§ 501.6 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on Research Center property, is prohibited.

§ 501.7 Intoxicating beverages and narcotics.

Entering Research Center property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine (unless prescribed by a physician) or the consumption of such beverages, or the use of any such drug or substance in or on the Research Center property, is prohibited.

§ 501.8 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on Research Center property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers or the posting of materials on bulletin boards or elsewhere, is prohibited without prior approval of authorized individuals.

§ 501.9 Photographs for news, advertising, or commercial purposes.

Except where security regulations apply, or a Federal court order or rules prohibit it, photographs for news purposes may be taken in entrances, lobbies, foyers or auditoriums when used for public meetings without prior permission. Photographs for advertising and commercial purposes may be taken only with the prior written permission of the Director, Research Center. Photographs for news, advertising, or commercial purposes may be taken in space or areas occupied by a cooperator only with the consent of the cooperator concerned and the Director, Research Center.

§ 501.10 Pets.

Animals shall be brought or allowed, as applicable, upon the Research Center only with the prior written approval of the Director, Research Center, except seeing eye dogs may be brought to the reception area serving the offices of the Director, Research Center, without prior approval.

§ 501.11 Mobile equipment and pedestrian traffic.

(a) Drivers, operators, or pilots of all equipment whether or not motorized in or on Research Center property, or within the scope of Research Center activity, shall operate in a careful and safe manner at all times and shall comply with the signals and directions of guards, special policemen, or other authorized individuals, and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, railways, runways, loading platforms, or fire hydrants in or on Research Center property is prohibited;

(c) Except in emergencies, parking or landing in or on Research Center property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking continuously in excess of ten hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof;

(d) The operation of unlicensed gasoline powered vehicles is prohibited.

§ 501.12 Weapons and explosives.

No person while in or on Research Center property shall carry firearms, bows and arrows, darts, other dangerous or deadly weapons, or explosives, either openly or concealed, except as officially authorized, for official purposes.

§ 501.13 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, sex, religion, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all service, privileges, accommodations, and activities provided thereby on Research Center property.

§ 501.14 Non-Federal law enforcement.

Research Center special policemen may be deputized by State or local law enforcement agencies to exercise police power on property outside the Research Center. With the consent of any State or local law enforcement agency, the facilities or services of such State or local law enforcement agency may be utilized by the Research Center.

§ 501.15 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 501.16 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part where the United States has and exercises exclusive or concurrent legislative jurisdiction, is subject to fine of not more than $50 or imprisonment or not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules, regulations, or penalties in this part shall be construed as abrogating or authorizing the abrogation of any other rules, regulations, penalties, or any Federal law, or any State and local laws and regulations which may be applicable.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (2–1–72).

It does not appear that public participation in this rule making proceeding would make additional relevant information available to this department. (36 F.R. 13804)

The urgency of the need for adequate security at the Research Center is such that these regulations should be made effective as soon as possible. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:

T. M. BALDAUF,
Director, Office of
Plant and Operations.

Approved:

EDWARD M. SHULMAN,
General Counsel.

[FR Doc.72–1418 Filed 1–31–72;8:47 am]

PART 502—CONDUCT ON AGRICULTURAL RESEARCH CENTER PROPERTY, BELTSVILLE, MD.

Chapter V of Title 7 of the Code of Federal Regulations is amended by adding a new Part 502, reading as follows:

Sec.

502.1 General.
502.2 Admission.
502.3 Preservation of property.
502.4 Conformity with signs and emergency directions.
502.5 Nuisances.
502.6 Hunting, fishing, camping, horseback riding.
502.7 Gambling.
502.8 Intoxicating beverages and narcotics.
502.9 Soliciting, vending, debt collection, and distribution of handbills.
502.10 Photographs for news, advertising, or commercial purposes.
502.11 Pets.
502.12 Vehicular and pedestrian traffic.
502.13 ARC airport.
502.14 Weapons and explosives.
502.15 Nondiscrimination.
502.16 Exceptions.
502.17 Penalties and other law.

AUTHORITY: The provisions of this Part 502 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486 (d); 36 F.R. 18440 and 36 F.R. 21706.

§ 502.1 General.

The rules and regulations in this part apply to the buildings and grounds of the Agricultural Research Center, Beltsville, Md., and to any persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture,

with authority to redelegate, the authority to make all the needful rules and regulations for the protection of buildings, grounds, equipment, and experimental plants and animals of the Agricultural Research Center (36 F.R. 18440). The Secretary of Agriculture has delegated this authority to the Director of Science and Education (36 F.R. 21706) who in turn has delegated such authority to the Administrator, Agricultural Research Service (36 F.R. 21706). The rules and regulations in this part are issued pursuant to such delegations.

§ 502.2 Admission.

Admission to the Agricultural Research Center during "off duty" hours shall be restricted to the main arteries and any deviation therefrom by individuals shall be limited to atuhorized individuals who may be required to sign a register and display identification documents when requested by a Guard or other authorized individuals. "Off duty" hours will be posted at the Agricultural Research Center. Admission during "duty" hours when the Center is closed to the public in emergency situations will be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a Guard or other authorized individual.

§ 502.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

§ 502.4 Conformity with signs and emergency directions.

Persons in and on property of the Agricultural Research Center shall comply with official signs of a prohibitory or directory nature, and with the directions of authorized individuals.

§ 502.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, or climbing upon any part of a building is prohibited. Further, conduct which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways and parking lots, or which otherwise tends to impede or disturb Center employees in the performance of their duties or which otherwise impedes the general public from obtaining the administrative services provided by the Agricultural Research Center is prohibited.

§ 502.6 Hunting, fishing, camping, horseback riding.

The use of the Agricultural Research Center grounds for any form of hunting, fishing, camping, or horseback riding is prohibited. Further, the use of these grounds for unauthorized picnicking is also prohibited.

§ 502.7 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on the Agricultural Research Center property, is prohibited.

§ 502.8 Intoxicating beverages and narcotics.

Entering Agricultural Research Center property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, hallucinogen, marihuana, barbiturate, or amphetamine (unless prescribed by a physician) or the consumption of such beverages, or the use of any such drug or substance in or on the Agricultural Research Center property, is prohibited.

§ 502.9 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds or the display or distribution of commercial advertising, or the collecting of private debts, in or on Agricultural Research Center property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers or the posting of materials on bulletin boards or elsewhere is prohibted without prior approval of the Director, Agricultural Research Center.

§ 502.10 Photographs by visitors or for news, advertising, or commercial purposes.

Photographs may be taken by visitors or for news purposes without prior permission. Photographs for advertising and commercial purposes may be taken at the Agricultural Research Center only with the prior written approval of the Director, Agricultural Research Center.

§ 502.11 Pets.

Pets, except seeing-eye dogs, brought upon the Agricultural Research Center property must be kept on a leash. Pets that are the property of employees residing on the Center must be inoculated for rabies in accordance with State or local laws and be kept on a leash or similarly restrained. The abandonment of unwanted animals on the Center grounds is prohibited.

§ 502.12 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles whether or not motorized in or on Agricultural Research Center property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on Agricultural Research Center property is prohibited;

(c) Except in emergencies, parking in or on Agricultural Research Center property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

(d) The operation of unlicensed gasoline powered vehicles is prohibited.

§ 502.13 ARC airport.

Unauthorized use of the Agricultural Research Center Airport is prohibited.

§ 502.14 Weapons and explosives.

No person while in or on Agricultural Research Center property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except as officially authorized for official purposes.

§ 502.15 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, religion, color, national origin, or sex, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on Arigcultural Research Center property.

§ 502.16 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases, make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 502.17 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this part shall be construed as abrogating or authorizing the abrogation of any other regulations or any Federal law or any laws and regulations of the State of Maryland.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (2–1–72).

It does not appear that public participation in this rule making proceeding would make additional relevant information available to this department. (36 F.R. 13804)

The urgency of the need for adequate security at the Research Center is such that these regulations should be made effective as soon as possible. Accordingly,

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

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:
T. M. BALDAUF,
Director, Office of
Plant and Operations.

Approved:
EDWARD M. SHULMAN,
General Counsel.

[FR Doc.72-1391 Filed 1-31-72;8:46 am]

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

[Lemon Reg. 517, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.817 (Lemon Regulation 517, 37 F.R. 1034) during the period January 23 through January 29, 1972, is hereby amended to read as follows:

§ 910.817 Lemon Regulation 517.

* * * * *

(b) *Order.* (1) * * * 205,000 cartons.

* * * * *

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

Dated: January 27, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1408 Filed 1-31-72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER A—ANIMAL WELFARE

PART 11—HORSE PROTECTION REGULATIONS

On July 1, 1971, and November 5, 1971, there were published in the FEDERAL REGISTER (36 F.R. 12586–12588 and 36 F.R. 21318–21321) notices with respect to proposed 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, Title 9, Code of Federal Regulations. Such notices gave interested persons periods of 60 and 30 days, respectively, from the date of publication of the notices, in which to submit written data, views, and arguments concerning the proposed regulations. On December 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 23072) a notice of extension of time allowing an additional 30 days for submission of written data, views, and arguments on the proposed regulations. After due consideration of all relevant material in connection with said notices and pursuant to the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831), a new Part 11 is hereby added to Chapter I, Subchapter A, Title 9, Code of Federal Regulations to read:

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry 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 following specified regulations are based on all 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.

The Act is applicable to all breeds of horses and accordingly the regulations proposed herein would apply to all breeds.

A great deal of information has been offered regarding the use and purpose of boots. There has been considerable debate as to what constitutes protective devices. It appears that some boots used for horses have been designed to protect a specific area and are, by virtue of this design, fixed in a specific position and are truly protective devices.

Boots meeting these criteria consequently would be permitted under these regulations. Hinged boots, half fixed and half semifixed in nature, appear to be protective devices and would be permitted if there are no weights in the upper half of the boot and the boots meet other requirements. The rubber bell boot, as presently designed and used, does not seem to cause pain or extreme physical distress. The leather bell boots have received the most comment and consideration. Those containing protrusions such as the knocker boot and roll boot appear to be designed to concentrate force and weight on the most sensitive area of the foot and are classified under these regulations as soring devices. The smooth bell boot, flared enough to fit over the coronary band, riding primarily on the hoof wall when the foot is in contact with the ground would be, within certain weight limitation, acceptable under the regulations. The proposition that a horse as large as 1,200 pounds can carry more than the stipulated 16 ounces overlooks the fact that larger animals are not more immune to pain than smaller ones. Each is sensitive to punishment directed at the coronary area of the fore foot.

The prohibition of substances such as greases and dyes has received considerable attention. It is recognized that dyes would aid in changing the identity of a horse as well as acting as a camouflage to signs of soring. Colored substances as well as clear substances can act as vehicles to soring chemicals and serve as an adhesive to foreign material, and become abrasive in nature.

Horse show managers have been concerned since the Act specifies, in part, "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 or disqualify horses for various reasons and that this requirement of the law does not impose an unusual responsibility. Since it has frequently been said that the horse show judge is a qualified person to detect soring and is always present at every horse show, legal methods to transfer responsibility and liability to the judge within the scope of the Act were sought. This authority is not granted in the Act. However, the sponsoring organization could employ the judge or other qualified person to advise the organization so that it may fulfill its obligation to comply with the Act. No changes are made in the regulations in this respect since the originally proposed regulations would not prohibit such an arrangement.

Provisions have been made in the regulations to relieve the sponsoring organization of liability when sored horses are shown, if the sponsoring organization

obtains the services of a licensed accredited veterinarian whose duties will be to examine horses for soring and advise show management of his findings, and the show management excludes from the show or exhibition any horses identified as sored or otherwise in violation of the regulations. The regulations do not impose any liability upon the veterinarian merely because of his advisory role in providing his professional services in good faith to the sponsoring organization.

The necessity for recordkeeping was recognized by the Congress and thoroughly discussed in the House and Senate reports on the bill which became the Act. Recordkeeping provisions are incorporated in section 5(b) of the Act. The Department recognizes both the need for records to implement the Act and the burden this requirement places upon show management. Records are vital for orderly enforcement of the Act, particularly those aspects concerned with commerce. After studying comments received on earlier proposals, recordkeeping requirements in the regulations have been reduced to the minimum level deemed adequate to provide for orderly enforcement of the Act. The required information is normally available in records of a horse show or exhibition. The regulations do not require advance notification to the Department of horse shows or exhibitions. The proposed requirements for entry forms have also been omitted from the regulations in an effort to simplify the requirements under the Act. It is the Department's intention to determine during the initial phases of operation under these regulations whether or not the recordkeeping and other requirements are adequate to permit proper administration of the Department's responsibilities under the Act. If not, consideration will be given to strengthening these requirements.

Some of the comments on the proposed regulations relating to horse inspection and methods of accomplishing it, stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to a horse is permitted to handle the feet and legs of the horse. However, authority to inspect in any manner that the inspector deems necessary for effective enforcement of the Act is provided in the Act. To authorize inspections and then limit what can be done in the way of inspectional procedures would be self-defeating. The inspection authority must, of course, be exercised reasonably. Accordingly, the regulations provide for inspection by any means reasonably deemed necessary by the inspector.

GENERAL

Sec.
11.1 Definitions.

EXHIBITORS

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

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

11.20 Prohibitions concerning horse show or exhibition sponsors and managers.
11.21 Records required; and disposition thereof.
11.22 Inspection of records.
11.23 Access to premises for inspection of horses.
11.24 Reporting by show manager.

TRANSPORTATION

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

ENFORCEMENT

11.41 Violations and penalties.

AUTHORITY: The provision of this Part 11 issued under sec. 9, 84 Stat. 1406; 15 U.S.C. 1828; 29 F.R. 16210, as amended, 36 F.R. 20707.

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. The singular form shall also import the plural and the masculine form shall also import the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage.

(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 Animal and Plant Health 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) "Veterinary Services" means the office of the Animal and Plant Health Service to which is assigned responsibility for the performance of functions under the Act.

(e) "Deputy Administrator" means the Deputy Administrator for Veterinary Services or any other officer or employee of Veterinary Services 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 Veterinary Services veterinarian who is assigned by the Deputy Administrator to supervise and perform the official work of Veterinary Services under the Act in a specified State.[1]

(g) "Veterinarian" means a graduate from a College of Veterinary Medicine who is licensed in the State in which he practices and has been accredited by the U.S. Department of Agriculture as described in § 161.1 of this title.

(h) "Veterinary Services representative" means any inspector employed by Veterinary Services who is designated by the Veterinarian in Charge, or any officer or employee of any State agency who is authorized by the Deputy Administrator to perform any function under the Act.

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

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

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

(l) Except in §§ 11.21 and 11.22, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.21 and 11.22, "horse show" means a public display of any horses in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(m) Except in §§ 11.21 and 11.22, "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 §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

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

(o) "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.

(p) "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, use of any diagnostic device or instrument, and requiring the removal of any shoes, pads, and other equipment from the horse.

(q) "Sponsoring organization" means the Association or other persons under whose immediate auspices a horse show or exhibition is conducted.

(r) "Show manager" 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.

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

(t) (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:

[1] Information as to the name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

(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, bruises, 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, (*b*) to cause extreme physical distress to the horse, or (*c*) to cause inflammation. However, a horse given therapeutic treatment by a veterinarian, to relieve pain, lameness, or disability or to restore its normal gait, shall not be considered sored.

(2) A horse shall be considered sored if, as a result of the use of pads on the front feet or other artificial devices or means, the length of the toe does not exceed the height of the heel by 1 inch or more when measured from the ground to the hair line.

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 § 11.3 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, greases, dyes, 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 Veterinary Services representative, upon his request, a certification from a veterinarian that such substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoeguard boots.

(b) Hinged quarter boots which meet the following requirements: The lower portion of the boot shall be firmly attached by a strap and buckle or similar humane device to the foot below the hairline. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be not more than a 1-inch separation between the two halves and that such connection does not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that any part in contact with the skin shall be soft, smooth, and free of projections. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening 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.

(c) Rubber bell boots.

(d) Leather bell boots; *Provided*, That:

(1) The inside must be smooth and free of all swellings, projections, or sharp edges;

(2) The lining must be of soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces each;

(4) The bell portion, exclusive of the soft roll on the top, shall be a minimum of 2½ inches in height.

§ 11.4 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 Veterinary Services representative to inspect the horses in his custody at such times and places as the Veterinary Services 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 Veterinary Services representative, the show manager or his representative, 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 Veterinary Services 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 agrees, in writing, to make the horse available for inspection by a Veterinary Services representative at a time and location agreeable to such representative and does in fact make the horse available for such inspection.

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

§ 11.5 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Veterinary Services representative, the show manager, and any veterinarian designated 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, manager, or veterinarian, for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

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

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 he can establish that he has complied with the provisions of this section. No violation of this prohibition will be demed to occur if:

(a) The sponsoring organization or show manager shall identify all horses that are sored or otherwise in violation of § 11.2 and cause them to be removed from participation in any class at the horse show, prior to the tying of the class, or from exhibition before the end of the exhibition.

(b) Alternatively:

(1) The sponsoring organization shall designate a veterinarian to examine and observe all horses at the show or exhibition to determine whether any such horses are sored.

(2) The veterinarian so designated shall examine the horses entered in any class at the horse show or shown in any exhibition, in whatever way he deems necessary to determine whether any such horse is sored. He shall observe such horses while they are performing at the horse show or exhibition and shall inspect them at such other times at the show or exhibition as he deems necessary to determine whether any horse shown or exhibited was sored.

(3) The veterinarian so designated shall report, in writing, any horses which he considers are sored to the show judge and to the show manager before the class is tied or before the conclusion of the exhibition. Not later than 72 hours following the conclusion of the horse show or exhibition the veterinarian shall send to the Veterinarian in Charge for the State in which the horse show or exhibition is held a report identifying each horse considered by him to be sored.

(4) The show manager shall ascertain whether any horse is otherwise in violation of § 11.2.

(5) The show manager shall immediately cause to be removed from participation in such class at the horse show or from the exhibition all horses designated by the veterinarian as sored or otherwise known to be sored, and any horses found by the show manager to be otherwise in violation of § 11.2.

§ 11.21 Records required, and disposition thereof.

(a) The sponsoring organization for any horse show or exhibition, or the

designee of the organization shall maintain for a period of 90 days following the closing date of the horse show or exhibition, records containing:

(1) The dates and place of the horse show or exhibition;

(2) The show manager's name and address;

(3) A statement signed by an officer of the sponsoring organization that it will comply with the Act and will direct the show manager and all employees and agents of the sponsoring organization to comply with the provisions of the Act;

(4) The name and address of the veterinarian, if any, employed to make inspections under § 11.20;

(5) The name and address of each show judge;

(6) A copy of the official program, if any; and

(7) The identification of each horse and his owner, exhibitor, and home barn.

(b) The sponsoring organization for any horse show or exhibition shall furnish to any Veterinary Services representative, upon his request, the name and address of any person designated by the organization to maintain the records required by this section.

(c) The Deputy Administrator may, in specific cases, authorize a period of retention of records required by this section for less than 90 days.

§ 11.22 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 Veterinary Services 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 Veterinary Services representative.

§ 11.23 Access to premises for inspection of horses.

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

§ 11.24 Reporting by show manager.

Within 72 hours following the conclusion of the horse show or exhibition, the show manager of the horse show or exhibition shall send by mail to the Veterinarian in Charge for the State where the horse show or exhibition was held, the information required by § 11.21(a)(7) for each horse that was reported as sored by the veterinarian designated under § 11.20, or was found by the show manager to be sored or otherwise in violation of § 11.2.

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 such horse as provided in § 11.4 and shall furnish to any Veterinary Services representative upon his request and in the manner requested the following information:

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

(2) Name and address of the horse trainer;

(3) Name and address of the carrier transporting the horse, and of the 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.

The foregoing regulations implement the Horse Protection Act and should be made effective promptly in order to effectuate the objectives of the Act. The regulations differ in some respects from the provisions proposed in the notices of rule making. The differences are due to changes made pursuant to comments from interested persons or in the interests of clarification and consistency. It does not appear that further public participation in connection with the issuance of the regulations would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further public proceedings are impracticable and unnecessary and good cause is found for making the regulations effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER (2-1-72).

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 28th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

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SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Florida, and a new subparagraph (a)(5) relating to the State of Florida is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(5) *Florida.* That portion of Dade County (city of Miami), bounded by a line beginning at the junction of Palmetto Expressway (Interstate 826) and Northwest 74th Street; thence, following Northwest 74th Street in an easterly direction to U.S. Highway 27; thence, following U.S. Highway 27 in a northwesterly direction to Palmetto Expressway (Interstate 826); thence, following Palmetto Expressway (Interstate 826) in a southerly direction to its junction with Northwest 74th Street.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

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

The amendment quarantines a portion of Dade County, Fla. (city of Miami), because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.