LONG-AND-SHORT HAUL

FCA No. 42234—*Grain, grain products, and related articles from Clinton, Iowa.* Filed by Southwestern Freight Bureau, agent (No. B-238), for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, in carloads, as described in the application, from Clinton, Iowa, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas (also Memphis, Tenn.).

Grounds for relief—Market competition.

Tariffs—Supplement 56 to Southwestern Freight Bureau, agent, tariff ICC 4901, and 3 other schedules named in the application. Rates are published to become effective on August 3, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9323 Filed 6-30-71;8:50 am]

[Notice 321]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 25, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3581 (Sub-No. 16 TA), filed June 18, 1971. Applicant: THE MOTOR CONVOY, INC., 275 Convoy Drive SW., Atlanta, GA 30354. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and pickup trucks*, in secondary movement, in truckaway service, from Baton Rouge, La., to points in Missouri, Arkansas, Alabama, Mississippi, and Tennessee, for 150 days. Supporting shipper: Nissan Motor Corp., 5647 Hartsdale Drive, Houston, TX 77036. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 27817 (Sub-No. 92 TA), filed June 18, 1971. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Post Office Box 220, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, and Ohio, for 180 days. Supporting shipper: Musselman Fruit Products, Division of Pet, Inc., Biglerville, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 41347 (Sub-No. 6 TA), filed June 20, 1971. Applicant: DEBACK CARTAGE COMPANY, INC., 4841 West Burnham Street, Milwaukee, WI 53219. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sea coal*, from Dolton, Ill., to West Allis, Wis., for the account of Milchap Products Division, S.C.I., for 180 days. Supporting shipper: Milchap Products, Division of S.C.I., 8656 West National Avenue, Milwaukee, WI 53227 (Earl R. Jackson). Send protests to: District Supervisor Lyle D. Heifer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 56244 (Sub-No. 27 TA), filed June 18, 1971. Applicant: KUHN TRANSPORTATION COMPANY, INC., Route No. 2, Box 71, Gardners, PA 17324. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Pennsylvania, Michigan, Ohio, and New York, N.Y., Baltimore, Md., and points in West Virginia on and north of U.S. Highway 50, for 180 days. Supporting shipper: Musselman Fruit Products, Division of Pet, Inc., Biglerville, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 85255 (Sub-No. 40 TA), filed June 20, 1971. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings and sawdust*, from Forest Grove, Oreg., to Longview, Wash., for 150 days. Supporting shipper: Forest Grove Lumber Co., Post Office Box 386, Forest Grove, OR 97116. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 102806 (Sub-No. 19 TA), filed June 18, 1971. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, Post Office Box 399, 701 East Davis Street, Gastonia, NC 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tyner, Tenn., to points in Clay County, N.C., for 180 days. Supporting shipper: Murphy Oil Corp., Post Office Box 15204, Nashville, TN 37215. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building) Charlotte, NC 28202.

No. MC 107295 (Sub-No. 531 TA), filed June 18, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane insulation products*, from the plantsite and warehouse facilities of the Celotex Corp. at Charleston, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Mr. Clayton Geer, Supervisor, Truck Transportation, The Celotex Corp., Post Office Box 22602, Tampa, Fla. 33622. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107515 (Sub-No. 757 TA) (Correction), filed June 7, 1971, published FEDERAL REGISTER issue June 17, 1971 corrected and republished in part as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30309. NOTE: The purpose of this partial republication is to reflect the correct Sub-No. 757, in lieu of 756, which was shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 112822 (Sub-No. 204 TA), filed June 18, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe W. Ballard, Post Office Box 1191, Cushing, OK 74023. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Plywood, composition board, moulding, doors wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in Los Angeles, and Riverside Counties, Calif., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Evans Products Co., Gordon T. Adams, GTM, Post Office Box 880, Corona, CA 91720. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114457 (Sub-No. 111 TA), filed June 20, 1971. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Donald G. Oren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, polyurethane, foam pads or padding* used for mattresses or upholstery, from Council Bluffs, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Future Foam, Inc., Council Bluffs, Iowa. Send protests to: District Supervisor E. S. Sjogren, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 115311 (Sub-No. 121 TA), filed June 18, 1971. Applicant J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville GA 31061. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Livingston, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, Ohio. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113678 (Sub-No. 429 TA), filed June 21, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: David L. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma* from Wichita, Kans., to Berkeley, Calif., for 180 days Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, CA 94710. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129162 (Sub-No. 11 TA), filed June 20, 1971. Applicant: ROBERT BERNARD SCHILLI, Trustee under the last will of Bernard Raymond Schilli, Deceased, doing business as SCHILLI TRANSPORTATION, 230 St. Clair Avenue, East St. Louis, IL 62201. Applicant's representative: J. R. Ferris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Nitro-carbo-nitrate*, from the plantsite of the Monsanto Co. at or near Central City, Ky., to points in Lee, Wise, Buchanan, Dickenson, and Scott Counties, Va., for 180 days. Supporting shipper: James K. Kuykendall, Transportation Analyst, Monsanto Co. 800 North Lindberg Boulevard, St. Louis, MO 63166. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 129897 (Sub-No. 1 TA), filed June 20, 1971. Applicant: M.S.B.P., Inc., 2604 Avenue G, Council Bluffs, IA 51501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hide trimmings and tails*, from points in Texas, Indiana, and Tennessee, to Oak Creek, Wis., and Chicago, Ill., and (2) *tankage*, from Oak Creek, Wis., and Chicago, Ill., to points in Texas, for 180 days. Supporting shipper: Mid-State By-Products Co., 3060 F Street, Omaha, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134336 (Sub-No. 3 TA), filed June 18, 1971. Applicant: TOM BOWEN, INC., Box 689, 1717 Lacelle Street, Sturgis, SD 57785. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Sturgis, S. Dak., to points in Nebraska, for 180 days. Supporting shipper: J. U. Dickson Sawmills, Box 269, Sturgis, SD 57785, James U. Dickson. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134859 (Sub-No. 3 TA), filed June 21, 1971. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, IL 62896. Applicant's representative: Donald Russell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, from site of Meramec Mining Co., near Sullivan, Mo., to plantsite of Superior Steel Ball Co., Washington, Ind., for 180 days. Supporting shipper: Oral L. Frye, Plant Manager, The Superior Steel Ball Co., Inc., 110 Southeast Third Street, Washington, IN 47501. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 135185 (Sub-No. 5 TA), filed June 18, 1971. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, D.C., Virginia, and West Virginia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135596 (Sub-No. 1 TA), filed June 20, 1971. Applicant: EDWARD E. SCHMIDT, doing business as BUD SCHMIDT TRUCKING, 920 Fifth Street SW., Waseca, MN 56093. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods* as dealt in by Herter's Inc., of Waseca, Minn., from Waseca, Minn., to Beaver Dam, Eau Claire, La Crosse, Tomah, Madison, Fond du Lac, Plymouth, Wisconsin Rapids, Stevens Point, Appleton, Green Bay, Oconto, and Superior, Wis., and from Waseca, Minn., to Iowa Falls, Iowa, and return, for 180 days. Supporting shipper: Herter's, Inc., Waseca, Minn. 56093. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135701 TA, filed June 18, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by retail discount department stores, from the warehouse facilities of Cook United, Inc., Maple Heights and Twinsburg, Ohio, to points in North Carolina, Florida, Maryland, Illinois, Indiana, Massachusetts, Texas, Pennsylvania, New York, Iowa, Georgia, Kentucky, New Mexico, Oklahoma, and Tennessee, *damaged or rejected shipments* on return, for 180 days. Supporting shipper: Discount Division Cook United, Inc., 16501 Rockside Road, Maple Heights, OH 44137. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 135703 TA, filed June 20, 1971. Applicant: A. B. BURRIS AND R. A. CARLSON, a partnership, doing business as CONTRACT EXPRESS CO., 220 South Findlay Street, Seattle, WA 98108. Applicant's representative: Robert Carlson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglas products*, for Reichold Chemical, and (2) *steel castings*, for Olympic Foundry, from Seattle, Wash., to points in Los Angeles and San Bernardino County, Calif., return from San Diego to points in King, Pierce, Snohomish County, Wash., for 180 days. Supporting shippers: Olympic Equipment Co., 1044 Fourth Avenue South, Seattle, WA 98134; Reichold Chemicals, Inc., 1011 Eighth Avenue North, Seattle, WA 98109. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135704 TA, filed June 20, 1971. Applicant: LEON PRICKETT AND GARY PRICKETT, a partnership, doing business as LEON PRICKETT & COMPANY, 3223 East Broadway, North Little Rock, AR 72114. Applicant's representative: L. C. Cypert, 206 Fifteen, Fifteen Building, 1515 West Seventh Street, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate feed supplements*, from North Little Rock, Ark., to points in Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Olin, Post Office Box 991, Little Rock, AR 72203. Send protests to: District supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135705 TA, filed June 18, 1971. Applicant: LELAND L. MELROSE, doing business as MELROSE TRUCKING COMPANY, Post Office Box 6360, Casper, WY 82601. Applicant's representative: Max F. Parrish, Center at Second, Pocatello, ID 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from railroad sidings near Casper and Douglas, Wyo., to Humble Oil Co., Uranium Refining Project, located approximately 31 miles northeast of Glenrock, Wyo., for 180 days. Supporting shipper: Kaiser Cement & Gypsum Corp., IBM Building, 130 Neill Avenue, Hemema, MT 59601. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9324 Filed 6-30-71;8:51 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

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THURSDAY, JULY 1, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 127

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

HORSE PROTECTION

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 11]

HORSE PROTECTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831), the Department of Agriculture is considering the issuance of regulations relating to the protection of certain show horses against the practice of soring, to appear as new Part 11 in Chapter I, Subchapter A,[1] Title 9, Code of Federal Regulations, to read as follows:

PART 11—HORSE PROTECTION REGULATIONS

GENERAL

11.1 Definitions.

EXHIBITORS

11.2 Prohibitions concerning exhibitors.
11.3 Entries.
11.4 Boots.
11.5 Inspection of horses.
11.6 Access to premises for inspection of horses.

HORSE SHOW OR EXHIBITION SPONSORS AND OPERATORS

11.20 Prohibition concerning horse show or exhibition sponsors and operators.
11.21 Notice of horse show or exhibition.
11.22 Records required; and disposition thereof.
11.23 Inspection of records.
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11.26 Entry forms.

TRANSPORTATION

11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

ENFORCEMENT

11.41 Violations and penalties.

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section and the singular form shall also import the plural and the masculine form shall also import the feminine.

(a) "Act" means the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Research Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

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

(f) "Veterinarian In Charge" means the Division veterinarian, who is assigned by the Director to supervise and perform the official work of the Division under the Act in a specified State.[2]

(g) "Division Representative" means any inspector employed by the Division who is designated by the Veterinarian In Charge, or any officer or employee of any State agency who is authorized by the Director to perform any function under the Act.

(h) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(i) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(j) "Horse" means any member of the species Equus *caballus*.

(k) Except in §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition.

(l) Except in §§ 11.22 and 11.23, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.22 and 11.23, "exhibition" means a public display of any horse or horses, singly or in groups, but not in competition.

(m) "Boot" means a device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(n) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(o) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sored. This may include, but is not limited to, visual examination, touching, and use of any diagnostic device or instrument, and may include the requirement of the removal of any shoes, pads, and other equipment from the horse.

(p) "Sponsoring organization" means the association or other person under whose auspices a horse show or exhibition is conducted.

(q) "Show operator" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(r) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(s) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including, but not limited to, chains or boots;

which may reasonably be expected (*a*) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (*b*) to cause extreme physical distress to the horse, or (*c*) to cause inflammation of any part of the horse.

(2) A horse shall be considered sored if the length of the toe does not exceed the height of the heel by more than 1 inch, and such condition was caused to affect the gait of the horse.

(3) Any blisters, burns, cuts, lacerations, or other indicators of the use of any cruel or inhumane method or device with respect to any horse constitute evidence that the horse is sored.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) No boots other than those permitted under § 11.4 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, grease, dye, stains, or polishes, shall not be used on the extremities, above the hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Division representative, upon his request, a certification from a veterinarian that this substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Entries.

Each horse owner or other person who intends to show or exhibit any Tennessee

[1] The subchapter heading would also be amended to read "Subchapter A—Animal Welfare."

[2] The name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

Walking Horse at a horse show or exhibition shall complete and submit to the show operator an entry form, as prescribed in § 11.26, prior to the calling of the class.

§ 11.4 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be the boots commonly known as hinged quarter boots. The lower portion of the boot shall be firmly attached by means of a strap and buckle or similar humane device to the foot below the corium. The upper half of the boot shall be attached to the lower half by a hinge which shall be of leather or other soft material and shall not be in excess of 1 inch in length. The upper half of the boot shall be constructed in such a way that the inside, in contact with the skin, shall be soft, smooth, and free of projections of any nature. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a buckling device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress, and inflammation of any part of the horse.

§ 11.5 Inspection of horses.

For the effective enforcement of the Act—

(a) Each horse owner and other person having custody of any horses shall allow any Division representative to inspect the horses in his custody at such reasonable times and places as the Division representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Division representative, the show operator and any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Division representative, in writing, notifies the owner of any horse or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian makes the horse available for inspection by a Division representative at a time and place agreeable to the Division representative.

(d) The person having custody of the horses shall render such assistance as the inspector may reasonably request for purposes of such examinations.

§ 11.6 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Division representative, the show operator, and any veterinarian employed under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, operator or veterinarian for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND OPERATORS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and operators.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sored, unless:

(a) The sponsoring organization designates a veterinarian to examine all horses entered in the horse show or exhibition to determine whether they are sored and instructs him that his services are to assure compliance with the Act;

(b) The veterinarian examines every horse entered in any class at the horse show or exhibition immediately prior to calling of such class, in whatever way is necessary to determine whether such horse is sored, and he inspects any horse at the show or exhibition as such other times as is necessary for such purpose;

(c) The veterinarian reports his findings to the show judge and show operator, in writing, before the class is called and sends in a copy of his findings to the Veterinarian in Charge for the State in which the horse show or exhibit is held, within 72 hours following conclusion of the show or exhibition.

(d) The show operator immediately causes to be removed from participation in any class at the show or exhibition all horses designated by the veterinarian as being sored or otherwise found by the show operator to be sored.

§ 11.21 Notice of horse show or exhibition.

(a) The sponsoring organization for any horse show or exhibition in which there will be any Tennessee Walking Horses, shall, by letter, no later than 30 days prior to the beginning of the show or exhibition, notify the Veterinarian in Charge for the State where the horse show or exhibition is to be held concerning its intent to conduct such show or exhibition. Such letter of intent shall include the following information:

(1) Dates, times, and place of the horse show or exhibition.

(2) Sponsoring organization; and name, address, and telephone number of any person designated by such organization to maintain records as required by § 11.22 on behalf of the organization.

(3) Show operator's name, address, and telephone number.

(4) Statement that the sponsoring organization and the show operator will comply with the Act and the rules and regulations thereunder and will direct all employees and agents of the sponsoring organization to comply with such provisions.

(5) Name, address, and telephone number of the veterinarian, if any, employed to make inspections under § 11.20.

(6) Name and address of the judge selected to officiate at the horse show or exhibition.

(b) The letter required by paragraph (a) of this section shall be signed by an authorized representative of the sponsoring organization, and by the show operator.

§ 11.22 Records required; and disposition thereof.

(a) Copies of all entry forms filed by exhibitors as required by § 11.3 shall be kept by the sponsoring organization of any horse show or exhibition in which there is any Tennessee Walking Horse, or by the designee of such organization, for a period of 1 year after the closing date of the horse show or exhibition, unless the Director in writing in specific cases authorizes their disposition within such period. Further, when the Director notifies the sponsoring organization, or its designee, in writing that specific records are needed for completion of an investigation or proceeding under the Act, such sponsoring organization, or designee, shall keep such records until their disposition is authorized by the Director.

§ 11.23 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof, shall permit any Division representative to examine all records required to be kept by the regulations in this part, and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records, shall be made available to the Division representative.

§ 11.24 Access to premises for inspection of horses.

The sponsoring organization and the show operator of any horse show or exhibition shall, without fee, charge, assessment or other compensation, provide unlimited access to the Division representative to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control on the request and after identification of such representative for purposes of inspection of horses or records as provided in this part.

§ 11.25 Reporting by show operator.

The show operator of any horse show or exhibition shall report by mail, within 72 hours following the conclusion of the horse show or exhibition, to the Veterinarian in Charge for the State where the show or exhibition was held, the name and description of each horse that was deemed by the veterinarian or by the show operator to be sored, or was found by the show operator to have been handled otherwise in violation of § 11.2 or was excused for any reason from any Tennessee Walking Horse class; the names and addresses of the owners, riders, and trainers of all such horses, and the classes in which such horses were entered.

§ 11.26 Entry forms.

(a) The show operator shall require each exhibitor of a Tennessee Walking Horse at any horse show or exhibition to execute an entry form showing the following information:

(1) Horse's name; and registration number, if any.

(2) Horse's breed, age, sex, color, markings, and height.

(3) Address of home barn of the horse; and location from which the horse was transported to the show or exhibition.

(4) Exhibitor's signature and address.

(5) Signature and address of the principal person other than the exhibitor who will have custody of the horse at the horse show or exhibition, as agent of the exhibitor.

(6) Class(es) entered.

(7) Entry number.

(8) Stall and barn number at the horse show or exhibition.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of any such horse as provided in § 11.5 and shall furnish to any Division Representative upon his request and in the manner requested the following information:

(1) Name and address of horse owner, and of shipper if different than the owner or trainer;

(2) Name and address of horse trainer;

(3) Name and address of carrier transporting the horse, and of driver of the means of conveyance used;

(4) Origin of the shipment and date thereof;

(5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to $1,000 or criminal penalties up to $2,000 and 6 months' imprisonment for each such violation, as prescribed in section 6 of the Act.

Statement of considerations. After passage of the Horse Protection Act of 1970 meetings held with various segments of the affected industry have provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soring and enforcement of the Act. Consideration has been given to the views expressed and the foregoing regulations are proposed on the basis of the information presently available in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act. Many horsemen felt that the thrust of the Act was directed toward the Tennessee Walking Horse. Others felt that since no mention of breeds was made in the Act, it was applicable to all breeds of horses.

On the basis of the information available, and giving due consideration to the magnitude of the problem of enforcement of the Act in relation to the monies authorized, it is proposed that enforcement of the Act will be directed, initially, toward enforcement with respect to the breed known as the Tennessee Walking Horse, and some of the regulations proposed are limited to horse shows and exhibitions which have Tennessee Walking Horse classes. However, the provisions of the Act are equally applicable to other breeds.

A great deal of information has been offered regarding the use and purpose of the boot as used on the Tennessee Walking Horse. Although the boot was often described as a protective device, it appears that the type of boot commonly in use and often referred to as the "action boot" is no longer used for protection but, in fact, has become a device used to cause or intensify pain to the horse in the pastern area by virtue of its up and down and spinning movements. It further appears that boots referred to as "bell boots" act as a cover or screen, hiding the visible signs of soring. The use of such devices is deemed to be contrary to the purposes of the Act on the basis of current information. Accordingly the use of such devices is prohibited in the proposed regulations.

Horse show operators have expressed concern since the Act specifies, "It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse horses for various reasons and that this requirement of the law does not impose an unusual responsibility. It would be impossible to excuse horse show operators from responsibility by regulation when the Act is explicit in its application in this regard.

Statements have been offered relative to horse inspection and methods of accomplishing it. It has been stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to the horse is permitted to handle the feet and legs of horses. On the contrary it has been contended that permission to inspect in any manner that the inspector desires is inherent in the Act, and that to authorize inspection and then limit what can be done in the way of inspectional procedures would be self-defeating action. The proposed regulations provide for inspection by any means reasonably deemed necessary by the inspector.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER. The final determination as to the provisions to be included in the regulations will be based on all information available to the Department at the end of such period.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of June 1971.

F. J. MULHERN,
Acting Administrator.

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