, Ga., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: July 21, 1961, at the Federal Building, Room 712, Cincinnati,

Ohio, before Examiner Garland E. Taylor.

No. MC 117904 (Sub No. 2), filed May 23, 1961. Applicant: PELLHAM TRANSPORTATION CO., INC., 1025 Mason Avenue, St. Joseph, Mo. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, meat articles distributed by packing houses, and dairy products*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the specified commodities, between Rochelle, Ill., on the one hand, and, on the other, St. Joseph, South St. Joseph, St. Louis, Trenton, Sedalia, Kansas City, Jefferson Barracks, and Chillicothe, Mo., and Kansas City, Wichita, Chanute, Coffeyville, Concordia, Leavenworth, Fort Riley, Hutchinson, Manhattan, Salina, and Topeka, Kans.

NOTE: Applicant states that the motor carrier properties of it, including the operating authorities, have been leased temporarily to Willis Shaw Frozen Express, Inc., of Elm Springs, Ark. There is pending an application by Willis Shaw Frozen Express for authority under section 5, assigned MC-F 7816, to acquire the motor carrier properties of applicant. It is contemplated that any authority which may be granted as a result of the instant application will be included in the sale to Willis Shaw Frozen Express, Inc.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING: June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 117970 (Sub No. 1), filed May 11, 1961. Applicant: A. D. STUCKER, R.D. No. 1, Susquehanna, Pa. Applicant's attorney: Thomas J. Jones, 502 Brooks Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone and lime*, in bags, from Newton, N.J., and points within twenty miles thereof, and Limecrest, N.J., to points in Tioga, Chemung, Schuylers, Steuben, Madison, Cortland, Onondaga, Otsego, and Delaware Counties, N.Y., and Susquehanna County, Pa., (2) *fertilizer*, in bags, from Carteret, N.J., to points in Tioga, Chemung, Schuylers, Steuben, Madison, Cortland, Onondaga, Otsego, and Delaware Counties, N.Y., and Susquehanna County, Pa., and (3) *flagstone*, from Susquehanna County, Pa., to points in Maryland, Massachusetts, New Jersey, and New York City, N.Y.

HEARING: July 13, 1961, in Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Allen W. Hagerty.

No. MC 118638 (Sub No. 1), filed April 7, 1961. Applicant: WILLIAM R. FISCHER AND MONTFORD R. FISCHER, a partnership, doing business as GCS AIR SERVICE, Gallion-Crestline Airport, Gallion, Ohio. Applicant's at-

torney: John P. McMahon, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Shelby, Ohio, on the one hand, and, on the other, the Cleveland-Hopkins Airport located in Cuyahoga County, Ohio. RESTRICTION: Transportation will be restricted to shipments having an immediately prior or immediately subsequent movement by air.

NOTE: Applicant states it now holds the same type of authority under Certificate MC 118638 between points in Crawford, Marion, Monroe, Huron, and Ashland Counties, Ohio, and Richland County, Ohio (except Shelby, Ohio), on the one hand, and, on the other, the Cleveland-Hopkins Airport located in Cuyahoga County, Ohio. The sole purpose of this application is to remove the exception of Shelby, Ohio from applicant's present authority.

HEARING: July 18, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Garland E. Taylor.

No. MC 119585 (Sub No. 2), (AMENDMENT), filed March 24, 1961, published issue of April 19, 1961, and republished, as amended, this issue. Applicant: KELLY TRANSPORTATION, INC., P.O. Box 1426, Sumter, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used furniture*, from points in Massachusetts, New York, New Jersey, Pennsylvania, and Washington, D.C., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Kentucky; and *exempt commodities*, on return.

NOTE: Applicant states the used furniture as specified above, is bought and sold by wholesale and retail stores. Any duplication of authority to be eliminated. The purpose of this republication is to add the State of Kentucky to the destination States.

HEARING: July 21, 1961, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 123061 (Sub No. 6), filed May 8, 1961. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Umatilla, Union, Baker, Grant, Harney, and Malheur Counties, Oreg., and Mountain Home, Idaho, to points in Boxelder, Cache, Rich, Weber, Davis, Salt Lake, Utah, Tooele, Morgan, Summit, Wasatch, Duchesne, Uintah, Carbon, and Daggett Counties, Utah, and *exempt commodities*, on return.

HEARING: July 20, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 346, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 123061 (Sub No. 7), filed May 8, 1961. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Saltair, Lakepoint, Flux, Salt Lake City, and Silsbee, Utah to points in Colorado East of Routt, Rio Blanco, Garfield, Pitkin, Gunnison, Hinsdale, and La Plata Counties, Colo., and (2) *pepper*, when moving in mixed shipments with salt and salt products, from Saltair, Utah to points in Colorado, and (3) *exempt commodities*, on return.

HEARING: July 19, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 123075 (Sub No. 2), filed May 15, 1961. Applicant: HARVEY D. SHUPE AND HOWARD YOST, a partnership, doing business as SHUPE & YOST, 2721 Eighth Avenue, Greeley, Colo., Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, and in bulk and in packages, in mixed shipments, from the site of Leslie Salt Co. plant, near Lake Point, Utah, to points in Nebraska on and west of U.S. Highway 83, points in Yuma, Washington, Adams, Denver, Jefferson, Clear Creek, Summit, Eagle, Grand, Jackson, Sedgwick, Phillips, Logan, Weld, Morgan, Larimer, Boulder, Fremont, Pueblo, El Paso, and Gilpin Counties, Colo., and points in Albany, Platte, Goshen, and Laramie Counties Wyo., and *exempt commodities*, on return.

NOTE: Applicant states the proposed operations will be for the account of Leslie Salt Company.

HEARING: July 12, 1961, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 123075 (Sub No. 3), filed May 15, 1961. Applicant: HARVEY D. SHUPE AND HOWARD YOST, a partnership, doing business as SHUPE & YOST, 2721 Eighth Avenue, Greeley, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, and in bulk and in packages, in mixed shipments, from points in Salt Lake and Tooele Counties, Utah, to points in Colorado on and east of the Continental Divide, points in Nebraska on and west of U.S. Highway 83, points in South Dakota on and west of U.S. Highway 83, and points in Campbell, Crook, Weston, Converse, Niobrara, Albany, Platte, Goshen, and Laramie Counties, Wyo., and *exempt commodities*, on return.

HEARING: July 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 123190 (Sub No. 29), filed April 5, 1961. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst, including silica gel and spent, and rejected shipments*, in bulk, in covered hopper vehicles; between points in Ohio, Kentucky, Indiana, Illinois, Michigan, New York, Pennsylvania, Minnesota, Kansas, and Wisconsin.

NOTE: (1) Applicant states the application is for the purpose of amending its authority under Permit MC 101126 Subs 30, 63, 66 and 102, which will be surrendered if the instant application is granted. (2) Applicant conducts operations as a contract carrier under MC 101126 and Subs thereunder. (3) The application is filed in the alternative, common or contract, but has been accepted under the docket series number reserved pursuant to conversion proceedings covering certain of carrier's operations found to be common carriage in MC 123190 (Sub No. 1), which proceeding is pending.

HEARING: July 20, 1961, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Garland E. Taylor.

No. MC 123529, filed March 27, 1961. Applicant: JOHN A. CATALINA, Jr., 1005 South Second Street, Monroe, La. Applicant's attorney: J. B. Dawkins, 1112 Ouachita Bank Building, Monroe, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil well supplies (consisting of equipment for logging oil and gas wells, including electronic equipment for such wells)*; from the site of the Schlumberger Well Surveying Corporation, located at Monroe, La., to points in Louisiana, Mississippi, and Arkansas, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

NOTE: Applicant states the proposed operation will be under contract with Schlumberger Well Surveying Corporation.

HEARING: July 12, 1961, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heineman.

No. MC 123545, filed April 3, 1961. Applicant: CORNELIUS McCONVILLE, doing business as CORNELIUS McCONVILLE TRUCKING COMPANY, 414 Willow Place, Pittsburgh 18, Pa. Applicant's attorney: Benj. W. Haseltine, Jr., 1101 Plaza Building, Pittsburgh 10, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood and softwood lumber, millwork and lumber products*, from Swissvale, Pa., to points in Ohio, West Virginia, and Maryland, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: July 10, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Garland E. Taylor.

No. MC 123561, filed April 6, 1961. Applicant: R. H. BURNS CO., INC., Hills-

boro, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and slag*, from Ashland, Ky., and Mingo Junction, Ohio, to points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Monogalia, Marion, Taylor, Harrison, Doddridge, Lewis, Gilmer, Braxton, Pleasants, Ritchie, Wood, Wirt, Calhoun, Jackson, Roane, Clay, Mason, Putnam, Kanawha, Cabell, Lincoln, Boone, Wayne, Logan, and Mingo Counties, W. Va.

HEARING: July 25, 1961, at the U.S. Court House, Charleston, W. Va., before Joint Board No. 62, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 123570, filed April 7, 1961. Applicant: GEORGE KALEC, doing business as GEORGE KALEC TRUCKING, Box 443, Midvale, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Pittsburgh, Pa., to Roswell, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operations to be performed under a continuing contract with Ideal Distributing Company of New Philadelphia, Ohio.

HEARING: July 18, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Garland E. Taylor.

No. MC 123574, filed April 10, 1961. Applicant: M. R. WATTERS, doing business as WATTERS TRUCK LINE, Cheraw, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds*, manufactured and processed in bags and containers, and in bulk, from Cheraw, Colo., to points in Kansas, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: July 11, 1961, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 123581, filed April 14, 1961. Applicant: BILMAR CORPORATION, Broad and Hazel Street, Clifton, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steels, metals, and steel and metal products*, between Clifton, N.J., and points in Connecticut, New York, Pennsylvania, Delaware, and Maryland.

NOTE: Applicant states it is under continuing contract with Denman & Davis of Clifton, N.J.

HEARING: July 17, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Allen W. Hagerty.

No. MC 123598, filed April 20, 1961. Applicant: G. LEE MASSEY, Victor,

W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer*, from Cincinnati, Ohio, Bristol, Va., and Baltimore, Md., to points in Fayette, Nicholas, Greenbrier, Summers, Raleigh, Webster, and Monroe Counties, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: July 25, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner Garland E. Taylor.

No. MC 123616, filed April 26, 1961. Applicant: STANLEY L. SHIFLET, doing business as SHIFLET'S TRANSFER, P.O. Box 54, Richwood, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston 32, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Nicholas County, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida.

HEARING: July 27, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner Garland E. Taylor.

No. MC 123626, filed April 26, 1961. Applicant: THOMAS V. SLIGER, 5974 Pearidge Road, Huntington, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, used in the manufacture of furniture, from Kenova, W. Va., to points in Tennessee, Virginia, and North Carolina.

NOTE: Applicant states kilns of shipper are located at Kenova, W. Va. Lumber treated at this kiln is to be transported to plants of the shipper, as well as to other plants in the aforesaid states, to be made into furniture. Proposed operations will be under contract with Georgetown Galleries.

HEARING: July 27, 1961, at the U.S. Court House, Charleston, W. Va., before Examiner Garland E. Taylor.

No. MC 123637, filed May 2, 1961. Applicant: HARDIN A. TAYLOR, doing business as NATIONAL BOAT TRANSPORT, 9160 Sunrisa Street No. 23, Bellflower, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and equipment, parts and accessories for boats*, between points in California and points in the United States.

HEARING: July 26, 1961, at the Federal Building, Los Angeles, Calif., before Examiner Frank R. Saltzman.

No. MC 123639 (Sub No. 1), filed May 23, 1961. Applicant: J. B. MONTGOMERY, INC., 4916 Jackson Street, Denver 16, Colo. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, packinghouse products and commodities used by packing-*

houses as defined by the Commission, between Rochelle, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, Kansas, and those in Colorado on and east of U.S. Highway 87 and on and north of U.S. Highway 50, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, on return.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING: June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 123652, filed May 9, 1961. Applicant: KULP'S DELIVERY SERVICE, INC., 23 North Front Street, Souderton, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Butter, from Minneapolis, St. Paul, Minn., to points in Lower Salford and Franconia Townships, Montgomery County, Pa.

HEARING: July 14, 1961, in Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Allen W. Hagerty.

No. MC 123664, filed May 12, 1961. Applicant: HARRY STERLING WINSLOW, 4410 Kansas Avenue NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household appliances, and household goods (furnishings and furniture) as defined by the Commission, from points in the District of Columbia, to points in Maryland and Virginia, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 13, 1961, at the Offices of the Interstate Commerce Commission Washington, D.C., before Joint Board No. 68.

No. MC 123666, filed May 15, 1961. Applicant: HERBERT POTTASH, 2415 North 54th Street, Philadelphia, Pa. Applicant's attorney: Samuel D. Englebach, 121 South Broad Street, Philadelphia 7, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in drums, cans and other packages, tires, batteries, and automotive accessories, from Philadelphia, Pa., to points in Camden, Cumberland, Salem, Burlington, Gloucester, Mercer, Monmouth, Middlesex, Atlantic, and Ocean Counties, N.J., and points in New Castle County, Del., and rejected shipments, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, on return.

HEARING: July 12, 1961, in Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Allen W. Hagerty.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub No. 72), filed April 11, 1961. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage and express and newspapers in the same vehicle with passengers, between points in the town of Tuxedo, N.Y.; from junction New York Highway 17 and access road leading to New York Highway 210 (which access road is south of New York Highway 210) and from junction New York Highway 17 and access road leading to New York Highway 210 (which access road is north of New York Highway 210), over both access roads to their junction with New York Highway 210, thence over New York Highway 210 to its junction with Bramertown Road in Tuxedo, and return over the same route, serving all intermediate points.

HEARING: July 18, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Allen W. Hagerty.

No. MC 2239 (Sub No. 1), filed April 13, 1961. Applicant: SALT LAKE TRANSPORTATION CO., 29 West South Temple, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same or separate vehicle, in special operations in round trip sightseeing, pleasure, and educational tours between Salt Lake City, Utah and points within 400 miles thereof, including all-expense and conducted tours and trips.

HEARING: July 21, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 119970 (Sub No. 1), filed April 26, 1961. Applicant: GEORGE KESSLER, doing business as HILL TOP BUS LINE, Third and Wilson Streets, Monessen, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in charter operations, beginning and ending at Monessen, Pa., and points within ten (10) miles thereof (excluding points in Allegheny County, Pa. and points on and east of the Youghiogheny River); and extending to points in Maryland, New York, Ohio, Virginia, and West Virginia within one hundred fifty (150) miles of Monessen, Pa.

HEARING: July 11, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Garland E. Taylor.

No. MC 123606, filed April 24, 1961. Applicant: MELVIN LEWIS CHEW, doing business as TOURS ANYWHERE U.S.A., 121 Chestnut Parkway, Chester, Pa. Applicant's attorney: Robert J. Scallan, Clyde Building, 29 East Fifth

Street, Chester, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than six (6) passengers in one vehicle, not including the driver and not including children under 10 years of age who do not occupy a separate seat or seats; beginning and ending at Philadelphia, Pa., and extending to Mobile, Ala. (Bellingrath Gardens), Grand Canyon and Tucson, Ariz., Death Valley, Los Angeles, San Francisco and Yosemite, Calif., Colorado Springs, Mesa Verde National Park, Rocky Mountain National Park, and Royal Gorge, Colo., Miami Beach, St. Augustine, St. Petersburg and Silver Springs, Fla., Atlanta, Ga., New Orleans, La., Carlsbad Caverns, N. Mex., Smokey Mountain Park, N.C., Charleston, S.C. Custer State Park and Mt. Rushmore, S. Dak., Chattanooga, Tenn., Big Bend National Park, San Antonio, and San Marcos (Aquarena), Tex., Bryce Canyon, Zion Canyon, and Zion Park, Utah, Luray Caverns, Roanoke, Sky Line Drive, and Williamsburg, Va., and Cheyenne and Yellowstone National Park, Wyo.

HEARING: July 12, 1961, in Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Allen W. Hagerty.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 37874 (Sub No. 6), filed May 17, 1961. Applicant: HENRY DEHM, INC., 18 Old Manor Road, Hazlet, N.J. Applicant's attorney: Bernard F. Flynn, Jr., Industrial Building, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Pre-fabricated bottomless buildings, including dwellings and commercial establishments of all kinds, of not less than 54 square feet, between Perth Amboy, N.J., and points in New Jersey, New York, Pennsylvania, Connecticut, Vermont, Rhode Island, Massachusetts, New Hampshire, Maine, Delaware, Virginia, West Virginia, Maryland, and the District of Columbia.

No. MC 42261 (Sub No. 54), filed May 18, 1961. Applicant: LANGER TRANSPORT CORP., Route 1 Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid wax, in bulk, in tank vehicles with portable hearing units, from Emlenton and Farmers Valley, Pa., to points in Rhode Island, and returned or rejected shipments, on return.

No. MC 58902 (Sub No. 5), filed May 22, 1961. Applicant: MANLEY TRANSFER COMPANY, INC., 315 North Santa Fe Street, Chanute, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (ex-

cept those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chanute, Kans., and points within thirty (30) miles thereof.

No. MC 66562 (Sub No. 1811), filed May 18, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Boston, Mass., and Gardner, Mass.; (1) from Boston over U.S. Highway 2 to Gardner, and return over the same route, serving no intermediate points; and (2) from Boston over U.S. Highway 2 to unnumbered highway (Cambridge Turnpike), thence over unnumbered highway to Concord, Mass., thence over U.S. Highway 2 to junction with Massachusetts Highway 27, thence over Massachusetts Highway 27 to junction with Massachusetts Highway 2A, thence over Massachusetts Highway 2A to junction with U.S. Highway 2, thence over U.S. Highway 2 to Gardner, and return over the same route, serving the intermediate points of Concord and Ayer, Mass. **RESTRICTIONS:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1812), filed May 18, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Clarksburg, W. Va., and Elkins, W. Va.; from Clarksburg over West Virginia Highway 20, to junction West Virginia Highway 57, thence over West Virginia Highway 57 to junction with U.S. Highway 119, thence over U.S. Highway 119 to junction with U.S. Highway 250, thence over U.S. Highway 250 to Elkins, and return over the same route, serving the intermediate points of Phillippi and Belington, W. Va., and the off-route point of Grafton, W. Va. **RESTRICTIONS:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments to be transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 72444 (Sub No. 12), filed May 22, 1961. Applicant: THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio. Authority sought to operate as

a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Olean, N.Y., and Buffalo, N.Y.; from intersection of New York Highway 17 and New York Highway 16 at Olean, over New York Highway 16 to Buffalo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular routes. (2) Between Horseheads, N.Y., and Ithaca, N.Y.; from intersection New York Highway 17 and New York Highway 13 at Horseheads, over New York Highway 13 to Ithaca, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular routes.

No. MC 72444 (Sub No. 13), filed May 22, 1961. Applicant: THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kinsman, Ohio, and Salem, Ohio; (1) from intersection of Ohio Highway 7 and Ohio Highway 5 at Kinsman, over Ohio Highway 7 to junction U.S. Highway 62, thence over Ohio Highway 7 and U.S. Highway 62 to Youngstown, Ohio, thence over U.S. Highway 62 to Salem, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular routes. (2) Between Warren, Ohio, and Salem, Ohio; from Warren over Ohio Highway 45 to Salem, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular routes.

No. MC 75406 (Sub No. 17), filed May 19, 1961. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives and general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Jonesboro and Newport, Ark.; from Jonesboro over Arkansas Highway 39 to the junction of Arkansas Highway 14; thence over Arkansas Highway 14 to Newport and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in con-

nection with applicant's regular-route operations.

No. MC 75406 (Sub No. 18), filed May 19, 1961. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives, and general commodities* (except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Searcy, Ark., and Brinkley, Ark.; from Searcy over Arkansas Highway 11 to the junction of Arkansas Highways 11 and 38, thence over Arkansas Highway 38 to the junction of Arkansas Highways 38 and 17, thence over Arkansas Highway 17 to Brinkley, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations.

No. MC 86687 (Sub No. 61), filed May 22, 1961. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Cuthbert, Ga., and Hinson, Fla.; from Cuthbert over Georgia Highway 216 to Arlington, Ga., thence over Georgia Highway 45 to Colquitt, Ga., and to junction with U.S. Highway 27, thence over U.S. Highway 27 to Attapulgus, Ga., thence over Georgia Highway 241 to junction Georgia Highway 266, thence over Georgia Highway 266 to Georgia-Florida State line, thence over Florida Highway 159 to junction with Florida Highway 12, thence over Florida Highway 12 to Havana, Fla., thence over U.S. Highway 27 to Hinson, and return over the same route, serving the intermediate points of Carnegie, Edison, Arlington, Damascus, Colquitt, Eldorado, Bainbridge, Bower (P.O. Fowlstone), and Attapulgus, Ga., and Jamieson and Havana, Fla., (2) between Cuthbert and Edison, Ga.; from Cuthbert over U.S. Highway 27 to junction Georgia Highway 37, thence over Georgia Highway 37 to Edison, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states it proposes to transport general commodities, as well as general commodities moving as passenger baggage, or in Railway Express or baggage car service, for which authority is already held, in the same vehicle.

No. MC 108461 (Sub No. 94), filed May 22, 1961. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, General Traffic Manager, P.O. Box 5345, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Spent sulphuric acid*, in tank vehicles, from El Paso, Tex., to points in New Mexico.

No. MC 110525 (Sub No. 448) (AMENDMENT), filed May 3, 1961, published FEDERAL REGISTER issue May 17, 1961, amended May 19, 1961, as republished this issue. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Fernald, Ohio, to St. Paul and Minneapolis, Minn., and Vandalia, Mo., and *rejected shipments*, on return.

NOTE: The purpose of this republication is to add the destination point of Vandalia, Mo.

No. MC 112668 (Sub No. 21), filed May 21, 1961. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, washed and dry, in bulk, in dump vehicles, from White Marsh, Md., to points in Delaware, New Jersey, Virginia, the District of Columbia, points in West Virginia east of U.S. Highway 19, beginning at the West Virginia-Pennsylvania State line near Mount Morris, Pa., and extending south through Clarksburg and Beckley, W. Va., to the West Virginia-Virginia State Line near Bluefield, W. Va., and points in Pennsylvania (except those in Erie, Crawford, and Mercer Counties, Pa.).

No. MC 112750 (Sub No. 61), filed May 16, 1961. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents and written instruments* (except coin, currency, and negotiable securities) ordinarily used in the business of banks, (a) between Columbus, Ohio, on the one hand, and, on the other, Ashland, Ky., and (b) between Cincinnati and Columbus, Ohio, on the one hand, and, on the other, Huntington and Charleston, W. Va., and (2) *Sales audit media* (consisting of cash register tapes, charge sales and cash tickets, applications and other documents involved in processing a day's business for sales audit media), between the site of J. C. Penney Company's Inc. central accounting and regional credit office located in Cincinnati, Ohio, on the one hand, and, on the other, the sites of J. C. Penney Company's Inc. stores located in Charleston and Huntington, W. Va., Barren, Bell, Bourbon, Boyd, Caldwell, Campbell, Christian, Clark, Davies, Franklin, Graves, Henderson, Hopkins, Jefferson, Kenton, Madison, Mason, McCracken, Montgomery, Muhlenberg, Scott, Warren, and Whitley Counties, Ky.

NOTE: Applicant states it is under a continuing contract or contracts with banks and banking institutions in (1) above and under a continuing contract or contracts with the J. C. Penney Company, Inc. in (2) above.

No. MC 123638 (Sub No. 1), filed May 22, 1961. Applicant: CLARENCE WOOD MUNDY, JR., AND ELIZABETH JOHNSON MUNDY, doing business as WHITE STAR BODY WORKS, 2016 West Morehead Street, Charlotte, N.C. Applicant's attorney: Stuart R. Childs, Johnston Building, Charlotte 2, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, trailers, and buses*, by driveway method, in secondary movement, from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and *wrecked or disabled tractors, trailers, and buses*, on return.

NOTICE OF FILING OF PETITION

No. MC 118601 (PETITION FOR MODIFICATION), dated May 5, 1961. Petitioner: EASTERN TRANSPORTATION CO., INC., Tompkins Tidewater Terminal, South Kearny, N.J. Petitioner's representative: William D. Traub, 350 5th Avenue, New York 1, N.Y. By application filed January 30, 1959, petitioner sought a permit as a *contract carrier* by motor vehicle of *new upholstered chairs, sofas, and vibrators*, from the warehouse of the A. F. G. Furniture Sales Company at Harrison, N.J., to New York, N.Y., Philadelphia, Pa., and points in Westchester, Suffolk, and Nassau Counties, N.Y., and Essex, Hudson, Bergen, Passaic, Morris, Somerset, Monmouth, Mercer, Ocean, and Middlesex Counties, N.J., restricted to operations under a continuing contract with A. F. G. Furniture Sales Company. The Commission, by Division 1, in report and order decided April 11, 1961, found that applicant is fit, willing and able to perform the proposed service. Petitioner states that during the more than two years that this proceeding has been under litigation, the A. F. G. Furniture Sales Company has been dissolved and is no longer in operation. Petitioner has also moved its warehouse and terminal from Harrison, N.J., to Kearny, N.J., a community contiguous to Harrison, N.J. Petitioner requests that the order of the Commission, by Division 1, dated April 11, 1961, be modified to substitute the name of the Cleveland Chair Company, Inc., of Cleveland, Tenn., and its affiliates, Jackson Manufacturing Company, Inc., of Houston, Miss., and Pullman Couch Company of Amory, Miss., in lieu of A. F. G. Furniture Sales Company as the shipper, and the origin point of Kearny, N.J., in lieu of Harrison, N.J. The purpose of this publication of the notice of filing of the petition is to advise that any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7868. Authority sought for purchase by DEAN TRUCK LINE, INC., Fleming and Grant Streets, P.O. Drawer 32, Corinth, Miss., of the operating rights and property of ALLSTATE TRUCK LINE, INC., 2500 Wayne Road, Savannah, Tenn. Applicants' attorneys: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn., and E. B. Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Louisville, Ky., on the one hand, and, on the other, Collinwood, Waynesboro, Bath Springs, Sardis, Enville, and Henderson, Tenn., and points in McNairy and Hardin Counties, Tenn. Vendee is authorized to operate as a *common carrier* in Tennessee and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7869. Authority sought for purchase by WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Salt Lake City 10, Utah, of the operating rights of I. E. RIDDLE, doing business as RIDDLE TRUCK LINE, 405 North 100 West Street, Cedar City, Utah. Applicants' representative: Milton Stanley Wycoff, President, Wycoff Company, Incorporated, P.O. Box 366, Salt Lake City, Utah. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Cedar City, Utah, and Kanab, Utah, serving all intermediate points, and certain off-route points, and between Kanab, Utah, and Fredonia, Arizona, serving no intermediate points; *general commodities*, with the above exceptions, over *irregular routes* between Kanab, Utah, on the one hand, and, on the other, Glen Canyon Dam Site in Arizona (on the Colorado River near the Arizona-Utah State line) and points within ten miles thereof; *general commodities*, except Class A and B explosives, livestock, wool, mohair, lumber, ore, sawmill and mining machinery, supplies and equipment, household goods, and those requiring special equipment, between Fredonia, Ariz., on the one hand, and, on the other, points in Arizona within 50 miles of Fredonia. Vendee is authorized to operate as a *common carrier* in Utah and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7870. Authority sought for purchase by BARNES TRUCK LINE, Highway 13, North, Columbia, Miss., of

the operating rights and property of WILLIAM DANNIE TYNES, doing business as W. D. TYNES TRUCK, Box 293, Tylertown, Miss., and for acquisition by R. L. BARNES, W. B. BARNES, JR., and RANDOLPH L. BARNES, all of Highway 13, North, Columbia, Miss., of control of such rights and property through the purchase. Applicant's attorneys: Moun-ger & Duff, 216 Newsom Building, Colum-bia, Miss., and Phineas Stevens, 700 Petroleum Building, Jackson, Miss. Oper-ating rights sought to be transferred: *General commodities*, as a *common car-rier* over a regular route between Tyler-town, Miss., and New Orleans, La., serv-ing no intermediate points. Transferee is a new corporation and is not at this time a motor carrier. However, an ap-plication was filed with the Commission on April 24, 1961, under section 212(b), Interstate Commerce Act, in No. MC-FC 64186, seeking authority to transfer to transferee herein all of the operating authority and properties now being utilized by R. L. BARNES, an individual, doing business as BARNES TRUCK LINE. Upon consummation of the sec-tion 212(b) proceeding, transferee will be a motor carrier continuing the op-erations now being conducted by R. L. BARNES, doing business as BARNES TRUCK LINE, as a *common carrier* in Mississippi and Louisiana. Application has not been filed for temporary author-ity under section 210a(b).

No. MC-F 7872. Authority sought for purchase by HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga., of a portion of the operating rights of STATE MOTOR LINES, Old Society Hill Road, Hartsville, S.C., and for ac-quisition by LOUIS PATZ, 213 Long Avenue, Elberton, Ga., of control of such rights through the purchase. Appli-cants' attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Operating rights sought to be transferred: Operations under the sec-ond proviso of section 206(a) (1) of the Interstate Commerce Act, in the State of South Carolina, as a *common carrier*, in the transportation of *general com-modities*, over regular routes, between Spartanburg and Darlington, and a 15 mile radius of each, via Camp Croft, Pacolet, Jonesville, Kelly, Lockhart, Chester, Richburg, Fort Lawn, Lancas-ter, Funderburk, McBee, and Hartsville, over South Carolina Highways 9, 903 and 151, serving the off-route points of Great Falls and Rock Hill, and between the North Carolina-South Carolina State Line (located near Charlotte, N.C.), and Lancaster, over U.S. Highways 21 and 521; *general commodities*, over irregular routes between points in Chesterfield, Darlington, Dillon, and Marlboro Coun-ties and points in South Carolina; *textile machinery, equipment and supplies*, be-tween points in Spartanburg County and points in South Carolina; *unfinished cotton piece goods*, between points in South Carolina, and bleaching, dyeing and finishing plants in Aiken, Anderson, Darlington, Greenville, Greenwood, Spartanburg, and York Counties, *cotton in bales and livestock*, between points in South Carolina, and *fertilizer*, from points in Charleston County to points in

Chesterfield, Darlington, Dillon, Marion, and Marlboro Counties. Vendee is au-thorized to operate as a *common carrier* in Georgia, New York, New Jersey, Penn-sylvania, Maryland, Virginia, South Carolina, Illinois, Ohio, Delaware, In-diana, Kentucky, Michigan, Tennessee, West Virginia, Missouri, North Carolina, Alabama, Florida, Connecticut, Rhode Island, Mississippi, Wisconsin, Iowa, Massachusetts, Minnesota, and the Dis-trict of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-504 Sub 41 is a matter directly related.

No. MC-F 7873. Authority sought for (1) purchase by RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas 7, Texas, of the operating rights of CENTENNIAL TRUCK LINES, INC., (ROBERT W. CADDES, TRUSTEE), 526 Majestic Building, Denver 2, Colo., and for acqui-sition by H. E. ENGLISH and O. B. ENGLISH, both of P.O. Box 10837, Dallas 7, Texas, of control of such rights through the purchase; and (2) purchase by FREDERIC A. BETHKE, doing busi-ness as BETHKE TRUCK LINES, 3434 Walnut Street, Denver, Colo., of a portion of the operating rights of RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas 7, Texas. Applicants' attorneys: Charles D. Mathews, P.O. Box 10837, Dallas 7, Texas, Marion F. Jones, 526 Denham Building, Denver 2, Colo., and Alvin J. Meiklejohn, 526 Denham Building, Den-ver 2, Colo. Operating rights sought to be transferred: CENTENNIAL TRUCK LINES INC: *General commodities*, ex-cepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Ault, Colo., and Trinidad, Colo., serving all intermediate points and certain off-route points; between junction unnum-bered highway (formerly U.S. Highway 85) and U.S. Highway 85, about one and one-half miles north of Larkspur, Colo., and junction Colorado Highway 105 (formerly U.S. Highway 85) and U.S. Highway 85 about one-half mile south of Monument, Colo., serving no inter-mediate points; between Pueblo, Colo., and Walsh, Colo., serving all intermedi-ate points and certain off-route points; from Denver, Colo., to Golden, Colo., and between Colorado Springs, Colo., and Peterson Field, Colo., serving no inter-mediate points, and over an alternate route for operating convenience only. Operations under the second proviso of section 206(a) (1) of the Interstate Com-merce Act, as more fully described in Docket Nos. MC-116704 Sub 5 and MC-116704 Sub-6, in the State of Colorado, and (2) RED BALL MOTOR FREIGHT, INC.: *General commodities*, excepting among others, household goods and com-modities in bulk, as a *common carrier* over regular routes between Ault, Colo., and Denver, Colo., serving all intermedi-ate points and the off-route point of Kersey, Colo.; and portion of the opera-tions under the second proviso of section 206(a) (1) in the transportation of property between Denver and Greeley, Colo., and intermediate points, between

Denver and Kersey, Colo., via Greeley, Colo., between Denver and Ault, Colo., and all intermediate points to the towns of Ault and Greeley, Colo., via Colorado Highway No. 9 and private or county roads, on schedule between Kremmling and Green Mountain Dam Site (including the residential and construction area around said Dam Site), to and from United States' Mis-sile-Launching Sites, Site No. 6, about 2.5 miles west of Briggsdale, Colo., Site No. 7, about 6.2 miles North and 4 miles East of Nunn, Colo., and Site No. 8, about 8 miles West of Greeley, Colo., and pickup and delivery service within an area extending five miles be-yond and contiguous to the City Limits of Denver, Colo., on shipments having a prior or subsequent movement over ap-plicant's line, but not including point to point service from the five mile radius to Denver nor to other points within the five mile radius. RED BALL MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Colo-rado and Utah. FREDERIC A. BETHKE, doing business as BETHKE TRUCK LINES is authorized to operate as a *common carrier* in Colorado. Ap-plication has been filed for temporary authority under section 210a(b).

NOTE: No. MC-2229 Sub 105 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC-F 7871. Authority sought for purchase by QUEEN CITY COACH COMPANY, 417 West Fifth Street, Charlotte 1, N.C., of a portion of the operating rights and property of VAL-LEY COACHES, INC., 1439 Green Street, Augusta, Ga., and for acquisition by JOEL W. WRIGHT, 31 Busby Rd., Ashe-ville, N.C., JAMES F. MARTIN, 1200 Kings Drive, Charlotte, N.C., GUY D. CARPENTER, 19 Southwood Biltmore Forest, N.C., ELSIE E. LOVE, 4901 Central Avenue, Charlotte, N.C., E. E. BOST, Newton, N.C., WAYNE E. WRIGHT, 120 Harris Street, Atlanta, Ga., W. E. SMITH, P.O. Box 467, Albemarle, N.C., HAL J. LOVE, 4901 Central Avenue, Charlotte, N.C., LILLIAN H. HARDISON and JAMES A. HARDISON, both of Wadesboro, N.C., WARREN E. HARREL-SON, Jacksonville, N.C., L. A. LOVE, JR., 1400 Meadowood Lane, Charlotte, N.C., and BETTY B. MARTIN, 1200 Kings Drive, Charlotte, N.C., of control of such rights and property through the purchase. Applicants' representative: L. A. Love, Vice President-General Man-ager, Queen City Coach Company, 417 West Fifth Street, Charlotte 1, N.C. Operating rights sought to be trans-ferred: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, as a *common carrier* over regular routes be-tween Augusta, Ga., and Vacluse, S.C., serving all intermediate points and off-route points within two miles of the above-specified route; and, between Warrenville, S.C., and Aiken, S.C., serv-ing all intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, Georgia, South Carolina, and Virginia.

Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5066; Filed, May 31, 1961;
8:48 a.m.]

[Notice 501]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63979. By order of May 24, 1961, the Transfer Board approved the transfer to Niederbrach Truck Service, Inc., 106 East Hancock, Steeleville, Ill., of Certificates Nos. MC 2000 and MC 2000 Sub 1, both issued October 18, 1949, to A. R. Wilderman and Ben Brielmaier, doing business as New Athens-Freeburg Motor Service, New Athens, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New Athens, Ill., and St. Louis, Mo., serving all intermediate points on the routes specified, and the off-route point of Centerville Station, Ill., and with service to and from points in St. Louis County, Mo., within the St. Louis-East St. Louis Commercial Zone in connection with the above regular route.

No. MC-FC 63989. By order of May 24, 1961, the Transfer Board approved the transfer to C. W. Kelley Transport, Inc., Hutchinson, Kans., of Certificates Nos. MC 14706, MC 14706 Sub 5, MC 14706 Sub 7, MC 14706 Sub 9, and MC 14706 Sub 11, issued July 27, 1955, March 9, 1948, March 9, 1948, May 5, 1949, and November 5, 1952, respectively, to C. W. Kelley, doing business as C. W. Kelley Transport, Hutchinson, Kans., authorizing the transportation of: Petroleum, petroleum products, and filling station equipment and supplies, from points in that part of Oklahoma bounded by a line beginning at the Kansas-Oklahoma state line and extending along U.S. Highway 66 to Oklahoma City, Okla., thence along U.S. Highway 270 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line to point of beginning, to points in that part of Kansas south and west of a line beginning at the Kansas-Missouri State line, near Ft. Scott, Kans., and extending along U.S. Highway 54 to El Dorado,

Kans., thence along U.S. Highway 77 to Junction City, Kans., thence along U.S. Highway 40 to Salina, Kans., thence along U.S. Highway 81 to Belleville, Kans., and thence along U.S. Highway 36 to the Kansas-Colorado State line, and those in that part of Colorado east of U.S. Highway 87, including points on the indicated portions of the highways specified, with empty containers for petroleum products in the reverse direction; from points in the above specified Kansas territory to Kansas City, Mo., and points in the above-specified Colorado territory, with empty containers for petroleum products in the reverse direction; and from Kansas City, Mo., to points in the above-specified Kansas and Colorado territories, with empty containers for petroleum products in the reverse direction; lubricating oil, in bulk, in tank trucks, and petroleum products in containers, from Okmulgee, Okla., to points in Kansas on and west of U.S. Highway 81 and on and south of U.S. Highway 36, and those in Colorado, on and east of U.S. Highway 87; empty petroleum products containers and rejected shipments of lubricating oil, from the above-specified destination points to Okmulgee, Okla.; petroleum products in containers, from El Dorado, Kans., to points in Nebraska; empty petroleum products containers, from points in Nebraska to El Dorado, Kans.; petroleum and petroleum products, from Kansas City, Kans., to points in Colorado on and east of U.S. Highway 87; and empty containers for petroleum and petroleum products, from points in Colorado on and east of U.S. Highway 87, to Kansas City, Kans. J. Wm. Townsend, 641 Harrison Street, Topeka, Kansas, attorney for applicants.

No. MC-FC 64026. By order of May 24, 1961, the Transfer Board approved the transfer to Gene C. Martinson, Rothsay, Minn., of Certificate Nos. MC 89651 Sub 1 and MC 89651 Sub 2, issued October 3, 1941 and July 1, 1949, respectively, to Harry Martinson, Rothsay, Minn., authorizing the transportation of: Farm machinery and parts, feed, and seed, from Fargo, West Fargo, and Union Stock Yards, N. Dak., to Rothsay, Minn., and points (except municipalities), within 15 miles of Rothsay; livestock and unprocessed agricultural commodities, between Rothsay, Minn., and points within 15 miles of Rothsay, on the one hand, and, on the other, Fargo, West Fargo, and Union Stock Yards, N. Dak.; and plumbing equipment, plumbing supplies, automobile parts and petroleum service pumps, from Fargo, N. Dak., to Rothsay, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., Representative for applicants.

No. MC-FC 64057. By order of May 24, 1961, the Transfer Board approved the transfer to Franklin A. Zahn, doing business as F. A. Zahn Trucking Co., Matawan, N.J., of Certificate No. MC 61137, issued October 23, 1959, to Rosehill Trucking Co., Inc., Cliffwood, N.J., authorizing the transportation of: agricultural commodities, building tile, meat products, fertilizer, sand and clay, and sand and clay mixtures, in bulk, in dump trucks, and in containers. Edward W. Currie, 123 Main Street, Matawan, N.J., attorney for applicants.

No. MC-FC 64073. By order of May 24, 1961, the Transfer Board approved the transfer to O. M. Covert, Moncure, N.C., of Certificate Nos. MC 94580 and MC 94580 Sub 1, issued July 7, 1941, and June 30, 1942, respectively, to Thomas Stanley Redding, Asheboro, N. C., authorizing the transportation of: Lumber, from Asheboro, N.C., and points within 30 miles of Asheboro, to Washington, D.C., and points within 20 miles of Washington, D.C., and Baltimore, Md., and points within 10 miles of Baltimore, and from points in that part of North Carolina on and east of U.S. Highway 21 except Asheboro, N.C., and points within 30 miles of Asheboro, to Washington, D.C., Baltimore, Md., points in that part of Virginia within 100 miles of Washington, D.C., and that part of Maryland and Pennsylvania within 80 miles of Baltimore; Grain and grain products, from Philadelphia, Pa., Baltimore, Mt. Airy, Hagerstown, and Westminster, Md., and points within 10 miles of Westminster, and from Round Hill, Hamilton, Leesburg, Marshall, Luray, Harrisonburg, and Staunton, Va., and points within 10 miles of Luray, Harrisonburg, and Staunton, to Asheboro, N.C., and from Philadelphia, Pa., Baltimore, Mt. Airy, Hagerstown, and Westminster, Md., Round Hill, Hamilton, Leesburg, Luray, Harrisonburg, and Staunton, Va., points in Maryland within 10 miles of Westminster, Md., those in Virginia within 10 miles of Luray, Harrisonburg, and Staunton, Va., respectively, to those in that part of North Carolina on and east of U.S. Highway 21, except Asheboro. Francis J. Ortman, 1366 National Press Building, Washington, D.C., attorney for applicants.

No. MC-FC 64077. By order of May 24, 1961, the Transfer Board approved the transfer to Raymond A. Jensen, 110 East Short St., Beresford, S. Dak., of Certificate No. MC 71018, issued March 24, 1941, to Newton Wevik and Elmer Wevik, doing business as Wevik Bros., Beresford, S. Dak., authorizing the transportation of: Livestock and farm products, from Beresford, S. Dak., and points within ten miles thereof, to Sioux City, Iowa; and general commodities, except household goods, commodities in bulk, and other specified commodities, from Sioux City, Iowa, to Beresford, S. Dak., and points within ten miles of Beresford.

No. MC-FC 64107. By order of May 24, 1961, the Transfer Board approved the transfer to Ronald P. Doyle, doing business as Doyle Movers, Hartford, Conn., of Certificate No. MC 83726 issued October 23, 1952, to Cummings, Incorporated, Vernon, Conn., authorizing the transportation of household goods, between Rockville, Conn., and points in Connecticut within 15 miles of Rockville, on the one hand, and, on the other, points in Massachusetts and Rhode Island. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., Attorney for applicants.

No. MC-FC 64108. By order of May 24, 1961, the Transfer Board approved the transfer to Emmett T. Jeffers, doing business as Toy Town Wood Waste Co., Winchendon, Mass., of Certificate No. MC 42712, issued March 25, 1941, to William V. Smith, Winchendon, Mass., au-

thorizing the transportation, over irregular routes, of furniture, from Winchendon, Mass., and points within 10 miles of Winchendon, to New York and Long Island City, N.Y., and wooden containers and parts, from Winchendon, Mass., and points in Massachusetts and New Hampshire within 20 miles of Winchendon, to points in Connecticut, Vermont, New Hampshire, and New York. George C. O'Brien, 33 Broad Street, Boston 9, Mass., attorney for applicants.

No. MC-FC 64173. By order of May 24, 1961, the Transfer Board approved the transfer to Max Binswanger Trucking, a Corporation, Santa Fe Springs, Calif., of Certificate Nos. MC 116314 and MC 116314 Sub 5, issued December 9, 1959, and July 14, 1960, respectively to Max Binswanger, doing business as Max Binswanger Trucking, Santa Fe Springs, Calif., authorizing the transportation, over irregular routes, of cement from Colton and Victorville, Calif., to points in Clark and Lincoln Counties, Nev., from Creal, Calif., to Gabbs, Hawthorne, and Yerington, Nev., to points in Nevada on and south of U.S. Highway 6, and from Colton and Victorville, Calif., to Gabbs, Hawthorne, and Yerington, Nev., and points in Nevada on and south of U.S. Highway 6, except those in Clark and Lincoln Counties, Nev. R. Y. Schureman, 639 South Spring, Los Angeles 14, Calif., attorney for applicants.

No. MC-FC 64178. By order of May 24, 1961, the Transfer Board approved the transfer to William Rudelitch, Walnutport, Pa., of Certificate No. MC 112513, issued November 12, 1952 to Elwood R. Fehnel, Easton, Pa., authorizing the transportation of: Coal, over irregular routes, from points in Schuylkill and Northumberland Counties, Pa., to Palisades Park, N.J., and points in Ocean and Burlington Counties, N.J. William J. Wilcox, 624 Commonwealth Building, Allentown, Pa., attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5067; Filed, May 31, 1961;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 26, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37158: Bituminous coal to Indianapolis, Ind. Filed by Illinois

Freight Association, Agent (No. 143), for interested rail carriers. Rates on bituminous coal and bituminous coal briquettes, in carloads, from mines in Illinois and western Kentucky, to Indianapolis, Ind.

Grounds for relief: Market competition.

Tariffs: Supplement 25 to Chicago, Burlington & Quincy Railroad Company tariff I.C.C. 20398, and other schedules named in the application.

FSA No. 37159: Barytes from Potosi, Mo., to Lake Charles, La. Filed by Southwestern Freight Bureau, Agent (No. B-8024), for the Missouri Pacific Railroad Company. Rates on barite (barytes), not ground, not precipitated or refined by chemical process, in carloads, from Potosi, Mo., to Lake Charles, La.

Grounds for relief: Market competition.

Tariff: Supplement 47 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 37160: Asphalt from Baltimore, Md., to Starkey, Va. Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2579), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product of petroleum, other than paint, stain or varnish, in tank car-loads, from Baltimore, Md., to Starkey, Va.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 14 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-932 (Boin series).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5064; Filed, May 31, 1961;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HUBERT L. BYRD

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b) (6) of the Defense Production Act of 1950, as amended.

REPORT OF APPOINTMENT

1. Name of appointee: Hubert L. Byrd.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 19, 1961.
4. Title of position: Consultant.

5. Name of private employer: Food Machinery & Chemical Corp., San Jose, California.

CARLTON HAYWARD,
Director of Personnel.

STATEMENT OF FINANCIAL INTERESTS

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Chiksan Co.
FMC International, Ltd.
FMC Machinery and Chemicals, Ltd.
Food Machinery and Chemical Corp.
Food Machinery (Japan) Ltd.
Oil Center Tool Co.
American Bank & Trust Co.
Bank Deposits.
Chesapeake Bay Br Tl Va Rev C July 5%
2000.
Alleghany Corp. 6% PF.
Chrysler Corp. PV \$25.
Eastern Air Lines.
Ford Motor Co.
Massey Ferguson Ltd.
Missouri Pac. RR A.
Transitron Electrnics.
Trans World Airline.

HUBERT L. BYRD.

MAY 16, 1961.

[F.R. Doc. 61-5062; Filed, May 31, 1961;
8:47 a.m.]

JULIEN R. STEELMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

- A. Deletions: None.
B. Additions: None.

This statement is made as of May 14, 1961.

JULIEN R. STEELMAN.

MAY 19, 1961.

[F.R. Doc. 61-5063; Filed, May 31, 1961;
8:47 a.m.]

