

Sunshine Act Meetings

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This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Federal Communications Commission...	1
Federal Deposit Insurance Corporation.....	2-4
Securities and Exchange Commission.....	5, 6

1

FEDERAL COMMUNICATIONS COMMISSION

September 9, 1986.

The following item has been deleted from the list of agenda items scheduled for consideration at the September 10, 1986, Open Meeting, and previously listed in the Commission's Notice of September 3, 1986.

Agenda, Item No., and Subject

Private Radio—1—Title: Amendment of Part 90 Subparts M and S of the Commission's Rules. Summary: The Commission will consider whether to adopt a Notice of Proposed Rule Making which addresses the elimination of Subpart M and the modification of Subpart S as it applies to trunked Specialized Mobile Radio systems.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Office of Congressional and Public Affairs, telephone number (202) 254-7674.

Issued: September 9, 1986.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 20755 Filed 9-10-86; 2:44 pm]

BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:40 p.m. on Thursday, September 4, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Fairview

State Bank of Fairview, Okla., Fairview, Oklahoma, which was closed by the Bank Commissioner for the State of Oklahoma on Thursday, September 4, 1986; (2) accept the bid for the transaction submitted by Community National Bank of Okarche, Okarche, Oklahoma; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

(B) consider matters relating to Western Bank, Midland, Texas, which was closed by the Banking Commissioner for the State of Texas on Thursday, September 4, 1986.

In calling the meeting, the Board determined, on motion of Director C.C. Hope Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters or less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 4:55 p.m., and at 6:20 p.m. on Friday, September 5, 1986, the meeting was reconvened, by telephone conference call, at which time the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Western Bank, Midland, Texas, which was closed by the Banking Commissioner for the State of Texas on Thursday, September 4, 1986; (2) accepted the bid for the transaction submitted by United Bank, National Association, Midland, Texas; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In reconvening the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its

consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 9, 1986.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 86-20756 Filed 9-10-86; 2:45 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, September 9, 1986, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of the Islamorada Bank, Monroe County (P.O. Islamorada), Florida, an insured State nonmember bank, for consent to merge, under its charter and with the title "T.I.B. State Bank of the Florida Keys," with Florida Keys First State Bank, Key West, Florida, and for consent to establish the four offices of Florida Keys First State Bank as branches of the resultant bank.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: September 9, 1986.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 86-20757 Filed 9-10-86; 2:46 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, September 9, 1986, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the Corporation's corporate activities.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: September 9, 1986.
Federal Deposit Insurance Corporation.
Margaret M. Olsen,
Deputy Executive Secretary.
[FR Doc. 86-20758 Filed 9-10-86; 2:46 pm]
BILLING CODE 6714-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission

held a closed meeting on Thursday, August 28, 1986, at 450 5th Street, NW., Washington, DC, to consider the following items.

Regulatory matter bearing enforcement implications.
Regulatory matter regarding disclosure of nonpublic information.

Commissioner Peters, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald Schy at (202) 272-2014.

Shirley E. Hollis,
Assistant Secretary.

September 9, 1986.
[FR Doc. 86-20795 Filed 9-10-86; 3:57 pm]
BILLING CODE 8010-01-M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of September 15, 1986:

A closed meeting will be held on Tuesday, September 16, 1986, at 1:00 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the

Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

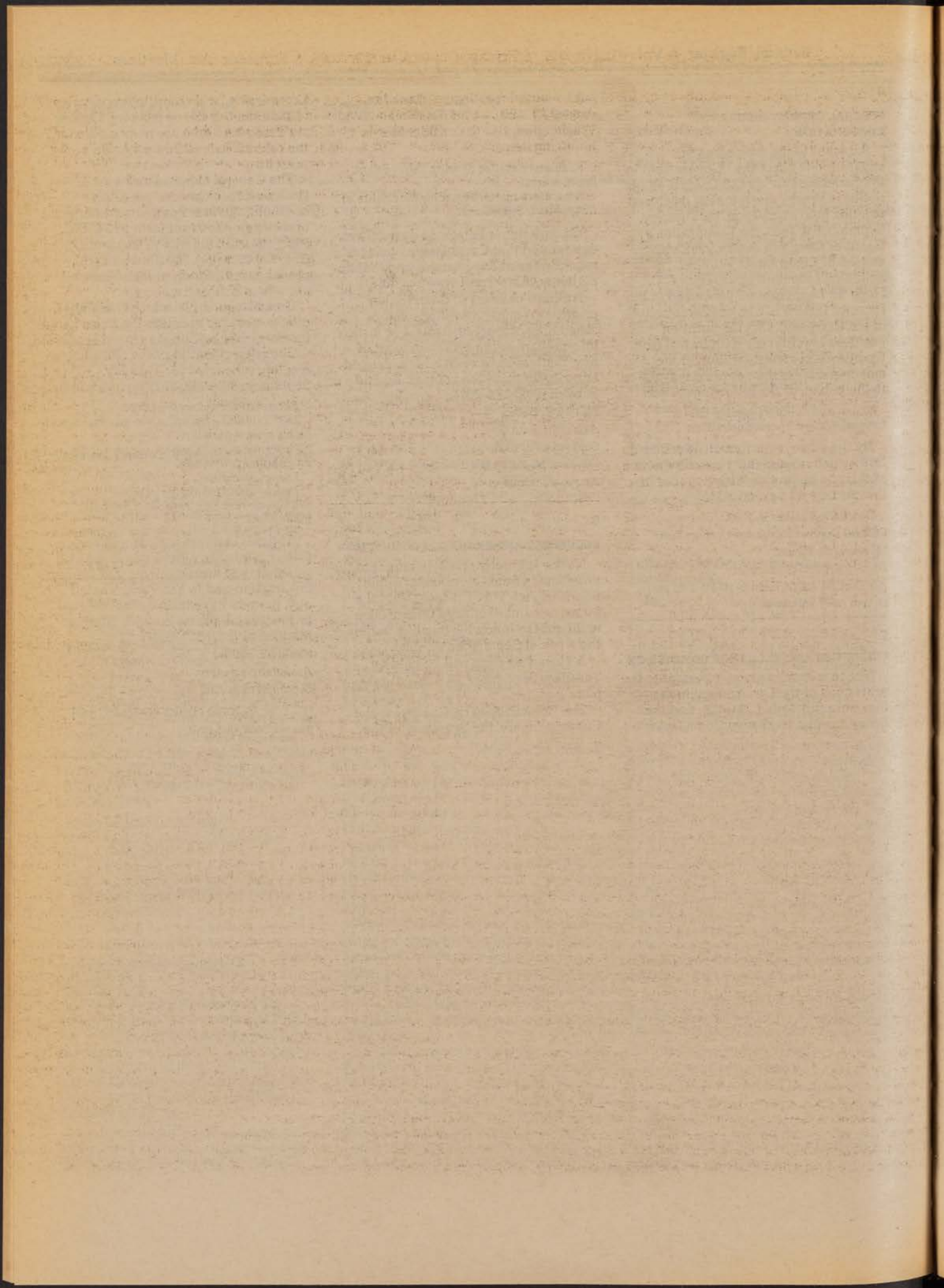
The subject matter of the closed meeting scheduled for Tuesday, September 16, 1986, at 1:00 p.m., will be:

Formal order of investigation.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Litigation matter.
Institution of injunctive action.
Regulatory matter regarding financial institution.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Douglas Michael at (202) 272-2467.

Shirley E. Hollis,
Assistant Secretary.
September 9, 1986.

[FR Doc. 86-20796 Filed 9-10-86; 3:58 pm]
BILLING CODE 8010-01-M



Federal Register

Friday
September 12, 1986

Part II

Department of Agriculture

Animal and Plant Health Inspection
Service

9 CFR Parts 51, 71, 78, 80, and 92
Brucellosis Regulations; Interstate
Movement of Cattle, Bison, and Swine;
Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 85-132]

9 CFR Parts 51, 71, 78, 80, and 92

Brucellosis Regulations; Interstate Movement of Cattle, Bison, and Swine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle, bison, and swine as related to brucellosis. The amendments clarify definitions and interstate movement requirements, impose additional restrictions on the interstate movement of cattle to reduce the risk of interstate spread of brucellosis, and provide alternative methods of moving cattle and bison interstate that will not increase the risk of spreading brucellosis.

EFFECTIVE DATE: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Hugh E. Metcalf, Senior Staff Veterinarian, Program Planning Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8713.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the *Federal Register* on September 12, 1985 [50 FR 37201-37229], the Department proposed to amend the regulations governing the interstate movement of cattle, bison, and swine as related to brucellosis. The amendments were to clarify definitions and interstate movement requirements, impose additional restrictions on the interstate movement of cattle to reduce the risk of spreading brucellosis interstate, and provide alternative methods of moving cattle and bison interstate that would not increase the risk of spreading brucellosis.

Comments were solicited concerning the proposal for a 90-day period ending December 12, 1985. The Department received comments from 62 sources. These included veterinarians, health technicians, cattle producers, stockyard owners, and representatives of 8 trade associations, 6 State government agencies, and 1 Veterinary Services regional office. Thirty-five of those responding were from Alabama, with the rest from 16 other States. These comments were carefully considered, and any which raised objections to the

proposed rule are discussed in this supplementary information. Except as explained below, the provisions of the proposed rule have been adopted in the final rule based on the reasons set forth in the proposal.

Changes to the Proposed Rule

The Department received 7 comments requesting deletion from the proposal of the modified card test as an official test for brucellosis because the specificity and sensitivity of this test have proven unsatisfactory to accurately classify the brucellosis disease status of cattle and bison. The Department agrees and has deleted all references to the modified card test.

The Department received 8 comments objecting to the definition of "standard card test" under "official test" in proposed § 78.1. The commenters stated that the proposed definition implies the standard card test cannot be used in the field. This test can be used under field conditions to determine the brucellosis disease status of animals. Therefore, this document revises the definition of "standard card test" to provide for the use of the standard card test in the field in certain specified situations.

The Department received 1 comment citing an omission in the definition of "official vaccinate" in proposed § 78.1. The commentor stated that the definition should include a requirement that vaccinations be reported to an official recordkeeping agency. The Department agrees and has revised the definition to conform with current practice. This final rule requires vaccinations to be reported to the State animal health official of the State in which the animal was vaccinated.

The Department received 1 comment that the definition of "official calfhood vaccinate" in proposed § 78.1 should allow individual animal registered breed association registration tattoos, as well as individual animal registered breed association registration brands, to be substituted for official ear tags. The Department agrees and has added individual animal registered breed association registration tattoos as an acceptable means of identification for any "official adult vaccinate" or "official calfhood vaccinate" as defined in § 78.1.

The Department received 1 comment pointing out a typographical error in proposed § 78.1 under the definition of "official calfhood vaccinate." The phrase "at least 3 billion and not more than 10 billion live cells per ml. dose" should read "at least 3 billion and not more than 10 billion live cells per 2 ml. dose." The correction has been made.

The Department received 1 comment stating that the words "cooperative agreement" in the definition of "State representative" in proposed § 78.1 should be changed to "memorandum of understanding." The proposed definition was in error, and this change has been made.

The Department received 1 comment suggesting that the definition of "test-eligible cattle and bison" in proposed § 78.1 be revised to make it clear that such cattle and bison are test-eligible for purposes of interstate movement. The Department agrees, since cattle and bison also may be eligible for herd blood tests and for testing at slaughter, and these tests have different eligibility requirements. This document revises the proposed definition of "test-eligible cattle and bison" by adding an introduction as follows: "For purposes of interstate movement, test-eligible cattle and bison are:"

The Department received 20 comments opposing the definition of "directly" in proposed § 78.1. "Directly" was defined as "without unloading en route if moved in a means of conveyance, or without stopping if moved in any other manner." The definition was intended to clear up ambiguity about the meaning of "directly," which previously was undefined. All 20 commentors indicated that under the proposed definition they could not consolidate shipments of slaughter cattle. They stated that if they could not offload and combine such cattle, it would be too expensive to take the animals to slaughter.

The Department does not wish to place undue burdens on owners who may need to combine small shipments of cattle or bison for slaughter. Therefore, two changes have been made in the requirements for direct movement.

First, the final rule will allow cattle and bison to stop for up to 7 days at an "approved intermediate handling facility" before proceeding directly to a recognized slaughtering establishment, provided the cattle or bison do not change ownership during this time. This will allow owners to condense shipments of cattle and bison without increasing the risk of spreading brucellosis.

Approved intermediate handling facilities, as defined in the final rule, shall be premises approved by the Deputy Administrator and the State animal health official for receiving and handling cattle and bison for release to recognized slaughtering establishments. Cattle and bison, except those from a farm of origin, must be accompanied to an approved intermediate handling

facility by either a permit or "S" brand permit, but may not enter if moving in a sealed vehicle. No cattle or bison shall be permitted to leave an approved intermediate handling facility unless they are accompanied by a permit or "S" brand permit which lists a recognized slaughtering establishment as the point of destination. To qualify for and retain approval, an intermediate handling facility must meet the following conditions: (1) The facility must be separate and apart from other livestock handling facilities; (2) Serviceable equipment for cleaning and disinfection must be furnished and maintained with adequate disinfection on hand; (3) The facility must be cleaned and disinfected in accordance with 9 CFR Part 71.4(a); (4) Any document relating to cattle or bison which are or have been in the facility shall be maintained by the facility for a period of 1 year; (5) State representatives and Veterinary Services representatives shall be granted, at reasonable hours, access to all documents required to be maintained by the facility and authority to reproduce the documents; and (6) Each entrance and exit to the facility must prominently display a sign bearing the following words: "All cattle and bison entering this facility must go directly to slaughter". These requirements are necessary to prevent the interstate spread of brucellosis.

The provision to allow cattle and bison to stop at an approved intermediate handling facility before moving directly to a recognized slaughtering establishment has been added to appropriate sections of the regulations. The definition of "directly" remains as proposed.

The second change in the proposed requirements for direct movement relieves certain other direct movement provisions which Department officials now believe to constitute an unnecessary burden.

Specifically, proposed §§ 78.9(c)(1)(i)(B) and 78.9(d)(1)(i)(B) provide that test eligible cattle from herds not known to be affected which originate in Class B and Class C States or areas may be moved for slaughter directly from a farm of origin or a nonquarantined feedlot to a specifically approved stockyard and then directly to a recognized slaughtering establishment if, among other things, (1) such cattle are subjected to an official test at the specifically approved stockyard and found negative and are accompanied by a certificate which shows the test dates and the results of the official tests; or (2) such cattle originate from a certified brucellosis-free herd and identity to the

certified brucellosis-free herd is maintained; or (3) such cattle are moved from the specifically approved stockyard in vehicles closed with official seals and are accompanied by an "S" brand permit. Department officials believe that under these circumstances the risk of such cattle having brucellosis or spreading brucellosis is not great enough to warrant requiring that the movement from the specifically approved stockyard to the recognized slaughtering establishment be "direct". Therefore, this document removes the word "directly" from these provisions (see §§ 78.9(c)(1)(iv) and 78.9(d)(1)(iv) in this document).

Further, proposed §§ 78.9(c)(1)(ii) and 78.9(d)(1)(ii) provide that test eligible cattle from herds not known to be affected which originate in Class B and Class C States or areas may be moved from other than a farm of origin or a nonquarantined feedlot interstate directly to a recognized slaughtering establishment if, among other things, (1) such cattle are subjected to an official test and found negative within 30 days prior to the interstate movement and are accompanied by a certificate which shows the test dates and the results of the official tests; or (2) such cattle originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or (3) such cattle are moved in vehicles closed with official seals and are accompanied by an "S" brand permit. Department officials believe that under these circumstances the risk of such cattle having brucellosis or spreading brucellosis is not great enough to warrant requiring that the movement from other than a farm of origin or a nonquarantined feedlot to a recognized slaughtering establishment be "direct". Therefore, this document removes the word "directly" from these provisions (see §§ 78.9(c)(1)(vi) and 78.9(d)(1)(vi) in this document).

Further, proposed §§ 78.9(c)(2)(i) and 78.9(d)(2)(ii) provide that test eligible cattle from herds not known to be affected which originate in Class B and Class C States or areas may be moved interstate from other than a farm of origin directly to a quarantined feedlot if, among other things, such cattle are subjected to an official test and found negative within 30 days prior to such movement and are accompanied by a certificate which shows the test dates and results of the official tests. Department officials believe that under these circumstances the risk of such cattle having brucellosis or spreading brucellosis is not great enough to

warrant requiring that the movement from other than a farm of origin to a quarantined feedlot be "direct". Therefore, this document removes the word "directly" from these provisions (see §§ 78.9(c)(2)(ii) and 78.9(d)(2)(ii) in this document).

The Department received one comment suggesting clarification of the phrase "if feral swine are not in contact with domestic swine" in the definition of "validated brucellosis-free State" in proposed § 78.1. The Department has revised that phrase to say "if feral swine are not in physical contact with domestic swine."

The Department received 8 comments objecting to a requirement in proposed § 78.2(b) that copies of certificates be forwarded to the State animal health official of the State of destination. The commentors pointed out that current practice in some States is to send copies of certificates to the State animal health official of the State of origin for forwarding to the State animal health official of the State of destination. Although proposed § 78.2(b) was not a change in the regulations, the Department does not wish to disrupt the standing procedure in some States for State of origin review of certificates. The Department also realizes that those responsible for forwarding copies of certificates may not have the addresses for State animal health officials of States of destination. For these reasons, final § 78.2(b) requires copies of certificates to be forwarded either to the State animal health official of the State of destination or to the State animal health official of the State of origin for forwarding to the State animal health official of the State of destination. Copies of permits shall continue to be forwarded to the State animal health official of the State of destination.

The Department received 8 comments opposing a provision in the proposal concerning the interstate movement of brucellosis exposed cattle from herds known to be affected and for which no claim for indemnity is being made. Proposed § 78.8(c)(1)(iii) would permit the interstate movement of such cattle which are official vaccinates under 1 year of age and from a herd known to be affected which is following an approved individual herd plan, provided the official vaccinates are individually identified with a hole at least $\frac{3}{4}$ inch in diameter in the left ear. The commentors argued that the hole was ineffective identification. The Department agrees that the hole is not easily recognized. For this reason and for humane reasons, the requirement for the $\frac{3}{4}$ inch hole has been deleted from the final rule. The

Department is considering other identification and restrictions.

The Department received 3 comments objecting to a proposed amendment requiring a certificate for certain cattle consigned to slaughter. This amendment was in three places in the proposed regulations: §§ 78.9(c)(1)(i)(B)(1) and 78.9(d)(1)(i)(B)(1), governing the interstate movement from a specifically approved stockyard to a recognized slaughtering establishment of test-eligible cattle which originate in Class B and Class C States or areas, respectively, are not brucellosis exposed, and are from a herd not known to be affected; and § 78.12(d)(1), governing the interstate movement to a recognized slaughtering establishment of cattle from qualified herds in quarantined areas. The proposal would have provided for the movement of such cattle directly to a recognized slaughtering establishment if, among other things, they were accompanied by a certificate which showed, in addition to the items specified in § 78.1, the test dates and results of the official tests. The Department's intention in requiring a certificate in these instances was to maintain the identity of the cattle to slaughter. Since an "S" brand permit also would accomplish this, the final rule allows such cattle to be accompanied by either a certificate or "S" brand permit.

The Department received 4 comments objecting to proposed § 78.9(d)(3)(vi). This was a new proposed provision concerning the interstate movement of test-eligible cattle which originate in Class C States or areas, are not brucellosis exposed, and are from a herd not known to be affected. The proposed amendment was intended to permit such cattle from a farm of origin and from a herd to which no cattle have been added for 120 days or more to move interstate within 30 days after a single negative herd blood test, or within one year of a negative herd blood test if the cattle are negative to an official test within 30 days prior to interstate movement, provided no cattle are added to the herd between the time of the herd blood test and movement. The requirement that such cattle be from a herd to which no cattle have been added for 120 days or more was discussed in the supplementary information to the proposed rule but, as one commentator pointed out, was not included in the text of proposed § 78.9(d)(3)(vi), creating confusion. One commentator said proposed § 78.9(d)(3)(vi) would place more restrictions on cattle from a farm of origin than proposed § 78.9(d)(3)(ii) would place on dealer cattle. Two

commentors indicated that proposed § 78.9(d)(3)(vi) repeated proposed § 78.9(d)(3)(ii). Neither assertion is correct. Proposed § 78.9(d)(3)(ii) would require cattle to be negative to 2 official tests conducted at least 60 days apart. In light of these comments, the Department has revised proposed § 78.9(d)(3)(vi) to clarify the requirements for interstate movement and to correct the omission of the 120 day requirement.

The Department received 3 comments opposing proposed § 78.11. This section concerns cattle, except brucellosis reactors and brucellosis exposed cattle, which are moved interstate to a specifically approved stockyard but fail to comply with the requirements of Part 78 for release from the stockyard. Proposed § 78.11 provides that such cattle could be moved from the specifically approved stockyard directly to a recognized slaughtering establishment or quarantined feedlot or, with the concurrence of the State animal health officials of the States of origin and destination, returned to the farm of origin. The proposal would require such cattle to be accompanied by an "S" brand permit and either "S" branded or moved in vehicles closed with official seals. The three commentors indicated that there is no need to return such properly permitted cattle to a farm of origin in a sealed vehicle. The Department agrees. Cattle moving pursuant to § 78.11 are not brucellosis reactors or brucellosis exposed animals and, therefore, do not pose the type of disease risk which would warrant requiring that such animals be "S" branded or that they be moved in sealed vehicles. In this regard, it should be noted that cattle from a farm of origin which are moved to a specifically approved stockyard and then determined to be brucellosis exposed may be returned to the farm of origin under permit but without being "S" branded or transported in vehicles closed with official seals. Therefore, § 78.11 in this document provides that such cattle may, with the concurrence of the State animal health officials of the States of origin and destination, be moved directly back to the farm of origin if accompanied by a permit. The final rule also stipulates that such cattle may be moved directly to a quarantined feedlot only if they are "S" branded and accompanied by an "S" brand permit. The provision for cattle to be moved in a sealed vehicle is retained in the final rule only for such cattle moving directly to a recognized slaughtering establishment.

The Department received 19 comments objecting to the requirement

in proposed § 78.44 for separate penning of cattle from each class of State or area. Each stockyard agreement in proposed § 78.44 would require cattle from each class of State or area to be penned apart from any other cattle until they have met the requirements of Title 9, Code of Federal Regulations, for release from the stockyard. One commentator said that his stockyard tests cattle before they leave the yard, and that it would be impossible to lot stocker and feeder cattle under the same system if the cattle have to be penned separately by class of State or area. Two commentors stated that most markets have neither the facilities nor the pen arrangements to comply with the requirement for separate pens. Others who gave reasons for objecting said the requirement would place a severe financial burden on livestock markets. One commentator suggested separating only test-eligible cattle from Class C States or areas. Another objected to separating slaughter cattle.

The Department agrees that separate pens should be required only for test-eligible cattle. Furthermore, after reviewing the cost to market owners versus the disease risk, the Department has agreed to exempt cattle from Class Free and Class A States or areas from this requirement. The Department believes, however, that mixing of cattle from the lower classes of States or areas would seriously undermine efforts to prevent the spread of brucellosis. Thus, the final rule requires separate penning only of test-eligible cattle from Class B and C States or areas and quarantined areas. As in the proposal, such cattle must be penned separately only until they meet the requirements for release from the stockyard. This modification of the proposed rule is expected to make compliance easier and less costly for all stockyards. Stockyards which test cattle as they enter the premises should feel very little impact.

The Department received 1 comment suggesting different names for the two types of specifically approved stockyards in proposed § 78.44. The Department wishes to retain the term specifically approved stockyard but agrees that a way of referring to one or the other is necessary. In the final rule, whenever cattle or bison may only be moved to a specifically approved stockyard authorized to receive brucellosis reactors or brucellosis exposed animals, the text of the rule specifies "specifically approved stockyard approved to receive brucellosis reactors," "specifically approved stockyard approved to receive brucellosis exposed cattle," or

"specifically approved stockyard approved to receive brucellosis exposed bison," whichever is appropriate. In the final rule, whenever cattle or bison may be moved to either type of specifically approved stockyard, the text of the rule specifies "specifically approved stockyard".

The Department received 1 comment suggesting that footnote 2 in proposed § 78.33 be revised to require rather than request certain actions by operators of establishments where swine are identified on arrival. As proposed, this footnote requested the operator of each place of business where such swine are identified on arrival in accordance with this section to enter such identification on the yarding receipt, sale ticket, invoice, waybill, or similar document relating to the swine; maintain such documents on file at the place of business for at least 1 year; and make such documents available for inspection during ordinary business hours upon request by a Veterinary Services representative or State representative. The Department agrees and this final rule requires that the operator of each place of business where such swine are identified on arrival in accordance with this section shall perform these functions. This change is necessary to ensure that these records are made and are available for inspection. Such records are the only means by which brucellosis in swine can be traced. As such, they are a critical tool in eradicating and preventing the spread of brucellosis in swine.

The Department also made the following changes for the reasons discussed below:

The terms "B" branded," "designated epidemiologist," "market swine test program," and "official vaccination eartag" are defined in final § 78.1 to clarify their meanings. A new term, "approved intermediate handling facility," also is defined in final § 78.1.

"Individual animal registered breed association registration brand" has been added as an acceptable means of individual identification under the definitions of "certificate," "permit," and "S" brand permit" in final § 78.1. Such identification is permitted by the present regulations and was inadvertently omitted from the proposed rule.

The definitions of "permit" and "S" brand permit" in proposed § 78.1 also have been amended to clarify the requirement that a new permit or "S" brand permit is required for each change in destination.

A new paragraph 13 has been added to both stockyard agreements under proposed § 78.44 (c) and (d) as follows:

"Test-eligible cattle penned with test-eligible cattle from a lower class State or area, in violation of this agreement, shall have the status of the State or area of lower class for any subsequent movement." This amendment is necessary to regulate movement of test-eligible cattle from Class B or C States or areas which may be mixed with cattle from a lower class State or area before meeting the requirements for release from the specifically approved stockyard.

As a result of the above amendment to proposed § 78.44, the definition of "originate" in proposed § 78.1 also has been changed. A new paragraph (c) has been added as follows: "Cattle penned in a specifically approved stockyard with cattle from a lower class State or area, in violation of the requirements set forth in § 78.44, shall have the status of the State or area of lower class for any subsequent movement."

Proposed § 78.41, "State/area classifications," has been revised to reflect changes in classification for the States of Mississippi and Nevada and for 12 Counties in the State of Florida. Mississippi previously was listed as a Class C State. Its status was changed to Class B State by an interim rule published on November 4, 1985 [50 FR 45808-45809]. Nevada previously was listed as a Class B State. Its status was changed to Class A State by an interim rule published on February 13, 1986 [51 FR 5309-5311]. Florida is divided into a Class B area and a Class C area. An interim rule published on October 7, 1985, amended the regulations to change the status of 12 Counties in Florida from Class C to Class B. These Counties are Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union.

This document also makes numerous nonsubstantive changes only for clarification, and such changes are not addressed in this supplemental information.

Other comments

Except as noted below, other comments supported the proposed rule.

The Department received 1 comment suggesting a change to the definition of "brucellosis exposed" in proposed § 78.1. The proposed definition provides that animals are brucellosis exposed if they have been in contact with a brucellosis reactor for less than 24 hours if the brucellosis reactor has aborted, calved, or farrowed within the past 30 days. Noting that it is not always possible to determine whether and when an animal has aborted, calved, or farrowed, the commentor suggested

removing this provision. The Department disagrees since without this provision an animal penned with a reactor known to have aborted, calved, or farrowed within the past 30 days could not be classified as brucellosis exposed.

The Department received 5 comments objecting to the definition of "moved" in proposed § 78.1. Present § 78.1 defines "moved" as "Shipped, transported, or otherwise moved, or delivered, or received for movement." Proposed § 78.1 added the phrase "or otherwise aided, induced or caused to be moved." One commentor wanted the phrase "received for movement" deleted from the definition. This phrase is not a change in the regulations. Three commentors said the proposed definition is too broad. The Department disagrees, pointing out that the amendment is necessary to extend legal responsibility for violations to persons indirectly responsible for unauthorized movement, i.e., a veterinarian who prepares false documents or a seller who promises to have animals tested but does not. The final rule retains the definition as proposed.

The Department received 1 comment objecting to a proposed amendment to the definition of "certificate" in § 78.1. This amendment would permit ownership brands to be used as identification on certificates for cattle being moved interstate when no official test for brucellosis is required, provided the ownership brands are registered with the official brand recording agency and the cattle being moved are accompanied by official brand inspection certificates. The commentor said ownership brands should not be permitted because brand laws are not uniform and don't exist in some States. Since the Department is permitting, but not requiring, use of ownership brands, no change has been made in the definition.

The Department received 1 comment suggesting a change to the definition of "certified brucellosis-free herd" in proposed § 78.1. The proposed definition would allow a dairy herd to qualify as a certified brucellosis-free herd by testing negative to a minimum of four consecutive brucellosis ring tests at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last brucellosis ring test. The commentor suggested intervals of 75-105 days between the brucellosis ring tests. The intent of the provision is to have a herd under surveillance for 12 months prior to certification. An interval of less than 90 days would not accomplish this and

would increase the risk of spreading brucellosis interstate. The definition has been retained as proposed.

The Department received 1 comment opposing the proposed change in dosage for official calfhood vaccination. The present regulations require "at least 300 million and not more than 3 billion live cells per 2 ml. dose." The definition of "official calfhood vaccine" in proposed § 78.1 would change that to at least "3 billion and not more than 10 billion live cells per 2 ml. dose." The commenter feels that the new dosage will increase the number of brucellosis reactors. As discussed in the proposal, little difference has been observed in persistence of blood serum titers between calves vaccinated with 1 billion live cells and calves vaccinated with 10 billion live cells. In most cases, the higher dosage resulted in blood serum titers for only 1-2 additional weeks. Some research also suggests that calves in the 4-6 month age group develop better resistance to brucellosis following use of the higher dosage. Therefore, no change has been made based on this comment.

The Department received 1 comment objecting to the definition of "official eartag" in proposed § 78.1. The proposal amended the present definition of "official metal eartag" by removing the word "metal" so that plastic tags can be used as well as metal tags. The commenter argued that plastic could be tampered with and said the word "metal" should be returned to the definition. The Department has made no change to the proposed definition; the definition requires use of "Veterinary Services approved" eartags, which are tamper resistant.

The Department received 3 comments objecting to a provision in the definition of "official adult vaccine" in proposed § 78.1. The provision would permit official adult vaccines to be permanently identified by a "V" hot brand on the right jaw or high on the hip near the tailhead. The commenters opposed using a "V" hot brand on the hip. They stated that such a brand may be illegal in some States, that States with brand laws already have brands on the hip, and that a brand located on the hip might not be observed. The Department has retained this provision in the final rule for the following reasons. The "V" hot brand on the hip is not required. And, although it may be harder to recognize adult vaccines with the brand located on the hip, the Department feels the benefit to owners of not having to restrain the head to get a good brand outweighs this disadvantage. In addition, personnel

will be informed of this procedure and advised to check for the brand on the hip.

The Department received 1 comment objecting to the definition of "approved individual herd plan" in proposed § 78.1. The present definition requires an approved individual herd plan to be designed by the herd owner, the owner's veterinarian if requested, and a veterinarian of the Cooperative Brucellosis Eradication Program. The plan must be approved by the State animal health official and the Veterinarian in Charge. Proposed § 78.1 replaced "veterinarian of the Cooperative Brucellosis Eradication Program" with "a State representative or Veterinary Services representative." The commenter objected to requiring plans to be approved by both the Veterinarian in Charge and the State animal health official. This is not a change in the regulations. The commenter also said that the State or Federal representative should be a veterinarian. The Department disagrees and has retained the definition as proposed for the following reasons. State and Veterinary Services representatives are qualified to design individual herd plans and in most cases work under the supervision of a State or Federal veterinarian. Using such representatives to perform this function will enhance brucellosis eradication efforts in States where State or Federal veterinarians are not readily available. Furthermore, any individual herd plan must be approved by both the Veterinarian in Charge and the State animal health official.

The Department received 2 comments opposing proposed § 78.2(a), which would amend the requirements for handling certificates and permits required for interstate movement. Present § 78.3(a) requires that whenever animals are moved interstate by a transportation company issuing waybills or other forms of billing covering the movement, certificates or permits must be attached to and accompany the billing to the animals' destination. Present § 78.3(b) requires that whenever a transportation agency does not issue waybills or other forms of billing, certificates or permits must accompany animals moving interstate. Proposed § 78.2(a) would require certificates or permits to accompany animals to destination in all instances of interstate movement and be delivered to the consignee or the person receiving the animals. This amendment has been retained as proposed for the following reasons, which were set forth in the proposal. Present § 78.3 (a) and (b) and

proposed § 78.2(a) require certificates or permits to provide animal health officials with a means of tracing animal movement and the spread of brucellosis. There appears to be no reason to limit the requirements set forth in present § 78.3 (a) and (b) to instances in which transportation companies are involved.

The Department received 3 comments objecting to proposed § 78.44, which would establish two types of specifically approved stockyards. Proposed § 78.44(c) sets forth the requirements for a "Specifically Approved Stockyard for Handling Cattle and Bison Pursuant to Title 9 of the Code of Federal Regulations," and proposed § 78.44(d) sets forth the requirements for a "Specifically Approved Stockyard for Handling Cattle and Bison Except to Receive Brucellosis Reactor, Brucellosis Suspect and Brucellosis Exposed Cattle and Bison Pursuant to Title 9 of the Code of Federal Regulations." The commenters stated that they saw little need for market approval other than for markets handling restricted cattle. However, both types of specifically approved stockyards may handle restricted cattle and bison. The latter type of stockyard is prohibited from receiving known brucellosis reactor, suspect or exposed cattle and bison, but cattle and bison may be found to be infected after arrival at such stockyard. Therefore, the final rule retains this provision as proposed.

The Department received 2 comments opposing an amendment to the requirements for moving cattle interstate in the course of normal ranching operations without change of ownership to another premises belonging to the same owner. Present §§ 78.9(a), 78.9(b)(3)(iv), and 78.9(c)(3)(v) require that premises from which and to which cattle are moved interstate during the course of normal ranching operations be owned by the same person. The proposal would allow the two premises to be owned, leased or rented by the same person. The commenters expressed concern that some ranchers may lease property in order to get around the restrictions on interstate movement of cattle. One suggested limiting the provision for lease or rental to owners whose land straddles 2 States; the other suggested limiting this provision to owners who have had the land as part of their operations in previous years. The Department feels the commenters have raised a valid concern but has insufficient information to change the regulations. Changes will be considered, however, after further review and discussion.

The Department received comments from 8 individuals objecting to proposed § 78.10, which would require certain cattle to be official vaccinates to move into or out of Class B or C States or areas, unless they are moved directly to a recognized slaughtering establishment or quarantined feedlot. Six commentors argued that the requirement would infringe on States' rights. Two commentors objected to requiring vaccinations for cattle moving to slaughter; one objected to requiring vaccinations for cattle moving to slaughter or a quarantined feedlot; and one objected to requiring vaccinations for cattle without regard to purpose of movement. As stated in the proposal, vaccinations are not required for cattle moving directly to a recognized slaughtering establishment or quarantined feedlot. The final rule also exempts cattle moving directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment. The six comments concerning States' rights are from individuals in 2 States. Several large groups, including the United States Animal Health Association (USAHA), however, support the proposed amendment, which parallels USAHA recommendations. The Department believes this amendment is necessary to prevent the interstate spread of brucellosis. Officially vaccinated cattle are more resistant to infection and are less likely to transmit the disease to other animals. Vaccination would protect cattle entering areas of high infection and cattle potentially in contact with infected cattle prior to interstate movement.

The Department received 6 comments objecting to the requirement in proposed § 78.44 that stockyards requesting approval enter into an agreement with Veterinary Services. Present § 78.25 requires a Memorandum of Understanding between Veterinary Services and the States in which such stockyards are located. The requirement has been retained as proposed for the reason set forth in the proposal: Since those legally responsible for operating the stockyard are in a position to ensure that the standards for approval are met, it appears appropriate to have stockyard operators enter into any agreement with Veterinary Services. Furthermore, both agreements in proposed § 78.44 contain provisions requiring specifically approved stockyards to grant State representatives, as well as Veterinary Services representatives, access to stockyard premises and facilities to ensure compliance with the regulations.

The Department received 1 comment stating that proposed § 78.44 does not require the presence of a veterinarian in the marketplace. Proposed § 78.44 (c)(1) and (d)(1) require "an accredited veterinarian, State representative, or Veterinary Services representative" to be on the stockyard premises on the sale days to perform duties in accordance with State and Federal regulations. The commentor suggested substituting the terms "accredited veterinarian, State veterinarian or Veterinary Services veterinarian." It was not the Department's intention to require the presence of a veterinarian in the stockyard on all sale days since there are Veterinary Services representatives and State representatives qualified to perform the work under the Brucellosis Eradication Program. Therefore, no change has been made to this proposed requirement.

The Department received 22 comments objecting to the provision in proposed § 78.44(c) requiring impervious floors in quarantined pens used to confine brucellosis reactors and suspects in specifically approved stockyards authorized to receive such cattle and bison. The commentors cited the cost of installing concrete floors and questioned whether such floors would reduce the disease risk. Porous floors, such as soil floors or floors of untreated wood, cannot be properly disinfected because the organic material in such floors interferes with the action of the disinfectant. Impervious floors are necessary for proper cleaning and disinfecting to minimize the risk of spreading brucellosis to animals using the pens after use by brucellosis reactors or suspects. The cost of these impervious floors will be minimized because they are required only for quarantined pens used to confine brucellosis reactors or suspects, and only in specifically approved stockyards authorized to receive such cattle and bison. Brucellosis exposed cattle or bison, which might come into such a stockyard in large numbers, are not required to be confined in pens with impervious floors. Requiring impervious floors in certain quarantined pens is necessary to ensure that brucellosis reactors and suspects, which pose a known threat of spreading brucellosis, are handled in a manner which will reduce the likelihood of that happening. The requirement is retained as proposed.

The Department received 1 comment that the definition of the word "interstate" be amended to delete the movements between two locations in the same State but through another

State when there is no offloading of livestock during such movements. The Department disagrees. Movement between two points in the same State but through another State is an interstate movement which must be regulated to prevent the interstate spread of brucellosis.

In addition, the Department received 4 comments which raised issues not addressed in the proposal. These included a proposal for an inspection and approval form that would apply to a centrally organized stockyard; a recommendation that test-eligible animals entering quarantined feedlots in Class A States be tested prior to or upon arrival; a recommendation to require first point-of-concentration testing of test-eligible animals in Class B States; and a proposal to amend interstate movement requirements so that brucellosis suspects would be required to follow Part II, M, of the Brucellosis Uniform Methods and Regulations. Because these issues were not addressed in the proposed rule, these comments were not considered as part of this rulemaking.

Paperwork Reduction Act

Information collection requirements contained in this document have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and have been assigned OMB control numbers 0579-0047, 0579-0051, and 0579-0064.

Executive Order 12291

This action is issued in conformance with Executive Order 12291 and has been determined not to be a "major rule." Based on information compiled by the Department, it has been determined that this action would have an annual effect on the economy of less than \$100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; would not have a significant adverse effect on competition, employment or investment, productivity, innovation, or the ability of United States-based enterprises to compete in domestic or export markets.

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities because both direct and indirect cost to producers should be minimal. Approximately 22 million female calves are born in the United States each year. Nine million calves were officially

vaccinated against brucellosis in Fiscal Year 1984. Only those female cattle moving into or out of Class C States or areas and those dairy cattle moving into or out of Class B States or areas will require vaccination under this rule. It is estimated that a maximum of 2 million more calves may be vaccinated in order to move interstate under the provisions of this rule at a cost of approximately \$5.0 million. The \$2.50 cost per animal is relatively small in comparison to the other costs of production and to the value of the cattle vaccinated.

List of Subjects

9 CFR Part 51

Animal diseases, Bison, Brucellosis, Cattle, Hogs, Indemnity payments.

9 CFR Part 71

Animal diseases, Livestock and livestock products, Poultry and poultry products, Quarantine, Transportation.

9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

9 CFR Part 80

Animal diseases, Livestock and livestock products, Transportation.

9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, Parts 51, 71, 78, 80, and 92 are amended as follows:

1. Part 78 is revised to read:

PART 78—BRUCELLOSIS

Sec.

Subpart A—General Provisions

- 78.1 Definitions.
- 78.2 Handling of certificates, permits, and "S" brand permits for interstate movement of animals.
- 78.3 Handling in transit of cattle and bison moved interstate.
- 78.4 [Reserved]

Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

- 78.5 General restrictions.
- 78.6 Steers and spayed heifers.
- 78.7 Brucellosis reactor cattle.
- 78.8 Brucellosis exposed cattle.
- 78.9 Cattle from herds not known to be affected.
- 78.10 Official vaccination of cattle moving into and out of Class B and Class C States or areas.
- 78.11 Cattle moved to a specifically approved stockyard not in accordance with this part.
- 78.12 Cattle from quarantined areas.
- 78.13 Other movements.
- 78.14-78.19 [Reserved]

Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

- 78.20 General restrictions.
- 78.21 Bison steers and spayed heifers.
- 78.22 Brucellosis reactor bison.
- 78.23 Brucellosis exposed bison.
- 78.24 Bison from herds not known to be affected.
- 78.25 Other movements.
- 78.26-78.29 [Reserved]

Subpart D—Restrictions on Movement of Swine Because of Brucellosis

- 78.30 General restrictions.
- 78.31 Brucellosis reactor swine.
- 78.32 Brucellosis exposed swine.
- 78.33 Sows and Boars.
- 78.34 Other movements.
- 78.35-78.39 [Reserved]

Subpart E—Designation of Brucellosis Areas, and Specifically Approved Stockyards.

- 78.40 Designation of States/areas.
 - 78.41 State/area classification.
 - 78.42 Quarantined areas.
 - 78.43 Validated brucellosis-free States.
 - 78.44 Specifically approved stockyards.
- Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Subpart A—General Provisions

§ 78.1 Definitions.

The following terms are defined in this section:

Accredited veterinarian
Animals
Approved brucella vaccine
Approved individual herd plan
Approved intermediate handling facility
Area
"B" branded
Boar
Brucellosis
Brucellosis exposed
Brucellosis negative
Brucellosis reactor
Brucellosis ring test
Brucellosis suspect
Certificate
Certified brucellosis-free herd
Class A State or area
Class B State or area
Class C State or area
Class Free State or area
Dairy cattle
Deputy Administrator
Designated epidemiologist
Directly
Epidemiologist
Epidemiology
Farm of origin
Finished fed cattle
Herd
Herd blood test
Herd known to be affected
Herd not known to be affected
Herd of origin of swine
Interstate
Market cattle identification test cattle
Market swine test swine
Moved
Moved (movement) in interstate commerce

Official adult vaccinate
Official brand inspection certificate
Official brand recording agency
Official calfhood vaccinate
Official eartag
Official seal
Official test
Official vaccinate
Official vaccination eartag
Originate
Parturient
Permit
Permit for entry
Person
Postparturient
Qualified herd
Quarantined area
Quarantined feedlot
Quarantined pasture
Recognized slaughtering establishment
"S" branded
"S" brand permit
Sow
Specifically approved stockyard
State
State animal health official
State representative
Test-eligible cattle and bison
Validated brucellosis-free herd
Validated brucellosis-free State
Veterinarian in Charge
Veterinary Services
Veterinary Services representative
Whole herd vaccination

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

Accredited veterinarian. An accredited veterinarian as defined in Part 160 of this chapter.

Animals. Cattle, bison, and swine.

Approved brucella vaccine. A *Brucella abortus* Strain 19 product approved by and produced under license of the United States Department of Agriculture for injection into cattle and bison to enhance their resistance to brucellosis.

Approved individual herd plan. A herd management and testing plan designed by the herd owner, the owner's veterinarian if so requested, and a State representative or Veterinary Services representative to determine the disease status of animals in the herd and to control and eradicate brucellosis within the herd. The plan must be jointly approved by the State animal health official and the Veterinarian in Charge.

Approved intermediate handling facility. Premises approved by the Deputy Administrator and the State animal health official for receiving and handling cattle and bison for release only to recognized slaughtering establishments. Cattle and bison may be held at an approved intermediate handling facility for a maximum of 7 days and may not change ownership during this time. No cattle or bison, except cattle or bison moved directly

from a farm of origin, shall be permitted to enter an approved intermediate handling facility unless they are accompanied by a permit or "S" brand permit. Cattle or bison transported in vehicles closed with official seals are prohibited from entering the approved intermediate handling facility. No cattle or bison shall be permitted to leave an approved intermediate handling facility unless they are accompanied by a permit or "S" brand permit which lists a recognized slaughtering establishment as the point of destination. To qualify for and retain approval, the following conditions must be met: (a) The facility must be separate and apart from other livestock handling facilities; (b) Serviceable equipment for cleaning and disinfection shall be furnished and maintained with adequate disinfectant on hand; (c) The facility must be cleaned and disinfected in accordance with § 71.4(a) of this chapter; (d) Any document relating to cattle or bison which are or have been in the facility shall be maintained by the facility for a period of 1 year; (e) State representatives and Veterinary Services representatives shall be granted, at reasonable hours, access to all documents required to be maintained by the facility and authority to reproduce the documents; and (f) Each entrance and exit to the facility must prominently display a sign bearing the following words: "All cattle and bison entering this facility must go directly to slaughter". The Deputy Administrator may withdraw or deny approval of any intermediate handling facility in accordance with § 78.44(b).

Area. That portion of any State which has a separate brucellosis classification under this part.

"B" branded. Branding with a hot iron the letter "B" at least 5 sq. cm. (2 x 2 inches) in size on the left jaw.

Boar. An uncastrated male swine 6 months of age or over which is or has been capable of being used for breeding purposes.

Brucellosis. The contagious, infectious, and communicable disease caused by bacteria of the genus *Brucella*. It is also known as Bangs disease, undulant fever, and contagious abortion.

Brucellosis exposed. Except for brucellosis reactors, animals that are part of a herd known to be affected, or are in a quarantined feedlot or a quarantined pasture, or are brucellosis suspects, or that have been in contact with a brucellosis reactor for a period of 24 hours or more, or for a period of less than 24 hours if the brucellosis reactor has aborted, calved, or farrowed within

the past 30 days or has a vaginal or uterine discharge.

Brucellosis negative. An animal subjected to one or more official tests resulting in a brucellosis negative classification or reclassified as brucellosis negative by a designated epidemiologist as provided for in the definition of official test.

Brucellosis reactor. An animal subjected to an official test resulting in a brucellosis reactor classification or subjected to a bacteriological examination for field strain *Brucella abortus* and found positive or reclassified as a brucellosis reactor by a designated epidemiologist as provided for in the definition of official test.

Brucellosis ring test. The brucellosis ring test is conducted on composite milk or cream samples from dairy herds and is interpreted as either negative or suspicious (positive). Herds which are negative to the brucellosis ring test and which are not quarantined as brucellosis affected are classified as brucellosis negative for public health ordinances and surveillance purposes. Herds classified as suspicious require a herd blood test to determine animal and herd status.

Brucellosis suspect. An animal subjected to an official test resulting in a brucellosis suspect classification or reclassified as a brucellosis suspect by a designated epidemiologist as provided for in the definition of official test.

Certificate. An official document issued by a Veterinary Services representative, State representative, or accredited veterinarian at the point of origin of a movement of animals. It must show the official eartag number, individual animal registered breed association registration tattoo, individual animal registered breed association registration brand, individual animal registered breed association registration number, or similar individual identification of each animal to be moved; the number of animals covered by the document; the purpose for which the animals are to be moved; the points of origin and destination; the consignor; and the consignee. Ownership brands may be used as identification on certificates for cattle moved interstate when no official test is required under this part, provided the ownership brands are registered with the official brand recording agency and the cattle are accompanied by official brand inspection certificates.

Certified brucellosis-free herd. A herd of cattle or bison which has qualified for and whose owner has been issued a certified brucellosis-free herd certificate signed by the appropriate State animal

health official and the Veterinarian in Charge.

(a) Certification. Either of the following two methods may be used to qualify a herd:

(1) In the case of dairy cattle, by conducting a minimum of four consecutive negative brucellosis ring tests at not less than 90-day intervals, followed by a negative herd blood test within 90 days after the last negative brucellosis ring test; or

(2) By conducting at least two consecutive negative herd blood tests not less than 10 months nor more than 14 months apart.

(b) Maintaining certification. Certified brucellosis-free herd status will remain in effect for 1 year beginning with the date of issuance of the certified brucellosis-free herd certificate. A negative herd blood test must be conducted within 10 to 12 months of the last certification date for continuous status. Lapsed certification may be reinstated if a herd blood test is conducted within 14 months of the last certification date. A new recertification test date may be established if requested by the owner and if the herd is negative to a herd blood test on that date, provided that date is within 1 year of the previous certification date. A herd decertified because a brucellosis reactor is found may be recertified only by repeating the entire certification process.

Class A State or area. A State or area which meets standards for classification as a Class A State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Deputy Administrator. Reclassification to a lower class may be made by the Deputy Administrator after notice and opportunity to be heard is given to the State animal health official. The following are the standards to attain and maintain Class A status.

(a) Surveillance.

(1) Brucellosis ring test. The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at least three of the four brucellosis ring tests per year.

(2) Market Cattle Identification (MCI) program. (i) Coverage. All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an

official test; (ii) Brucellosis reactors. At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin and an epidemiologic investigation conducted by State representatives or Veterinary Services representatives within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. When required by the results of the epidemiologic investigation, herd blood tests must be conducted or the herds must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test.

(3) Epidemiologic surveillance. (i) Adjacent herds. All adjacent herds or other herds having contact with cattle in a herd known to be affected shall have an approved individual herd plan in effect within 15 days of notification of brucellosis in the herd known to be affected; (ii) Epidemiologically traced herds. All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall have an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

(b) Herd infection rate.

(1) Percentage of herds affected.

States or areas must not exceed a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus*, of 0.25 percent or 2.5 herds per 1,000, except in States with 10,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States would qualify for Class A status. Locations of herds, sources of brucellosis, and brucellosis control measures taken by the State will be considered.

(2) Epidemiologic investigation.

Within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or Veterinary Services representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 15 days to determine appropriate action.

(c) MCI reactor prevalence rate. The State or area must maintain a 12 consecutive month MCI reactor prevalence rate not to exceed 1 brucellosis reactor per 1,000 cattle tested (0.10 percent). For purposes of State or area classification, cattle which are not official vaccinates and are positive to

the standard card test and officially vaccinated cattle positive to the rivanol test at 1:25 serum titer or greater will be counted as MCI reactors. The MCI reactor prevalence rate is a rate of infection in the cattle population based on the percentage of brucellosis reactors found in the MCI test cattle. The MCI reactor prevalence rate is adjusted for out-of-State and out-of-area cattle, recordkeeping errors, and cattle traced to herds known to be affected or to herds with negative herd blood tests. Special consideration of a State or area MCI reactor prevalence rate will be permitted when it is affected by unusual marketing conditions.

Class B State or area. A State or area which meets standards for classification as a Class B State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Deputy Administrator. Reclassification to a lower class can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State animal health official. The following are the standards to attain and maintain Class B status.

(a) Surveillance.

(1) Brucellosis ring test. The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at least three of the four brucellosis ring tests per year.

(2) Market Cattle Identification (MCI) program. (i) Coverage. All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test; (ii) Brucellosis reactors. At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin and an epidemiologic investigation conducted by State representatives or Veterinary Services representatives within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. When required by the results of the epidemiologic investigation, herd blood tests must be conducted or the herds must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test.

(3) Epidemiologic surveillance. (i) Adjacent herds. All adjacent herds or other herds having contact with cattle in

a herd known to be affected shall have an approved individual herd plan in effect within 45 days of notification of brucellosis in the herd known to be affected; (ii) Epidemiologically traced herds. All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall have an approved individual herd plan in effect within 45 days of locating the source herd or recipient herd.

(b) Herd infection rate.

(1) Percentage of herds affected.

States or areas must not exceed a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus*, of 1.5 percent or 15 herds per 1,000, except in States with 1,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States would qualify for Class B status. Locations of herds, sources of brucellosis, and brucellosis control measures taken by the State will be considered.

(2) Epidemiologic investigation.

Within 45 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or Veterinary Services representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 30 days to determine appropriate action.

(c) MCI reactor prevalence rate. The State or area must maintain a 12 consecutive month MCI reactor prevalence rate not to exceed 3 brucellosis reactors per 1,000 cattle tested (0.30 percent). For purposes of State or area classification, cattle which are not official vaccinates and are positive to the standard card test and officially vaccinated cattle positive to the rivanol test at 1:25 serum titer or greater will be counted as MCI reactors. The MCI reactor prevalence rate is a rate of infection in the cattle population based on the percentage of brucellosis reactors found in the MCI test cattle. The MCI reactor prevalence rate is adjusted for out-of-State and out-of-area cattle, recordkeeping errors, and cattle traced to herds known to be affected or to herds with negative herd blood tests. Special consideration of a State or area MCI reactor prevalence rate will be permitted when it is affected by unusual marketing conditions.

Class C State or area. A State or area which meets standards for classification as a Class C State or area and is

certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Deputy Administrator. Reduction in status to "quarantined area" can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State animal health official. The following are the standards to attain and maintain Class C status.

(a) Surveillance.

(1) Brucellosis ring test. The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at least three of the four brucellosis ring tests per year.

(2) Market Cattle Identification (MCI) program. (i) Coverage. All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test; (ii) Brucellosis reactors. At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin and an epidemiologic investigation conducted by State representatives or Veterinary Services representatives within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. When required by the results of the epidemiologic investigation, herd blood tests must be conducted or the herds must be confined to the premises under quarantine within 30 days of the official notification that brucellosis reactors were found on the MCI test.

(3) Epidemiologic surveillance. (i) Adjacent herds. All adjacent herds or other herds having contact with cattle in a herd known to be affected shall have an approved individual herd plan in effect within 45 days of notification of brucellosis in the herd known to be affected; (ii) Epidemiologically traced herds. All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall have an approved individual herd plan in effect within 45 days of locating the source herd or recipient herd.

(b) Herd infection rate.

(1) Percentage of herds affected. States or areas exceed a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus*, of 1.5 percent or 15

herds per 1,000, except in States with 1,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States should be classified as a Class C State. Locations of herds, sources of brucellosis, and brucellosis control measures taken by the State will be considered.

(2) Epidemiologic investigation. Within 45 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or Veterinary Services representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 30 days to determine appropriate action.

(c) MCI reactor prevalence rate. The State or area maintains a 12 consecutive month MCI reactor prevalence rate exceeding 3 brucellosis reactors per 1,000 cattle tested (0.30 percent). For purposes of State or area classification, cattle which are not official vaccinates and are positive to the standard card test and officially vaccinated cattle positive to the rivanol test at 1:25 serum titer or greater will be counted as MCI reactors. The MCI reactor prevalence rate is a rate of infection in the cattle population based on the percentage of brucellosis reactors found in the MCI test cattle. The MCI reactor prevalence rate is adjusted for out-of-State and out-of-area cattle, recordkeeping errors, and cattle traced to herds known to be affected or to herds with negative herd blood tests. Special consideration of a State or area MCI reactor prevalence rate will be permitted when it is affected by unusual marketing conditions.

(d) Compliance with minimum procedural standards.

(1) A State must implement and maintain minimum procedural standards.

(2) A State or area must make continued progress over a 2-year period in reducing the prevalence of brucellosis as determined by epidemiologic evaluation or it will be placed under Federal quarantine.

Class Free State or area. A State or area which meets standards for classification as a Class Free State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Deputy Administrator. Reclassification to a lower status can be made by the Deputy Administrator after notice and opportunity to be heard is given to the State animal health official. All cattle herds in the State or area in which brucellosis has been known to exist

must be released from any State or Federal brucellosis quarantine prior to classification. In addition, if any herds of other species of domestic livestock have been found to be affected with brucellosis, they must be subjected to an official test and found negative, slaughtered, or quarantined so that no known foci of brucellosis in any species of domestic livestock are left uncontrolled. The following are the standards to attain and maintain Class Free status.

(a) Surveillance.

(1) Brucellosis ring test. The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at least three of the four brucellosis ring tests per year.

(2) Market Cattle Identification (MCI) program. (i) Coverage. All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test; (ii) Brucellosis reactors. At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin and an epidemiologic investigation conducted by State representatives or Veterinary Services representatives within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. When required by the results of the epidemiologic investigation, herd blood tests must be conducted or the herds must be confined to the premises under quarantine within 30 days of notification that brucellosis reactors were found on the MCI test.

(3) Epidemiologic surveillance. (i) Adjacent herds. All adjacent herds or other herds having contact with cattle in a herd known to be affected shall be placed under quarantine and have an approved individual herd plan in effect within 15 days after notification of brucellosis in the herd known to be affected; (ii) Epidemiologically traced herds. All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall be placed under quarantine and have an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

(b) Herd infection rate.

(1) Percentage of herds affected. All cattle herds in the State or area must

remain free of field strain *Brucella abortus* for 12 consecutive months. States or areas must have a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus* of 0.0 percent or 0 herds per 1,000.

(2) **Epidemiologic investigation.** Within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or Veterinary Services representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 15 days to determine appropriate action.

(c) **MCI reactor prevalence rate.** The State or area must maintain a 12 consecutive month MCI reactor prevalence rate not to exceed 1 brucellosis reactor per 2,000 cattle tested (0.050 percent). For purposes of State or area classification, cattle which are not official vaccinates and are positive to the standard card test and officially vaccinated cattle positive to the rivanol test at 1:25 serum titer or greater will be counted as MCI reactors. The MCI reactor prevalence rate is a rate of infection in the cattle population based on the percentage of brucellosis reactors found in the MCI test cattle. The MCI reactor prevalence rate is adjusted for out-of-State and out-of-area cattle, recordkeeping errors, and cattle traced to herds known to be affected or to herds with negative herd blood tests. Special consideration of a State or area MCI reactor prevalence rate will be permitted when it is affected by unusual marketing conditions.

Dairy cattle. A bovine animal of a recognized dairy breed.

Deputy Administrator. The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official delegated to act in the Deputy Administrator's stead.

Designated epidemiologist. An epidemiologist selected by the State animal health official and the Veterinarian in Charge to perform the functions required. The regional epidemiologist and the Veterinary Services brucellosis staff must concur in the selection and appointment of the designated epidemiologist.

Directly. Without unloading en route if moved in a means of conveyance, or without stopping if moved in any other manner.

Epidemiologist. A veterinarian who has received a master's degree in

epidemiology or completed a course of study in epidemiology sponsored by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

Epidemiology. A branch of medical science that deals with the incidence, distribution, and control of disease in the animal population.

Farm of origin. (a) Premises where cattle or bison are born and remain prior to movement from the premises but which are not used to assemble cattle or bison from any other premises for 4 months before such movement; or (b) premises where cattle or bison remain for not less than 4 months immediately before movement from the premises but which are not used to assemble cattle or bison from any other premises for 4 months before such movement.

Finished fed cattle. Cattle fattened on a ration of feed concentrates to reach a slaughter condition equivalent to that which would be attained on full feed with a high concentrate grain ration for 90 days.

Herd. (a) All animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm or ranch); or (b) All animals under common ownership or supervision on two or more premises which are geographically separated but on which animals from the different premises have been interchanged or had contact with each other.

Herd blood test.

(a) Cattle and bison. A blood test for brucellosis conducted in a herd on all cattle or bison which are (1) 6 months of age or over and not official vaccinates, except steers and spayed heifers; (2) Official calfhood vaccinates of any age which are parturient or postparturient; (3) Official calfhood vaccinates of beef breeds or bison with the first pair of permanent incisors fully erupted (2 years of age or over); and (4) Official calfhood vaccinates of dairy breeds with partial eruption of the first pair of permanent incisors (20 months of age or over).

(b) Swine. A blood test for brucellosis conducted in a herd on all swine 6 months of age or over maintained in the herd for breeding purposes.

Herd known to be affected. Any herd in which any animal has been classified as a brucellosis reactor and which has not been released from quarantine.

Herd not known to be affected. Any herd in which no animal has been classified as a brucellosis reactor or any herd in which one or more animals have been classified as brucellosis reactors but which has been released from quarantine.

Herd of origin of swine. Any herd in which swine are farrowed and remain until movement or any herd in which swine remain for 30 days immediately prior to movement.

Interstate. From any State into or through any other State.

Market cattle identification test. Cows and bulls 2 years of age or over which have been moved to recognized slaughtering establishments, and test-eligible cattle which are subjected to an official test for the purposes of movement at farms, ranches, auction markets, stockyards, or other assembly points. Such cattle shall be identified by an official eartag and/or United States Department of Agriculture backtag prior to or at the first market, stockyard, or slaughtering establishment they reach.

Market swine test swine. Sows and boars which have been moved to slaughtering establishments and sows and boars which are subjected to an official test for the purposes of movement at farms, ranches, auction markets, stockyards, or other assembly points.

Moved. Shipped, transported, delivered, or received for movement, or otherwise aided, induced, or caused to be moved.

Moved (movement) in interstate commerce. Moved from the point of origin of the interstate movement to the animals' final destination, such as a slaughtering establishment or a farm for breeding or raising, and including any temporary stops for any purpose along the way, such as at a stockyard or dealer premises for feed, water, rest, or sale.

Official adult vaccinate.

(a) (1) Female cattle or female bison older than the specified ages defined for official calfhood vaccinate and vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with a reduced dose approved brucella vaccine, diluted so as to contain at least 300 million and not more than 1 billion live cells per 2 ml. dose, as part of a whole herd vaccination plan authorized jointly by the State animal health official and the Veterinarian in Charge; or (2) Female cattle or female bison vaccinated prior to December 31, 1984, in accordance with the definition of an official adult vaccinate in this part at the date of vaccination; and

(b) (1) Permanently identified by a "V" hot brand on the right jaw or high on the hip near the tailhead, or by an official AV (adult vaccination) tattoo in the right ear preceded by the quarter of the year and followed by the last digit of

the year; and (2) Identified with an official eartag or individual animal registered breed association registration brand or individual animal registered breed association tattoo.

Official brand inspection certificate. A document issued by an official brand inspection agency in any State which requires such documents for movement of cattle.

Official brand recording agency. The duly constituted body authorized by a State or governmental subdivision thereof to administer laws, regulations, ordinances or rules pertaining to the brand identification of cattle.

Official calfhood vaccine.

(a) (1) Female cattle or female bison vaccinated while from 4 through 12 months of age by a Veterinary Services representative, State representative, or accredited veterinarian with a reduced dose approved brucella vaccine containing at least 3 billion and not more than 10 billion live cells per 2 ml. dose; or (2) Female cattle or female bison vaccinated prior to December 31, 1994, in accordance with the definition of an official vaccine in this part at the date of vaccination; and

(b) Permanently identified by a tattoo and by an official vaccination eartag in the right ear. However, if already identified with an official eartag prior to vaccination, an additional tag is not required. The tattoo must include the U.S. Registered Shield and "V," preceded by the quarter of the year and followed by the last digit of the year of vaccination. Individual animal registered breed association registration brands or individual animal registered breed association registration tattoos may be substituted for official eartags.

Official eartag. A Veterinary Services approved identification eartag conforming to the nine-character alphanumeric National Uniform Eartagging System which provides unique identification for each animal.

Official seal. A serially numbered, metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged and which cannot be reused if opened, or a serially numbered, self-locking button which can be used for this purpose.

Official test.

(a) Classification of cattle and bison. (1) Standard card test (standard sensitivity pH 3.8).

(i) A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by Veterinary Services and the State in which the test

is to be conducted and when conducted under the following circumstances:

(A) When conditions and time are such that no other test is available; or

(B) When the owner or the owner's agent requests it because of time or situation constraints; or

(C) In specifically approved stockyards when the State animal health official designates the standard card test as the official test in all specifically approved stockyards in the State. In such States, no other test except the BAPA shall be used as an official test in specifically approved stockyards; or

(D) To test market cattle identification (MCI) program test samples. Cattle and bison which test positive to the BAPA test or RST under the MCI program must be retested using the standard card test or the standard plate or tube agglutination test.

(ii) Results of the standard card test also may be used to supplement the results of other official tests conducted in the cooperative State-Federal laboratory to give the designated epidemiologist additional information when classifying cattle and bison.

(iii) Standard card test results are interpreted as either negative or positive. A moderate to marked clumping agglutination reaction is a positive result. Test-eligible cattle and bison positive to the standard card test are classified as brucellosis reactors. Test-eligible cattle and bison negative to the standard card test are classified as brucellosis negative.

(2) Standard tube test (STT) or standard plate test (SPT). A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by Veterinary Services and the State in which the test is to be conducted. Cattle and bison are classified according to the following agglutination reactions:

SPT OR STT CLASSIFICATION—OFFICIAL VACCINATES

Titer			Classification
1:50	1:100	1:200	
—	—	—	Negative.
I	—	—	Do.
+	—	—	Do.
+	I	—	Suspect.
+	+	—	Do.
+	+	I	Do.
+	+	+	Reactor.

— No agglutination.
I—Incomplete agglutination.
+—Complete agglutination.

ALL CATTLE AND BISON WHICH ARE NOT OFFICIAL VACCINATES

Titer		Classification	
1:50	1:100	1:200	
—	—	—	Negative.
I	—	—	Suspect.
+	—	—	Do.
+	I	—	Do.
+	+	—	Reactor.
+	+	I	Do.
+	+	+	Do.

— No agglutination.
I—Incomplete agglutination.
+—Complete agglutination.

(3) Manual complement-fixation (CF) test. A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by Veterinary Services and the State in which the test is to be conducted. Cattle and bison are classified according to the following reactions:

(i) Cattle and bison which are not official vaccinates:

(A) Fifty percent fixation (2 plus) in a dilution of 1:20 or higher—brucellosis reactor;

(B) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 50 percent fixation (2 plus) in a dilution of 1:20—brucellosis suspect;

(C) Less than 50 percent fixation (2 plus) in a dilution of 1:10—brucellosis negative;

(ii) Official vaccinates:

(A) Twenty-five percent fixation (1 plus) in a dilution of 1:40 or higher—brucellosis reactor;

(B) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 25 percent fixation (1 plus) in a dilution of 1:40—brucellosis suspect;

(C) Less than 50 percent fixation (2 plus) in a dilution of 1:10—brucellosis negative.

(4) Technicon automated complement-fixation test. A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by Veterinary Services and the State in which the test is to be conducted. Cattle and bison are classified according to the following reactions:

(i) Cattle and bison which are not official vaccinates:

(A) Fixation in a dilution of 1:10 or higher—brucellosis reactor;

(B) Fixation in a dilution of 1:5 but no fixation in a dilution of 1:10—brucellosis suspect;

(C) No fixation in a dilution of 1:5 or lower—brucellosis negative;

(ii) Official vaccinates:

(A) Fixation in a dilution of 1:20 or higher—brucellosis reactor;

(B) Fixation in a dilution of 1:10 but no fixation in a dilution of 1:20—brucellosis suspect;

(C) Fixation in a dilution of 1:5 or less but no fixation in a dilution of 1:10—brucellosis negative.

(5) Rivanol test. A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by Veterinary Services and the State in which the test is to be conducted. Cattle and bison are classified according to the following agglutination reactions:

(i) Cattle and bison which are not official vaccinates:

(A) Complete agglutination at a titer of 1:25 or higher—brucellosis reactor;

(B) Less than complete agglutination at a titer of 1:25—brucellosis negative;

(ii) Official adult vaccinates more than 5 months after vaccination and official calfhood vaccinates:

(A) Incomplete agglutination at a titer of 1:100 or higher—brucellosis reactor;

(B) Complete agglutination at a titer of 1:25 or higher when the manual or technicon automated complement-fixation test is not conducted—brucellosis reactor;

(C) Complete agglutination at a titer of 1:50 or less when the manual complement-fixation test or the technicon automated complement-fixation test is conducted and results in a classification of brucellosis suspect or brucellosis negative—brucellosis suspect;

(D) Less than complete agglutination at a titer of 1:25—brucellosis negative;

(iii) Official adult vaccinates less than 5 months after vaccination: Less than complete agglutination at the 1:50 titer—brucellosis negative.

(6) Semen plasma test. A test to determine the brucellosis disease status of bulls used for artificial insemination when conducted in conjunction with an official serological test and according to instructions approved by Veterinary Services and the State in which the test is to be conducted. The classification of such bulls shall be based on the maximum agglutination titer of either the official serological test or the semen plasma test.

(7) Buffered acidified plate antigen (BAPA) test. A test to determine the brucellosis disease status of test-eligible cattle and bison at recognized slaughtering establishments and specifically approved stockyards when conducted according to instructions approved by Veterinary Services and the State in which the test is to be conducted. BAPA test results are interpreted as either negative or positive. Cattle and bison negative to

the BAPA test are classified as brucellosis negative. Cattle and bison positive to the BAPA test shall be subjected to other official tests to determine their brucellosis classification.

(8) Rapid screening test (RST). A test to determine the brucellosis disease status of test-eligible cattle and bison in cooperative State-Federal laboratories when conducted according to instructions approved by Veterinary Services and the State in which the test is to be conducted. RST results are interpreted as either negative or positive. Cattle and bison negative to the RST are classified as brucellosis negative. Cattle and bison positive to the RST shall be subjected to other official tests to determine their brucellosis classification.

(9) The evaluation of test results for all cattle and bison shall be the responsibility of a designated epidemiologist in each State. The designated epidemiologist shall consider the animal and herd history and other epidemiologic factors when determining the brucellosis classification of cattle and bison. Deviations from the brucellosis classification criteria as provided in this definition of official test are acceptable when made by the designated epidemiologist.

(b) Classification of swine.

(1) Standard card test. A test to determine the brucellosis disease status of swine. Standard card test results are interpreted as either negative or positive. A moderate to marked clumping agglutination reaction is a positive result. Swine negative to the standard card test are classified as brucellosis negative. Swine positive to the standard card test in a herd not known to be affected but negative to any other official test or bacteriological culture for *brucella* are classified as brucellosis suspects. Other swine positive to the standard card test are classified as brucellosis reactors.

(2) Standard tube test. A test to determine the brucellosis disease status of swine.

(i) If all of the following apply: (A) The swine are part of a herd not known to be affected; (B) No swine tested, individually or as part of a group, has a complete agglutination reaction at a dilution of 1:100 or higher; and (C) the swine are tested as part of a herd blood test or are part of a validated brucellosis-free herd, then the swine are classified according to the following agglutination reactions:

Titer		Classification	
1:25	1:50	1:100	
1	—	—	Negative.
+	—	—	Do.
+	1	—	Do.
+	+	—	Do.
+	+	1	Do.

— No agglutination.
1—Incomplete agglutination.
+—Complete agglutination.

(ii) If any of the following apply: (A) The swine are part of a herd known to be affected; (B) Any swine tested, individually or as part of a group, has a complete agglutination reaction at a dilution of 1:100 or higher or; (C) The swine are not part of a validated brucellosis-free herd and are not being tested as part of a herd blood test, then the swine are classified according to the following agglutination reactions:

Titer		Classification	
1:25	1:50	1:100	
1	—	—	Negative.
+	—	—	Reactor.
+	1	—	Do.
+	+	—	Do.
+	+	1	Do.
+	+	+	Do.

— No agglutination.
1—Incomplete agglutination.
+—Complete agglutination.

Official vaccinate. An official calfhood vaccine or an official adult vaccine. The accredited veterinarian, State representative or Veterinary Services representative who performs the vaccination must forward a completed official vaccination certificate for each animal vaccinated to the State animal health official of the State in which the animal was vaccinated.

Official vaccination eartag. A Veterinary Services approved identification eartag conforming to the alpha-numeric National Uniform Eartagging System which provides unique identification for each animal. The eartag shall have a "V" followed by 2 letters and 4 numbers. States which require more official vaccination eartags than the number of combinations available in the "V" series of tags shall use a "T" or "S" followed by 2 letters and 4 numbers. Duplicate reissue of official vaccination eartags shall not be made more often than once each 15 years.

Originate.

(a) Animals will have the status of the herd from which they are moved if:

(1) They were born and maintained in the herd since birth; or

(2) They have been in the herd for at least 120 days.

(b) Animals will have the status of the State or area from which they are moved if:

(1) They were born and maintained in the State or area since birth; or

(2) They were previously moved from a State or area of equal or higher class to the State or area; or

(3) They were previously moved from a State or area of lower class to the State or area where they are now located and have been in the new State or area for at least 120 days.

(c) Cattle penned in a specifically approved stockyard with cattle from a lower class State or area, in violation of the requirements set forth in §78.44, shall have the status of the State or area of lower class for any subsequent movement.

Parturient. Visibly prepared to give birth or within 2 weeks of giving birth (springers).

Permit. An official document (VS Form 1-27 or a State form which contains the same information but not a "permit for entry" or "S" brand permit) issued by a Veterinary Services representative, State representative, or accredited veterinarian which lists the owner's name and address, points of origin and destination, number of animals covered, purpose of the movement, any reactor tag number, and one of the following: the official eartag number, individual animal registered breed association registration tattoo, individual animal registered breed association registration brand, United States Department of Agriculture backtag (when applied serially, only the beginning and the ending numbers need be recorded), individual animal registered breed association registration number, or similar individual identification. (A new permit is required for each change in destination. However, permits accompanying cattle or bison to an approved intermediate handling facility may list either the approved intermediate handling facility or a recognized slaughtering establishment as the point of destination. If such a permit lists a recognized slaughtering establishment as the point of destination, then the permit must list the approved intermediate handling facility as a temporary stopping point, and no additional permit is required for the subsequent movement of the cattle or bison to the recognized slaughtering establishment.)

Permit for entry. A premovement authorization for entry of cattle into a State from the State animal health

official of the State of destination. It may be oral or written.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

Postparturient. Having given birth.

Qualified herd.

(a) Qualification. (1) Any herd of cattle or bison which is in a quarantined area, not known to be affected, and negative to two consecutive herd blood tests. The first of these two herd blood tests shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a qualified herd. The second herd blood test may not be conducted less than 90 days nor more than 150 days after the first test. Additionally, the second herd blood test must be within 120 days of the date of classification as a qualified herd; or (2) Any certified brucellosis-free herd in a quarantined area which is negative to a herd blood test 120 days before or after designation of the area as a quarantined area.

(b) Requalification. In order to remain a qualified herd, a herd must be negative to successive requalifying herd blood tests. Each requalifying test shall be conducted not more than 120 days from the date of the preceding herd blood test. All cattle or bison added to a qualified herd must be included in two successive herd blood tests of the qualified herd to qualify as cattle or bison from the qualified herd.

Quarantined area. An area in which brucellosis exists but in which control and eradication procedures are not adequate to prevent the interstate dissemination of brucellosis.

Quarantined feedlot.¹ A confined area under State quarantine approved jointly by the State animal health official and the Veterinarian in Charge. Approval will be granted only after a State representative or Veterinary Services representative inspects the confined area and determines that all cattle and bison are secure and isolated from contact with all other cattle and bison, that there are facilities for identifying cattle and bison, and that there is no possibility of brucellosis being mechanically transmitted from the confined area. The quarantined feedlot shall be maintained for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing. All cattle and bison in a quarantined feedlot, except steers and spayed

heifers, shall be treated as brucellosis exposed.

(a) All cattle and bison, except steers and spayed heifers, leaving the quarantined feedlot must (1) Be accompanied by a permit and move directly to a recognized slaughtering establishment; or (2) Be "S" branded and accompanied by an "S" brand permit and move directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or (3) Be accompanied by a permit issued by the State animal health official and move directly to another quarantined feedlot; or (4) After being "S" branded at the quarantined feedlot, be accompanied by an "S" brand permit and move directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and bison and then directly to a recognized slaughtering establishment or another quarantined feedlot; or (5) After being "S" branded at the quarantined feedlot, be accompanied by an "S" brand permit and move directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and bison and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment. However, finished fed cattle moving directly to a recognized slaughtering establishment are exempt from the permit/"S" brand permit requirement.

(b) The State animal health official and the Veterinarian in Charge shall establish procedures for accounting for all cattle and bison entering or leaving quarantined feedlots.

Quarantined pasture. A confined grazing area under State quarantine approved by the State animal health official, Veterinarian in Charge and the Deputy Administrator. A justification of the need for the quarantined pasture must be prepared by the State animal health official and/or Veterinarian in Charge and submitted to the Deputy Administrator. An intensified brucellosis eradication effort which produces large numbers of brucellosis exposed cattle or bison or official adult vaccinates needing the grazing period to reach slaughter condition would be an acceptable justification. Approval will be granted only after a State representative or Veterinary Services representative inspects the confined grazing area and determines that all cattle and bison are secure and isolated from contact with all other cattle and bison, that there are facilities for identifying the cattle and bison, and that there is no possibility of brucellosis being mechanically transmitted from the

¹ A list of quarantined feedlots in any State may be obtained from the State animal health official, a State representative, or a Veterinary Services representative.

confined grazing area. The quarantined pasture shall be for utilizing available forage for growth or to improve flesh condition of cattle or bison. No cattle or bison may be moved interstate into these quarantined pastures, which shall be restricted for use by cattle or bison originating within the State. All cattle or bison shall be of the same sex, except that neutered cattle and bison may share the quarantined pasture. All cattle and bison, except steers and spayed heifers, must be "S" branded upon entering the quarantined pasture. All cattle and bison, except steers and spayed heifers, leaving the quarantined pasture must move directly to a recognized slaughtering establishment or quarantined feedlot, or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment. The movement shall be in accordance with established procedures for handling brucellosis exposed cattle and bison, including issuance of "S" brand permits prior to movement. The State animal health official and Veterinarian in Charge shall establish procedures for accounting for all cattle and bison entering and leaving the quarantined pasture. All brucellosis exposed cattle and bison must vacate the premises on or before the expiration of approval, which may not last longer than 10 months.

Recognized slaughtering establishment.² Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or a State meat inspection act.

"S" branded. Branding with a hot iron the letter "S" at least 5 sq. cm. (2x2 inches) in size on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae).

"S" brand permit. A document prepared at the point of origin which lists the points of origin and destination, the number of animals covered, the purpose of movement, and one of the following: The official eartag number, individual animal registered breed association registration tattoo, individual animal registered breed association registration brand, individual animal registered breed association registration number, United States Department of Agriculture backtag (when applied serially, only the beginning and the ending numbers need be recorded), or similar individual identification. If the document is

prepared at a quarantined feedlot, it shall be prepared by an accredited veterinarian, a State representative, or an individual designated for that purpose by the State animal health official. If the document is prepared at any other point of origin, it shall be prepared by an accredited veterinarian, State representative, or Veterinary Services representative. (A new "S" brand permit is required for each change in destination. However, "S" brand permits accompanying cattle or bison to approved intermediate handling facilities may list either the approved intermediate handling facility or a recognized slaughtering establishment as the point of destination. If such an "S" brand permit lists a recognized slaughtering establishment as the point of destination, the "S" brand permit must list the approved intermediate handling facility as a temporary stopping point, and no additional "S" brand permit is required for the subsequent movement of the cattle or bison to the recognized slaughtering establishment.)

Sow. A female swine which is parturient or postparturient.

Specifically approved stockyard.³ Premises where cattle or bison are assembled for sale or sale purposes and which meet the standards set forth in § 78.44 and are approved by the Deputy Administrator.

State. Any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands or any other territory or possession of the United States.

State animal health official. The State official responsible for livestock and poultry disease control and eradication programs.

State representative. An individual employed in animal health work by a State or a political subdivision thereof and authorized by such State or political subdivision to perform the function involved under a memorandum of understanding with the United States Department of Agriculture.

Test-eligible cattle and bison. For purposes of interstate movement, test-eligible cattle and bison are:

(a) Cattle and bison which are not official vaccinates and which have lost their first pair of temporary incisors (18 months of age or over), except steers and spayed heifers;

(b) Official calfhood vaccinates 18 months of age or over which are parturient or postparturient;

(c) Official calfhood vaccinates of beef breeds or bison with the first pair of permanent incisors fully erupted (2 years of age or over); and

(d) Official calfhood vaccinates of dairy breeds with partial eruption of the first pair of permanent incisors (20 months of age or over).

Validated brucellosis-free herd. (a) Validation. A herd of swine in which all sows and boars maintained for breeding purposes are negative to an official test. (b) Revalidation. To remain a validated brucellosis-free herd, (1) All sows and boars maintained for breeding purposes in the herd must be negative to an official test within 10 to 14 months of the last validation test date; or (2) At least 20 percent of the sows and boars maintained for breeding purposes in the herd must be tested under a market swine test (MST) program during the year, with at least one-half of the MST sampling occurring during the last 6 months of the validation period; or (3) All sows and boars maintained for breeding purposes in the herd must be tested in groups according to an approved individual herd plan with each such sow and boar tested at least once during the 1-year validation period.

Validated brucellosis-free State. (a) Validation.

(1) The State has necessary authorities for classification as a validated brucellosis-free State for swine; and

(2) The State has:

(i) No known focus of swine brucellosis at the time of validation and has completed one of the following methods of surveillance: (A) All sows and boars maintained for breeding purposes in the State are subjected to an official test during the 18 months preceding validation and no more than 3 percent of the herds in the State are found to have brucellosis; (B) All swine maintained in herds for breeding purposes and sold are subjected to an official test; 90 percent of all sows and boars marketed for slaughter are subjected to an official test; and, during the 12 months preceding validation, at least 90 percent of the brucellosis reactors identified are traced to their herds of origin and no more than 3 percent of the herds in the State are found to have brucellosis; (C) During a 2-year period, all herds from which sows and boars maintained for breeding purposes are sold are subjected to a herd blood test; and at least 50 percent of the brucellosis reactors identified at slaughter are traced to their herd of

² A list of recognized slaughtering establishments in any State may be obtained from a Veterinary Services representative, the State animal health official or a State representative.

³ Notices containing lists of specifically approved stockyards are published in the Federal Register. Lists of specifically approved stockyards also may be obtained from the State animal health official, State representatives, or Veterinary Services representatives.

origin and no more than 3 percent of the herds in the State are found to have brucellosis; or

(ii) No diagnosed case of swine brucellosis in the preceding 12 months, and a statistical analysis of combined results of the Market Swine Testing (MST) program, change of ownership testing, farm validation tests, and diagnostic tests conducted during the period shows the testing to be equivalent to either complete herd testing or slaughter surveillance during a 1 or 2-year period, as chosen by the State as most appropriate to its marketing needs; and

(3) The State is certified as such by the appropriate State animal health official, the Veterinarian in Charge, and the Deputy Administrator. A State may qualify as a validated brucellosis-free State regardless of the brucellosis status of feral swine in that State if the feral swine are not in physical contact with domestic swine.

(b) Revalidation. Revalidation may be obtained by either herd testing, slaughter surveillance, or combined surveillance, as chosen by the State as most appropriate to its marketing needs.

Veterinarian in Charge. The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

Veterinary Services. Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Veterinary Services representative. An individual employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, and authorized to perform the function involved.

Whole herd vaccination. The vaccination of all female cattle and female bison 4 months of age or over in a herd when authorized by the State animal health official and the Veterinarian in Charge, and conducted in accordance with the definitions of official adult vaccinate and official calfhood vaccinate.

(Approved by the Office of Management and Budget under control numbers 0579-0047, 0579-0051, and 0579-0064)

§ 78.2 Handling of certificates, permits, and "S" brand permits for interstate movement of animals.

(a) Any certificate, permit, or "S" brand permit required by this part for

the interstate movement of animals shall be delivered to the person moving the animals by the shipper or shipper's agent at the time the animals are delivered for movement and shall accompany the animals to their destination and be delivered to the consignee or the person receiving the animals.

(b) The Veterinary Services representative, State representative, or accredited veterinarian issuing a certificate or permit required for the interstate movement of animals under this part, except for permits for entry and "S" brand permits, shall forward a copy thereof as follows: (1) A copy of each certificate shall be forwarded to the State animal health official of the State of destination, or to the State animal health official of the State of origin for forwarding to the State of destination; or (2) a copy of each permit shall be forwarded to the State animal health official of the State of destination.

(Approved by the Office of Management and Budget under control numbers 0579-0051 and 0579-0064)

§ 78.3 Handling in transit of cattle and bison moved interstate.

Cattle and bison moving interstate, except cattle and bison moved directly to a recognized slaughtering establishment, approved intermediate handling facility, or quarantined feedlot, shall be moved only in a means of conveyance which has been cleaned in accordance with §§ 71.5, 71.7, 71.10, and 71.11 of this chapter and, if unloaded in the course of such movement, shall be handled only in pens cleaned in accordance with the provisions of §§ 71.4, 71.7, 71.10, and 71.11 of this chapter.

§ 78.4 [Reserved]

Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

§ 78.5 General restrictions.

Cattle may not be moved interstate except in compliance with this subpart.

§ 78.6 Steers and spayed heifers.

Steers and spayed heifers may be moved interstate without restriction under this subpart.

§ 78.7 Brucellosis reactor cattle.

(a) **Destination.** Brucellosis reactor cattle may be moved interstate only for immediate slaughter as follows:

(1) Directly to a recognized slaughtering establishment; (2) Directly to an approved intermediate handling facility and then directly to a recognized

slaughtering establishment; or (3) From a farm of origin directly to a specifically approved stockyard approved to receive brucellosis reactors and then (i) Directly to a recognized slaughtering establishment; or (ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(b) **Identification.** Prior to moving interstate, brucellosis reactor cattle shall be (1) Individually identified by attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or a metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors; and (2) "B" branded.

(c) **Permit.** Brucellosis reactor cattle moving interstate shall be accompanied to destination by a permit.

(d) **Marking of records.** Each person moving brucellosis reactor cattle interstate shall, in the course of interstate movement, plainly write or stamp the words "Brucellosis Reactor" upon the face of any document that person prepares in connection with such movement.

(e) **Segregation en route.** Brucellosis reactor cattle shall not be moved interstate in any means of conveyance containing animals which are not brucellosis reactors unless all the animals are for immediate slaughter or unless the brucellosis reactor cattle are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

(Approved by the Office of Management and Budget under control number 0579-0051)

§ 78.8 Brucellosis exposed cattle.

Brucellosis exposed cattle may be moved interstate only as follows:

(a) **Movement to recognized slaughtering establishments.** (1) Finished fed cattle from a quarantined feedlot may be moved interstate (i) Directly to a recognized slaughtering establishment without further restriction under this part; or (ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if accompanied by a permit or "S" brand permit.

(2) Brucellosis exposed cattle may be moved interstate directly to a recognized slaughtering establishment if such cattle are: (i) Individually identified by an official eartag or a United States Department of Agriculture backtag; (ii) Accompanied by a permit or "S" brand permit; and (iii) (A) "S" branded before leaving the premises from which they are to be moved interstate; or (B) "B"

branded when a claim for indemnity is made under Part 51 of this chapter; or (C) Official adult vaccinates; or (D) Moved in vehicles closed with official seals applied and removed by a Veterinary Services representative, State representative, accredited veterinarian, or an individual authorized for this purpose by a Veterinary Services representative. The official seal numbers must be recorded on the accompanying permit or "S" brand permit.

(3) Brucellosis exposed cattle may be moved interstate directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are: (i) Individually identified by an official eartag or a United States Department of Agriculture backtag; (ii) Accompanied by a permit or "S" brand permit; and (iii) (A) "S" branded before leaving the premises from which they are to be moved interstate; or (B) "B" branded when a claim for indemnity is made under Part 51 of this chapter; or (C) Official adult vaccinates.

(4) Brucellosis exposed cattle moving to slaughter from a farm of origin may be moved directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to a recognized slaughtering establishment if such cattle are: (i) Individually identified by an official eartag or United States Department of Agriculture backtag; (ii) Accompanied by a permit or "S" brand permit; and (iii) (A) "S" branded before leaving the premises from which they are to be moved interstate; or (B) "B" branded when a claim for indemnity is made under Part 51 of this chapter; or (C) Official adult vaccinates; or (D) Moved in vehicles closed with official seals applied and removed by a Veterinary Services representative, State representative, accredited veterinarian, or an individual authorized for this purpose by a Veterinary Services representative. The official seal numbers must be recorded on the accompanying permit or "S" brand permit.

(5) Brucellosis exposed cattle moving to slaughter from a farm of origin may be moved directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are: (i) Individually identified by an official eartag or United States Department of Agriculture backtag; (ii) Accompanied by a permit or "S" brand permit; and (iii) (A) "S" branded before

leaving the premises from which they are to be moved interstate; or (B) "B" branded when a claim for indemnity is made under Part 51 of this chapter; or (C) Official adult vaccinates.

(b) *Movement to quarantined feedlots.* Brucellosis exposed cattle for which no claim for indemnity is being made by the owner under Part 51 of this chapter may be moved interstate directly to a quarantined feedlot or, from a farm of origin, directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to a quarantined feedlot if such cattle are:

(1) Individually identified by an official eartag or a United States Department of Agriculture backtag;

(2) Accompanied by a permit or "S" brand permit; and

(3)(i) "S" branded before leaving the premises from which they are to be moved interstate; or (ii) Official adult vaccinates.

(c) *Movement other than in accordance with paragraphs (a) and (b) of this section:* Brucellosis exposed cattle for which no claim for indemnity is being made by the owner under Part 51 of this chapter also may be moved interstate in accordance with § 78.10 and as follows:

(1) Such brucellosis exposed cattle from herds known to be affected may be moved interstate if the cattle are:

(i) Under 6 months of age and weaned from brucellosis reactors or brucellosis exposed cows not less than 30 days immediately preceding interstate movement; or

(ii) Under 6 months of age and nursing brucellosis exposed cows in a herd subjected to a herd blood test within 10 days prior to interstate movement; or

(iii) Official vaccinates under 1 year of age from a herd following an approved individual herd plan.

(2) Cattle moved interstate from a farm of origin directly to a specifically approved stockyard in accordance with §§ 78.9(b)(3)(iii), 78.9(c)(3)(iii), 78.9(d)(3)(iv), or 78.9(d)(3)(v) and subsequently determined to be brucellosis exposed may be moved interstate directly back to the farm of origin under the following conditions:

(i) Prior to interstate movement, State representatives of the State in which the cattle are located and the State of destination advise Veterinary Services that such movement would not be contrary to the laws and regulations of their respective States;

(ii) Prior to interstate movement, the State representative of the State of destination agrees to quarantine the cattle on arrival and to require that all

test-eligible cattle on the farm of origin be subjected to an official test; and

(iii) The cattle are accompanied to the farm of origin by a permit.

(Approved by the Office of Management and Budget under control numbers 0579-0051 and 0579-0064)

§ 78.9 Cattle from herds not known to be affected.

Cattle which are not test-eligible and are from herds not known to be affected may be moved interstate without further restriction if officially vaccinated as required in section § 78.10. Test-eligible cattle which are not brucellosis exposed and are from herds not known to be affected may be moved interstate only in accordance with § 78.10 and as follows:

(a) *Class Free States/areas.* Test-eligible cattle which originate in Class Free States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class Free States or areas only as specified below:

(1) *Movement to recognized slaughtering establishments.*

(i) Such cattle may be moved interstate directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if accompanied by a permit.

(iii) Such cattle may be moved interstate from other than a farm of origin directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are accompanied by a permit.

(2) *Movement to quarantined feedlots.* Such cattle may be moved interstate directly to a quarantined feedlot or directly to a specifically approved stockyard and then directly to a quarantined feedlot without restriction under this subpart.

(3) *Movement other than in accordance with paragraphs (a) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (a) (1) and (2) of this section only if:

(i) Such cattle are moved interstate from a farm of origin directly to a specifically approved stockyard; or

(ii) Such cattle are moved interstate from a farm of origin or returned interstate to a farm of origin in the

course of normal ranching operations; without change of ownership, directly to or from another premises owned, leased, or rented by the same individual; or

(iii) Such cattle are moved interstate accompanied by a certificate which states, in addition to the items specified in § 78.1, that the cattle originated in a Class Free State or area.

(b) *Class A States/areas.* Test-eligible cattle which originate in Class A States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class A States or areas only as specified below:

(1) *Movement to recognized slaughtering establishments.* (i) Such cattle may be moved interstate from a farm of origin or nonquarantined feedlot directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility without restriction under this subpart.

(iii) Such cattle from other than a farm of origin or nonquarantined feedlot may be moved interstate directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment if identity to the Class A State or area is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning cattle from the farm or State or area apart from other animals.

(iv) Such cattle from other than a farm of origin may be moved interstate accompanied by a permit (A) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or (B) Directly to a specifically approved stockyard and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(2) *Movement to quarantined feedlots.* (i) Such cattle may be moved interstate from a farm of origin directly to a quarantined feedlot or directly to a specifically approved stockyard and then directly to a quarantined feedlot if identity to the farm of origin is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning cattle from the farm of origin apart from other animals.

(ii) Such cattle from other than a farm of origin may be moved interstate

directly to a quarantined feedlot or directly to a specifically approved stockyard and then directly to a quarantined feedlot if identity to the Class A State or area is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning cattle from one farm or State or area apart from other animals.

(3) *Movement other than in accordance with paragraphs (b) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b) (1) and (2) of this section only if:

(i) Such cattle originate in a certified brucellosis-free herd and are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1, that the cattle originated in a certified brucellosis-free herd; or

(ii) Such cattle are negative to an official test within 30 days prior to such interstate movement and are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(iii) Such cattle are moved interstate from a farm of origin directly to a specifically approved stockyard and are subjected to an official test upon arrival at the specifically approved stockyard prior to losing their identity with the farm of origin; or

(iv) Such cattle are moved interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premises owned, leased, or rented by the same individual.

(c) *Class B States/areas.* Test-eligible cattle which originate in Class B States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class B States or areas only under the conditions specified below:

(1) *Movement to recognized slaughtering establishments.* (i) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility without restriction under this subpart.

(iii) Such cattle may be moved interstate from a nonquarantined feedlot directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if

they are accompanied by a permit or "S" brand permit.

(iv) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to a recognized slaughtering establishment if: (A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied to slaughter by a certificate or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or (C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or (D) They are moved from the specifically approved stockyard accompanied by an "S" brand permit and in vehicles closed with official seals applied and removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or an individual authorized for this purpose by a Veterinary Services representative. The official seal numbers must be recorded on the accompanying "S" brand permit.

(v) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if: (A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied by an "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an "S" brand permit; or (C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility.

(vi) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to a recognized slaughtering establishment only if: (A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd and

identity to the certified brucellosis-free herd is maintained; or (C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or (D) They are accompanied by an "S" brand permit and moved in vehicles closed with official seals applied and removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or by an individual authorized for this purpose by a Veterinary Services representative. The official seal numbers must be recorded on the accompanying "S" brand permit.

(vii) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to an approved intermediate handling facility and then directly to a recognized slaughtering establishment only if: (A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a permit or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an "S" brand permit; or (C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility.

(2) *Movement to quarantined feedlots.*

(i) Such cattle may be moved interstate from a farm of origin directly to: (A) A quarantined feedlot if such cattle are "S" branded upon arrival at the quarantined feedlot; or (B) A specifically approved stockyard and then directly to a quarantined feedlot if such cattle are "S" branded upon arrival at the specifically approved stockyard and are accompanied to the quarantined feedlot by an "S" brand permit.

(ii) Such cattle from other than a farm of origin may be moved interstate to a quarantined feedlot if: (A) They are negative to an official test within 30 days prior to such movement and are accompanied by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a quarantined feedlot.

(3) *Movement other than in accordance with paragraphs (c) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (c) (1) and (2) of this section only if:

(i) Such cattle originate in a certified brucellosis-free herd and are accompanied interstate by a certificate

which states, in addition to the items specified in § 78.1, that the cattle originated in a certified brucellosis-free herd; or

(ii) Such cattle are negative to an official test within 30 days prior to interstate movement, have been issued a permit for entry, and are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(iii) Such cattle are moved interstate from a farm of origin directly to a specifically approved stockyard and are subjected to an official test upon arrival at the specifically approved stockyard prior to losing their identity with the farm of origin; or

(iv) Such cattle are moved interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premises owned, leased or rented by the same individual, and (A) The cattle being moved originate from a herd in which (1) All the cattle were negative to a herd blood test within 1 year prior to the interstate movement; (2) Any cattle added to the herd after such herd blood test were negative to an official test within 30 days prior to the date the cattle were added to the herd; (3) None of the cattle in the herd have come in contact with any other cattle; and (B) The cattle are accompanied interstate by a document which states the dates and results of the herd blood test and the name of the laboratory in which the official tests were conducted.

(v) The State animal health officials of the State of origin and State of destination may waive the requirements of paragraph (c)(3)(iv) of this section in writing.

(d) *Class C States/areas.* Test-eligible cattle which originate in Class C States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class C States or areas only under the conditions specified below:

(1) *Movement to recognized slaughtering establishments.* (i) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility without restriction under this subpart.

(iii) Such cattle may be moved interstate from a nonquarantined feedlot directly to an approved intermediate

handling facility and then directly to a recognized slaughtering establishment if they are accompanied by a permit or "S" brand permit.

(iv) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to a recognized slaughtering establishment if: (A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied by a certificate or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or (C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or (D) They are moved from the specifically approved stockyard accompanied by an "S" brand permit and in vehicles closed with official seals applied and removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or an individual authorized for this purpose by a Veterinary Services representative. The official seal numbers must be recorded on the accompanying "S" brand permit.

(v) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if: (A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied by an "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an "S" brand permit; or (C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility.

(vi) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to a recognized slaughtering establishment only if: (A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from

a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or (C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or (D) They are accompanied by an "S" brand permit and moved in vehicles closed with official seals applied and removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or by an individual authorized for this purpose by the Veterinary Services representative. The official seal numbers must be recorded on the accompanying "S" brand permit.

(vii) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to an approved intermediate handling facility and then directly to a recognized slaughtering establishment only if: (A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a permit or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an "S" brand permit; or (C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility.

(2) Movement to quarantined feedlots.

(i) Such cattle may be moved interstate from a farm of origin directly to: (A) A quarantined feedlot if such cattle are "S" branded upon arrival at the quarantined feedlot; or (B) A specifically approved stockyard and then directly to a quarantined feedlot if such cattle are "S" branded upon arrival at the specifically approved stockyard and are accompanied to the quarantined feedlot by an "S" brand permit.

(ii) Such cattle from other than a farm of origin may be moved interstate to a quarantined feedlot if: (A) They are negative to an official test within 30 days prior to such movement and are accompanied by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or (B) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a quarantined feedlot.

(3) Movement other than in accordance with paragraphs (d) (1) or (2) of this section. Such cattle may be moved interstate other than in accordance with paragraphs (d) (1) or (2) of this section only if:

(i) Such cattle originate in a certified brucellosis-free herd and are

accompanied interstate by a certificate which states, in addition to the items specified in § 78.1, that the cattle originated in a certified brucellosis-free herd; or

(ii) Such cattle (A) Are negative to two consecutive official tests at least 60 days apart, with the first test not less than 60 days nor more than 1 year before interstate movement and the second test not more than 30 days before interstate movement; (B) Are accompanied by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; and (C) Have been issued a permit for entry; or

(iii) Such cattle (A) Are official vaccinates of the beef breeds 24 months of age or over, or of the dairy breeds 20 months of age or over; (B) Are negative to an official test within 30 days prior to the date of interstate movement; (C) Are accompanied by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; and (D) Have been issued a permit for entry; or

(iv) Such cattle (A) Are negative to an official test not less than 60 days nor more than 1 year before the interstate movement; (B) Are moved from a farm of origin directly to a specifically approved stockyard and are subjected to an official test upon arrival at the specifically approved stockyard prior to losing their identity with the farm of origin; and (C) Are accompanied by a document which states the test dates and results of the official tests conducted prior to the interstate movement; or

(v) Such cattle are official vaccinates of the beef breeds 24 months of age or over, or of the dairy breeds 20 months of age or over, are moved from a farm of origin directly to a specifically approved stockyard, and are subjected to an official test upon arrival at the specifically approved stockyard prior to losing their identity with the farm of origin; or

(vi) Such cattle are from a farm of origin and are negative to a herd blood test within 1 year prior to interstate movement, provided no cattle are added to the herd for at least 120 days before the herd blood test or between the time of the herd blood test and movement. If the herd blood test is not conducted within 30 days prior to interstate movement, such cattle must be negative to an official test within 30 days prior to movement. The cattle must have been issued a permit for entry and be accompanied by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests and that the cattle

originated from a farm of origin. The cattle also must be accompanied by a written statement signed by the owner and an accredited veterinarian, or other documentation, which establishes that the cattle originated from a herd to which no cattle had been added for at least 120 days before the herd blood test or between the time of the herd blood test and movement; or

(vii) Such cattle are moved interstate from a farm of origin or are returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premises owned, leased or rented by the same individual, and (A) The cattle being moved originate from a herd in which (1) All the cattle were negative to a herd blood test within 1 year prior to the interstate movement; (2) Any cattle added to the herd after such a herd blood test were negative to an official test within 30 days prior to the date the cattle were added to the herd; (3) None of the cattle in the herd have come in contact with any other cattle; and (B) The cattle are accompanied interstate by a document which shows the dates and results of the herd blood test and the name of the laboratory in which the official tests were conducted.

(Approved by the Office of Management and Budget under control numbers 0579-0051 and 0579-0064)

§ 78.10 Official vaccination of cattle moving into and out of Class B and Class C States or areas.

(a) Female dairy cattle born after January 1, 1984, which are 4 months of age or over must be official vaccinates to move interstate into or out of a Class B State or area⁴ unless they are moved interstate directly to a recognized slaughtering establishment or quarantined feedlot or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment. Female cattle eligible for official calfhood vaccination and required by this paragraph to be officially vaccinated may be moved interstate from a farm of origin directly to a specifically approved stockyard and be officially vaccinated upon arrival at the specifically approved stockyard.

(b) Female cattle born after January 1, 1984, which are 4 months of age or over must be official vaccinates to move into

⁴ Female cattle imported into the United States may be exempted from the vaccination requirements of this paragraph with the concurrence of the State animal health official of the State of destination. This concurrence is required prior to importation of the cattle into the United States.

or out of a Class C State or area ⁴ unless they are moved interstate directly to a recognized slaughtering establishment or quarantined feedlot or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment. Female cattle eligible for official calfhood vaccination and required by this paragraph to be officially vaccinated may be moved interstate from a farm of origin directly to a specifically approved stockyard and be officially vaccinated upon arrival at the specifically approved stockyard.

§ 78.11 Cattle moved to a specifically approved stockyard not in accordance with this part.

Cattle, except brucellosis reactors and brucellosis exposed cattle, which are moved interstate to a specifically approved stockyard but fail to comply with the requirements of this part for release from the specifically approved stockyard may be moved from the specifically approved stockyard only as follows:

(a) With the concurrence of the State animal health officials of the State of origin and State of destination, directly back to the farm of origin accompanied by a permit; or

(b) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are "S" branded and accompanied by an "S" brand permit; or

(c) Directly to a recognized slaughtering establishment if such cattle are (1) "S" branded and accompanied by an "S" brand permit; or (2) Accompanied by an "S" brand permit and moved in vehicles closed with official seals applied and removed by a Veterinary Services representative, State representative, an accredited veterinarian, or an individual authorized for this purpose by a Veterinary Services representative. The official seal numbers must be recorded on the "S" brand permit; or

(d) Directly to a quarantined feedlot if such cattle are "S" branded and accompanied by an "S" brand permit.

(Approved by the Office of Management and Budget under control numbers 0579-0051 and 0579-0064)

§ 78.12 Cattle from quarantined areas.

Notwithstanding any provisions in the regulations to the contrary, cattle may be moved interstate from a quarantined area only in accordance with § 78.10 and this section.

(a) *Steers and spayed heifers.* Steers and spayed heifers may be moved

interstate without restriction under this section.

(b) *Brucellosis reactor cattle.*

Brucellosis reactor cattle may be moved interstate in accordance with § 78.7.

(c) *Brucellosis exposed cattle.*

Brucellosis exposed cattle may be moved interstate in accordance with § 78.8 (a) or (b).

(d) *Movement from qualified herds.*

Cattle from qualified herds in any quarantined area may be moved interstate only as follows:

(1) *Movement to recognized slaughtering establishments.*

(i) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(ii) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by an "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(iii) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to a specifically approved stockyard and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by a permit or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(iv) Cattle from qualified herds in a quarantined area may be moved interstate in accordance with § 78.8(a).

(2) *Movement to quarantined feedlots.*

(i) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to a quarantined feedlot or directly to a specifically approved stockyard and then directly to a quarantined feedlot if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by a

certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(ii) Cattle from qualified herds in a quarantined area may be moved in accordance with § 78.8(b).

(3) *Movement other than in accordance with paragraph (d) (1) or (2) of this section.* Cattle from qualified herds in a quarantined area may be moved interstate other than in accordance with paragraph (d) (1) or (2) of this section, either directly from a farm of origin or from a farm of origin through no more than one specifically approved stockyard if (i) The cattle, except official vaccinates less than 1 year of age and cattle less than 6 months of age, are negative to an official test within 30 days prior to such interstate movement; and (ii) The cattle are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests when such tests are required.

(e) *Movement from herds which are not qualified.* Cattle from herds known to be affected or from herds which are not qualified in any quarantined area may be moved interstate only in accordance with § 78.8 (a) or (b).⁵

(Approved by the Office of Management and Budget under control numbers 0579-0051 and 0579-0064)

§ 78.13 Other movements.

The Deputy Administrator may, upon request in specific cases, permit the interstate movement of cattle not otherwise provided for in this subpart, under such conditions as the Deputy Administrator may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator shall promptly notify the State animal health officials of the States involved of any such action.

§§ 78.14-78.19 [Reserved]

Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis.

§ 78.20 General restrictions.

Bison may not be moved interstate except in compliance with this subpart.

§ 78.21 Bison steers and spayed heifers.

Bison steers and spayed heifers may be moved interstate without restriction under this subpart.

⁵A herd which is not qualified in a quarantined area may become a qualified herd upon compliance with the provisions set forth in § 78.1 in the definition of "qualified herd."

§ 78.22 Brucellosis reactor bison.

(a) *Destination.* Brucellosis reactor bison may be moved interstate only for immediate slaughter as follows:

(1) Directly to a recognized slaughtering establishment; (2) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or (3) From a farm of origin directly to a specifically approved stockyard approved to receive brucellosis reactors and then (i) Directly to a recognized slaughtering establishment; or (ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(b) *Identification.* Prior to moving interstate, brucellosis reactor bison shall be (1) Individually identified by attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or a metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors; and (2) "B" branded.

(c) *Permit.* Brucellosis reactor bison moving interstate shall be accompanied to destination by a permit.

(d) *Marking of records.* Each person moving brucellosis reactor bison interstate shall, in the course of interstate movement, plainly write or stamp the words "Brucellosis Reactor" upon the face of any document that person prepares in connection with such movement.

(e) *Segregation en route.* Brucellosis reactor bison shall not be moved interstate in any means of conveyance containing animals which are not brucellosis reactors unless all of the animals are for immediate slaughter or unless the brucellosis reactor bison are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

(Approved by the Office of Management and Budget under control number 0579-0051)

§ 78.23 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate only as follows:

(a) *Movement to recognized slaughtering establishments.* Brucellosis exposed bison may be moved interstate for slaughter accompanied by a permit or "S" brand permit and as follows:

(1) Directly to a recognized slaughtering establishment or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or

(2) From a farm of origin directly to a specifically approved stockyard approved to receive brucellosis exposed bison and then (i) Directly to a recognized slaughtering establishment;

or (ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(b) *Movement to quarantined feedlots.* Brucellosis exposed bison may be moved directly to a quarantined feedlot or, from a farm of origin, directly to a specifically approved stockyard approved to receive brucellosis exposed bison and then directly to a quarantined feedlot. Such bison shall be accompanied by a permit or "S" brand permit.

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Brucellosis exposed bison which are from herds known to be affected, but which are not part of a herd being depopulated under Part 51 of this chapter, may move without restriction if the bison: (1) Are under 6 months of age and were weaned from brucellosis reactor or brucellosis exposed bison not less than 30 days immediately preceding interstate movement; or (2) Are under 6 months of age and nursing brucellosis exposed bison in a herd subjected to a herd blood test within 10 days prior to interstate movement; or (3) Are official vaccinates under 1 year of age from a herd following an approved individual herd plan.

(Approved by the Office of Management and Budget under control numbers 0579-0051 and 0579-0064)

§ 78.24 Bison from herds not known to be affected.

Bison from herds not known to be affected may be moved interstate only as follows:

(a) *Movement to recognized slaughtering establishments.* Bison from herds not known to be affected may be moved directly to a recognized slaughtering establishment without restriction under this subpart.

(b) *Movement to quarantined feedlots.* Bison from herds not known to be affected may be moved directly to a quarantined feedlot without restriction under this subpart.

(c) *Movement from public zoo to public zoo.* Bison from herds not known to be affected may be moved from a zoo owned by a governmental agency to another such zoo if handled in accordance with § 78.3.

(d) *Movement other than in accordance with paragraphs (a), (b), or (c) of this section.* Bison from herds not known to be affected may be moved interstate other than in accordance with paragraphs (a), (b), or (c) of this section only as follows:

(1) Such bison under 6 months of age may be moved interstate when accompanied by a certificate.

(2) Such bison which are official vaccinates under 2 years of age and are not parturient or postparturient may be moved interstate when accompanied by a certificate.

(3) Such bison may be moved interstate if they are negative to an official test within 30 days prior to such movement and are accompanied by a certificate which states, in addition to the items specified in § 78.1, the dates and results of the official tests.

(4) Such bison may be moved interstate if they originate in a certified brucellosis-free herd and are accompanied by a certificate which states, in addition to the items specified in § 78.1, that the bison originated in a certified brucellosis-free herd.

(Approved by the Office of Management and Budget under control number 0579-0064)

§ 78.25 Other movements.

The Deputy Administrator may, upon request in specific cases, permit the interstate movement of bison not otherwise provided for in this subpart, under such conditions as the Deputy Administrator may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator shall promptly notify the State animal health officials of the States involved of any such action.

§§ 78.26-78.29 [Reserved]**Subpart D—Restrictions on Interstate Movement of Swine Because of Brucellosis****§ 78.30 General restrictions.**

(a) Brucellosis reactor swine, brucellosis exposed swine, and sows and boars may not be moved interstate or in interstate commerce except in compliance with this subpart.

(b) Each person who causes the movement of swine in interstate commerce is responsible for the identification of the swine as required by this subpart. No such person shall remove or tamper with or cause the removal of or tampering with an identification tattoo or approved swine identification tag required in this subpart except at the time of slaughter, or as may be authorized by the Deputy Administrator upon request in specific cases and under such conditions as the Deputy Administrator may impose to ensure continuing identification.

§ 78.31 Brucellosis reactor swine.

(a) *Destination.* Brucellosis reactor swine may be moved interstate only for

immediate slaughter as follows: (1) Directly to a recognized slaughtering establishment; or (2) Directly to a stockyard posted under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), or directly to a market agency or dealer registered under the Packers and Stockyards Act, for sale to a recognized slaughtering establishment in accordance with the following requirements:

(b) *Identification.* Brucellosis reactor swine shall be individually identified by attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or a metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors.

(c) *Permit.* Brucellosis reactor swine shall be accompanied to destination by a permit.

(d) *Marking of records.* Each person moving brucellosis reactor swine interstate shall, in the course of interstate movement, plainly write or stamp the words "Brucellosis Reactor" upon the face of any document that person prepares in connection with such movement.

(e) *Segregation en route.* Brucellosis reactor swine shall not be moved interstate in any means of conveyance containing animals which are not brucellosis reactors unless all of the animals in the shipment are for immediate slaughter, or unless the brucellosis reactor swine are kept separate from other animals by a partition securely affixed to the sides of the means of conveyance.

(Approved by the Office of Management and Budget under control number 0579-0051)

§ 78.32 Brucellosis exposed swine.

Brucellosis exposed swine may be moved interstate only if accompanied by a permit and only for immediate slaughter as follows: (a) Directly to a recognized slaughtering establishment; or (b) Directly to a stockyard posted under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), or directly to a market agency or dealer registered under the Packers and Stockyards Act, for sale to a recognized slaughtering establishment.

(Approved by the Office of Management and Budget under control number 0579-0051)

§ 78.33 Sows and boars.

(a) Sows and boars may be moved in interstate commerce for slaughter or for sale for slaughter only if the sows and boars are:

(1) (i) Individually identified by a Veterinary Services approved tattoo⁶ applied to the back of each swine prior to the movement in interstate commerce and before they are mixed with swine from any other source; or (ii) When approved by the State animal health official and the Veterinarian in Charge, individually identified by an approved swine identification tag;⁷ or

(2) Moved from a herd of origin of swine (i) Directly to a recognized slaughtering establishment; or (ii) Directly to a stockyard posted under the Packers and Stockyard Act, as amended (7 U.S.C. 181 *et seq.*), or directly to a market agency or dealer registered under the Packers and Stockyard Act for sale to a recognized slaughtering establishment. Upon arrival and before they are mixed with swine from any other source, such swine must be identified⁸ to the herd of origin by a Veterinary Services approved tattoo⁶ applied to the back of each swine or individually identified by an approved swine identification tag.⁷

(b) Sows and boars may be moved in interstate commerce for breeding only if the sows and boars are:

(1) (i) Individually identified by an approved swine identification tag⁷ prior to the interstate movement and before they are mixed with swine from any other source; or (ii) Registered with a registry association and individually identified in the same manner as recorded with the registry association; and

(2) (i) From a validated brucellosis-free herd or a validated brucellosis-free State and accompanied by a certificate which states, in addition to the items specified in § 78.1, that the swine originated in either a validated brucellosis-free herd or validated brucellosis-free State; or (ii) Negative to an official test within 30 days prior to interstate movement and accompanied by a certificate which states, in addition

⁶ Veterinary Services approved tattoo codes will be assigned to persons upon application to the State animal health official or the Veterinarian in Charge for the State in which such persons maintain their principal place of business.

⁷ Serial numbers of approved swine identification tags will be assigned to persons upon application to the State animal health official or the Veterinarian in Charge for the State in which such persons maintain their principal place of business.

⁸ The operator of each place of business where such swine are identified on arrival in accordance with this section shall enter such identification on the yarding receipt, sale ticket, invoice, waybill, or similar document relating to the swine and maintain the document on file at the place of business for at least 1 year. Such document shall be made available for inspection during ordinary business hours upon request by a Veterinary Services representative or State representative.

to the items specified in § 78.1, the dates and results of the official tests.

(c) Sows and boars may be moved in interstate commerce for purposes other than slaughter or breeding without restriction under this subpart.

(Approved by the Office of Management and Budget under control number 0579-0064)

§ 78.34 Other movements.

The Deputy Administrator may, upon request in specific cases, permit the movement in interstate commerce of swine not otherwise provided for in this subpart under such conditions as the Deputy Administrator may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator shall promptly notify the State animal health officials of the States involved of any such action.

§§ 78.35-78.39 [Reserved]

Subpart E—Designation of Brucellosis Areas, and Specifically Approved Stockyards

§ 78.40 Designations of State/areas.

The Deputy Administrator may amend §§ 78.41 and 78.42 to reclassify States and areas as Class Free, Class A, Class B, Class C, or quarantined when the Deputy Administrator determines that the States or areas meet the appropriate definitions in § 78.1. The Deputy Administrator may amend § 78.43 to reclassify States as validated brucellosis-free States or remove such status when the Deputy Administrator determines that such States meet or do not meet the standards of a validated brucellosis-free State as defined in § 78.1. In the case of any reclassification to a lower status or removal of validated brucellosis-free status, the State animal health official of the State involved will be notified and given an opportunity to be heard prior to the reduction of status.

§ 78.41 State/area classification.

(a) *Class Free*—Alaska, Arizona (those portions of Mohave and Coconino Counties north of the Grand Canyon), Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virgin Islands, West Virginia, Wisconsin, and Wyoming.

(b) *Class A*—Arizona (except those portions of Mohave and Coconino Counties north of the Grand Canyon), California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Nebraska, Nevada, New Mexico, Ohio, Oregon,

Puerto Rico, South Dakota, Tennessee, Virginia, and Washington.

(c) *Class B*—Alabama, Florida (Counties of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau, Okaloosa, Putnam, Saint Johns, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington), Kentucky, Mississippi, Missouri, Oklahoma, and Texas (Counties of Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young and Zavala).

(d) *Class C*—Arkansas, Florida (Counties of Brevard, Broward, Charlotte, Citrus, Collier, Dade, De Soto, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Saint Lucie, Sarasota, Seminole, Sumter, and Volusia), Louisiana, and Texas (Counties of Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone,

Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wood and Zapata).

§ 78.42 Quarantined areas.

None.

§ 78.43 Validated brucellosis-free States.

Alaska, Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Utah, Vermont, Virgin Islands, Virginia, Washington, Wisconsin, Wyoming.

§ 78.44 Specifically approved stockyards.

(a) To qualify for approval by the Deputy Administrator as a specifically approved stockyard and to retain such designation, the operator⁹ of the stockyard shall execute one of the agreements set forth in paragraphs (c) or (d) of this section and the stockyard shall be maintained and operated in accordance with the standards specified in the agreement.

(b)(1) The Deputy Administrator shall withdraw the approval of any specifically approved stockyard when the operator of the stockyard notifies the Deputy Administrator in writing that the agreement to operate as a specifically approved stockyard is terminated. (2) The Deputy Administrator may withdraw the approval of any specifically approved stockyard when the Deputy Administrator determines that the stockyard is not maintained and operated in accordance with the standards specified in the agreement. Before the Deputy Administrator withdraws approval from a specifically approved stockyard based upon a failure to maintain or operate the stockyard in accordance with the standards specified in the agreement, the operator of the stockyard will be

⁹ The operator shall be the individual legally responsible for the day-to-day operations of the specifically approved stockyard.

informed in writing of the reasons for the proposed withdrawal of approval and, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of the action to withdraw approval if there is a dispute regarding any material fact, in accordance with rules of practice which shall be adopted for the proceeding. (3) The Deputy Administrator shall remove a stockyard from the list of specifically approved stockyards if the approval of such stockyard is withdrawn.

(c) To obtain approval as a specifically approved stockyard to handle cattle and bison pursuant to this part, the operator of the stockyard shall execute the following agreement:

Agreement—Specifically Approved Stockyard for Handling Cattle and Bison Pursuant to Title 9 of the Code of Federal Regulations

(Name of Stockyard)

(Address of Stockyard)

I, _____, (name of operator) operator of _____, (name of stockyard) hereby agree to maintain and operate this stockyard at _____ (premises location) in accordance with each of the provisions set forth herein.

Cooperation

(1) An accredited veterinarian, State representative, or Veterinary Services representative shall be on the stockyard premises on sale days to perform duties in accordance with State and Federal regulations.

(2) The State animal health official and the Veterinarian in Charge shall be furnished with a current schedule of sale days which apply to the stockyard and any revision to the schedule of sale days prior to implementation of such revision.

(3) State representatives and Veterinary Services representatives shall be granted access to stockyard premises and facilities at reasonable hours to determine compliance with the requirements of Title 9, Code of Federal Regulations, and the standards of this agreement.

Handling of Cattle and Bison

(4) Cattle and bison shall be received, handled, and released by the stockyard only in accordance with Title 9 of the Code of Federal Regulations.

(5) All brucellosis reactor, brucellosis suspect, and brucellosis exposed cattle or bison arriving at the stockyard shall be placed in quarantined pens and consigned from the stockyard only in accordance with Title 9, Code of Federal Regulations, Part 78.

(6) Cattle and bison which have not been classified as brucellosis reactors, brucellosis suspects, or brucellosis exposed shall not be placed in quarantined pens without prior cleaning and disinfection of such pens in accordance with paragraph 14 of this agreement.

(7) Any cattle or bison classified as brucellosis reactors at the stockyard shall be (a) Identified by branding the letter "B" at least 2x2 inches in size on the left jaw and attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment or an approved intermediate handling facility in accordance with Title 9, Code of Federal Regulations, Part 78.

(8) Any cattle or bison classified as brucellosis exposed at the stockyard shall be (a) Identified in accordance with Title 9, Code of Federal Regulations, Part 78; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment, an approved intermediate handling facility, a quarantined feedlot, or a farm of origin in accordance with Title 9, Code of Federal Regulations, Part 78.

(9) Identity of cattle from Class Free States or areas and Class A States or areas shall be maintained.

(10) Identity of cattle from Class B States or areas shall be maintained, and test-eligible cattle from Class B States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(11) Identity of cattle from Class C States or areas shall be maintained, and test-eligible cattle from Class C States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(12) Identity of cattle from quarantined areas shall be maintained, and test-eligible cattle from quarantined areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(13) Test-eligible cattle penned with test-eligible cattle from a lower class State or area, in violation of this agreement, shall have the status of the State or area of lower class for any subsequent movement.

Facilities

(14) Quarantined pens for the confinement of brucellosis reactor, brucellosis suspect, and brucellosis exposed cattle and bison shall be (a) Clearly labeled with paint or placarded as follows: "Quarantined," "Brucellosis," or "Bangs"; and (b) Cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, § 71.4, before being used to pen cattle and bison which are not brucellosis reactors, brucellosis suspects or brucellosis exposed.

(15) Quarantined pens confining brucellosis reactors or brucellosis suspects shall have impervious floor surfaces and adequate draining for the purposes of cleaning and disinfection.

(16) Well-lighted cattle chutes shall be furnished and maintained to provide for proper restraint of cattle and bison for

inspection, identification, vaccination, testing, and branding. Adequate electrical outlets shall be provided at the chute area for branding purposes.

(17) Laboratory space shall be furnished and maintained for conducting brucellosis tests. All test reagents, testing equipment, and documents relating to the State-Federal cooperative brucellosis eradication program on the stockyard premises shall be secured to prevent misuse and theft. Adequate heat, cooling, electricity, water piped to a properly drained sink, and sanitation shall be provided for properly conducting brucellosis tests.

(18) Serviceable equipment for cleaning and disinfecting shall be furnished and maintained with adequate disinfectant on hand.

Cleaning and Disinfection

(19) The stockyard shall be cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, § 71.4.

Records

(20) Any document relating to animals which are or have been in the stockyard shall be maintained by the stockyard for a period of 1 year.

(21) State representatives and Veterinary Services representatives shall be granted, at reasonable hours, access to all documents required to be maintained pursuant to paragraph 20 of this agreement and authority to reproduce the documents upon request.

I, _____, hereby acknowledge receipt of a copy of Title 9, Code of Federal Regulations, Parts 71 and 78, and hereby acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement and Parts 71 and 78 constitutes a basis for the withdrawal of approval from this stockyard.

Request Approval

* Operator of the Stockyard

Date

Recommend Approval

State Animal Health Official

Date

Recommend Approval

Veterinarian in Charge

Date

Approval Granted

Deputy Administrator

Veterinary Services

Date

* The operator shall be the individual legally responsible for the day to day operations of the specifically approved stockyard.

(d) To obtain approval as a specifically approved stockyard to handle cattle and bison, except to receive known brucellosis reactor, brucellosis suspect, or brucellosis exposed cattle or bison, pursuant to this part, the operator of the stockyard shall execute the following agreement:

Agreement—Specifically Approved Stockyard for Receiving Cattle and Bison Other Than Brucellosis Reactor, Brucellosis Suspect, and Brucellosis Exposed Cattle or Bison Pursuant to Title 9 of the Code of Federal Regulations

(Name of Stockyard)

(Address of Stockyard)

I, _____, (name of operator) operator of _____ (name of stockyard) hereby agree to maintain and operate this stockyard at _____ (premises location) in accordance with each of the provisions set forth herein.

Cooperation

(1) An accredited veterinarian, State representative, or Veterinary Services representative shall be on the stockyard premises on sale days to perform duties in accordance with State and Federal regulations.

(2) The State animal health official and the Veterinarian in Charge shall be furnished with a current schedule of sale days which apply to the stockyard and any revision to the schedule of sale days prior to implementation of such revision.

(3) State representatives and Veterinary Services representatives shall be granted access to stockyard premises and facilities at reasonable hours to determine compliance with the requirements of Title 9, Code of Federal Regulations, and the standards of this agreement.

Handling of Cattle and Bison

(4) Cattle and bison shall be received, handled, and released by the stockyard only in accordance with Title 9 of the Code of Federal Regulations.

(5) No cattle or bison known to be brucellosis reactors, brucellosis suspects, or brucellosis exposed shall be permitted to enter the stockyard.

(6) Any cattle or bison classified as brucellosis reactors at the stockyard shall be (a) Identified by branding the letter "B" at least 2x2 inches in size on the left jaw and attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment or an approved intermediate handling facility in accordance with Title 9, Code of Federal Regulations, Part 78.

(7) Any cattle or bison classified as brucellosis exposed at the stockyard shall be (a) Identified in accordance with Title 9, Code of Federal Regulations; (b) Placed in quarantined pens; and (c) Consigned from the

stockyard only to a recognized slaughtering establishment, an approved intermediate handling facility, a quarantined feedlot, or a farm of origin in accordance with Title 9, Code of Federal Regulations, Part 78.

(8) Cattle and bison which have not been classified as brucellosis reactors, brucellosis suspects, or brucellosis exposed shall not be placed in quarantined pens without prior cleaning and disinfection of such pens in accordance with paragraph 14 of this agreement.

(9) Identity of cattle from Class Free States or areas and Class A States or areas shall be maintained.

(10) Identity of cattle from Class B States or areas shall be maintained, and test-eligible cattle from Class B States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(11) Identity of cattle from Class C States or areas shall be maintained, and test-eligible cattle from Class C States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(12) Identity of cattle from qualified herds in quarantined areas shall be maintained, and test-eligible cattle from qualified herds in quarantined areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(13) Test-eligible cattle penned with test-eligible cattle from a lower class State or area, in violation of this agreement, shall have the status of the State or area of lower class for any subsequent movement.

Facilities

(14) Quarantined pens for the confinement of brucellosis reactors, brucellosis suspects, and brucellosis exposed cattle and bison tested and classified at the stockyard shall be (a) Clearly labeled with paint or placarded as follows: "Quarantined," "Brucellosis," or "Bangs"; and (b) Cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, § 71.4, before being used to pen cattle and bison which are not brucellosis reactors, brucellosis suspects, or brucellosis exposed.

(15) Well-lighted cattle chutes shall be furnished and maintained to provide for proper restraint of cattle and bison for inspection, identification, vaccination, testing, and branding. Adequate electrical outlets shall be provided at chute area for branding purposes.

(16) Laboratory space shall be furnished and maintained for conducting brucellosis tests. All test reagents, testing equipment, and documents relating to the State-Federal cooperative brucellosis eradication program on the stockyard premises shall be secured to prevent misuse and theft. Adequate heat, cooling, electricity, water piped to a properly drained sink, and sanitation shall be provided for properly conducting brucellosis tests.

(17) Serviceable equipment for cleaning and disinfecting shall be furnished and maintained with adequate disinfectant on hand.

Cleaning and Disinfection

(18) The stockyard shall be cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, § 71.4.

Records

(19) Any document relating to animals which are or have been in the stockyard shall be maintained by the stockyard for a period of 1 year.

(20) State representatives and Veterinary Services representatives shall be granted, at reasonable hours, access to all documents required to be maintained pursuant to paragraph 19 of this agreement and authority to reproduce the documents upon request.

I, _____, hereby acknowledge receipt of a copy of Title 9, Code of Federal Regulations, Parts 71 and 78, and hereby acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement and Parts 71 and 78 constitutes a basis for the withdrawal of approval from this stockyard.

Request Approval

*Operator of the Stockyard

Date

Recommend Approval

State Animal Health Official

Date

Recommend Approval

Veterinarian in Charge

Date

Approval Granted

Deputy Administrator
Veterinary Services

Date

*The operator shall be the individual legally responsible for the day-to-day operations of the specifically approved stockyard.

PART 51—[AMENDED]

2. The authority citation for Part 51 continues to read as follows:

Authority: 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

3. In § 51.6, paragraph (a) is revised to read as follows:

§ 51.6 Destruction of animals; time limit for destruction of animals.

(a) *Cattle*. The claimant shall be responsible for ensuring that cattle subject to this part shall be sold under permit to a recognized slaughtering establishment¹ or to a specifically approved stockyard¹ for sale to a recognized slaughtering establishment.¹

4. Footnote number 1 in § 51.6 is revised to read as follows:

¹ The terms "recognized slaughtering establishment" and "specifically approved stockyard" are defined in § 78.1 of this chapter.

PART 71—[AMENDED]

5. The authority citation for Part 71 continues to read as follows:

Authority: 21 U.S.C. 111-113, 114a, 114a-1, 115-117, 120-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

6. In § 71.1, the introductory text and the definition of "Moved (movement) in interstate commerce" is revised to read as follows:

§ 71.1 Definitions.

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

Moved (movement) in interstate commerce. Moved from the point of origin of the interstate movement to the animals' final destination, such as a slaughtering establishment or a farm for breeding or raising, and including any temporary stops along the way, such as at a stockyard or dealer premises for feed, water, rest, or sale.

§ 71.3 [Amended]

7. In § 71.3(c), the reference to "the provisions of Subpart B of Part 78 of this subchapter" is revised to read "Part 78 of this chapter".

8. In § 71.18, the first sentence of paragraph (a) is revised to read as follows:

§ 71.18 Individual identification of certain cattle 2 years of age or over for movement in interstate commerce.

(a) No cattle 2 years of age or over, except steers and spayed heifers and cattle of any age which are being moved interstate during the course of normal ranching operations without change of ownership to another premises owned, leased, or rented by the same individual as provided in §§ 78.9(a)(3)(iv), 78.9(b)(3)(iv), 78.9(c)(3)(iv), and 78.9(d)(3)(vii) of this chapter, shall be moved in interstate commerce other than in accordance with the requirements of this section. * * *

9. Footnote number 1 in § 71.18 is revised to read as follows:

¹ Department-approved backtags are available at recognized slaughtering establishments and specifically approved stockyards and from State representatives and Veterinary Services representatives. A list of recognized slaughtering establishments and specifically approved stockyards may be obtained as indicated in § 78.1 of this chapter. The terms "State representative" and "Veterinary Services representative" are defined in § 78.1 of this chapter.

10. In §§ 71.18(a)(1)(i) and 71.18(a)(1)(ii), "slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or slaughtering establishment specifically approved under § 78.16(b) of this subchapter" is revised to read "recognized slaughtering establishment as defined in § 78.1 of this chapter".

PART 80—[AMENDED]

11. The authority citation for Part 80 continues to read as follows:

Authority: 21 U.S.C. 111-113, 114a-1, 115-117, 120-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

12. In § 80.1, paragraph (j) is revised to read as follows:

§ 80.1 Definitions.

* * * * *

(j) *Specifically approved stockyard*.¹ Premises where cattle or bison are assembled for sale or sale purposes and which meet the standards set forth in

§ 78.44 and are approved by the Deputy Administrator.

13. In § 80.1, a new footnote 1 is added to read:

¹ Notices containing lists of specifically approved stockyards are published in the *Federal Register*. Lists of specifically approved stockyards also may be obtained from the State animal health official, State representatives, or Veterinary Services representatives.

§ 80.4 [Amended]

14. In § 80.4 the introductory text, "a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or a slaughtering establishment approved with respect to brucellosis reactors pursuant to § 78.16(b) of this subchapter" is revised to read "a recognized slaughtering establishment as defined in § 78.1 of this chapter."

PART 92—[AMENDED]

15. The authority citation for Part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

16. In § 92.35(d)(2), "a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act or a slaughtering establishment specifically approved as specified in § 78.24 of this chapter" is amended to read "a recognized slaughtering establishment as defined in § 78.1 of this chapter".

§ 92.35 Cattle from Mexico.

17. In § 92.35(d), the reference to "§ 78.1(o)" is revised to read "§ 78.1" and the reference to "§ 78.12(a)" is revised to read "§ 78.12."

Done at Washington, DC, this 8th day of July, 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.
[FR Doc. 86-20491 Filed 9-11-86; 8:45 am]

BILLING CODE 3410-34-M

Great Topics

Friday
September 12, 1986

Part III

Department of Justice

Bureau of Prisons

28 CFR Part 544

Inmate Recreation Programs; Showing of Movies; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 544

Control, Custody, Care, Treatment, and Instruction of Inmates; Inmate Recreation Programs; Showing of Movies

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its final rule on inmate recreation programs. The final amendments to the rule on recreation programs include a revised section on the showing of movies at the institution.

DATE: Effective October 27, 1986.

Comments will be accepted indefinitely.

ADDRESS: Send comments to Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272-6874.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its final rule on inmate recreation programs. A proposed rule on this subject was published in the *Federal Register* on November 22, 1985 (at 50 FR 48341). Interested persons were invited to submit comments on the proposed rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the *Federal Register*.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

1. Section 544.30. In this section "an inmate" is changed to "inmates." The phrase "and other group and individual activities" is added to recognize that activities other than those listed may be provided. The overall intent of this section is unchanged.

2. Section 544.31. In § 544.31(a) the words "participation in" are added. In the same sentence, "physical fitness" has been included as an example of a leisure activity. Physical fitness may

include weight lifting or the use of exercise equipment.

3. Section 544.32. Section 544.32(a) is reworded. The phrase "handicap considerations" has been added for consistency with the Bureau's rule on non-discrimination towards inmates (see 28 CFR 551.90). The intent of the section is unchanged. The word "capacity" has been deleted from paragraph (b). The Bureau's intent has always been to provide all inmates, even those with limited capacity, access to leisure activities. Although the wording of this paragraph has changed, the intent remains the same.

4. Section 544.33. In the proposed rule, "HBO" was used as an example of a cable movie channel. It was not intended to restrict cable movie channel selection to that one specific channel, therefore, the less restrictive term "premium movie channels" is substituted in the final rule.

A commenter voiced a continued objection to proposed restrictions on X-rated movies by stating that a "blanket ban" on X-rated movies is "unconstitutionally over broad, vague and meaningless". We do not agree. Part of the criteria used in rating a movie "X" is whether the movie contains segments depicting explicit sexual activity or extreme violence. The Bureau believes that both of these elements can pose some threat to the security and good order of its institutions. Nor do we agree with a comment suggesting that the Bureau is taking "another backward step" by deleting inmate participation on a committee to select or review movies. In 1980, the Bureau finalized its rule [relevant to movies] based on the fact that most institutions were renting movies for inmate viewing. Today, most institutions have access, or subscribe to [cable] premium movie channels. In effect, this eliminates the need for renting movies, and the need for a selection committee.

5. Section 544.34. In § 544.34(c)(2) the word "items" has been changed to "item". Section 544.34(c)(3) has been reworded. In § 544.34(d) the word "institution" is changed to "an inmate's". Although the wording changed, the intent of these paragraphs remains the same. A comment to § 544.34(d)(1) suggested that the use of a "local standard of decency" for public display of prisoner art-work is unconstitutional and therefore unacceptable. The commenter stated this same objection at the time the original rule was published for public comment in December 1979. The Bureau's position then, as now, is that § 544.34(d)(1) restricts only the display of inmate art-work in the more public

areas of the institution, where people of all ages and backgrounds, including children, may attend and observe the work. The rule does not obstruct the inmate's opportunity to create, or place limitations on the inmate's ability to distribute art-work as noted in § 544.34(c).

List of Subjects in 28 CFR Part 544

Education, Libraries, Prisoners, Recreation.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(g), 28 CFR Chapter V is amended by revising Subchapter C, Part 544, Subpart D, to read as set forth below.

Dated: August 21, 1986.

J. Michael Quinlan,
Acting Director, Bureau of Prisons.

Subchapter C—Institutional Management

PART 544—EDUCATION

1. The authority citation for Part 544 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Part 544, Subpart D, consisting of §§ 544.30–544.34, is revised to read as follows:

Subpart D—Inmate Recreation Programs

Sec.	
544.30	Purpose and scope.
544.31	Definitions.
544.32	Goals.
544.33	Movies.
544.34	Art and Hobbycraft.

Subpart D—Inmate Recreation Programs

§ 544.30 Purpose and scope.

The Bureau of Prisons encourages inmates to make constructive use of leisure time and offers movies, sports, social activities, arts and hobbycrafts, and other group and individual activities.

§ 544.31 Definitions.

(a) *Leisure activities* are a wide range of activities in which inmates may participate when not performing assigned duties. Leisure activities include participation in organized and informal sports, physical fitness, table games, hobbycrafts, music programs, intramural activities, social and cultural organizations, movies and stage shows. Religious activities, psychological

services, and education classes are not included within this definition.

(b) *Organized activities* are those activities accounted for by registration or roster of individual participants.

(c) *Art work* includes all paintings and sketches rendered in any of the usual media (oils, pastels, crayons, pencils, inks, and charcoal).

(d) *Hobbycraft activities* include leatherwork, models, clay, mosaics, crochet, knitting, sculptures, woodworking, lapidary, and other forms consistent with institution guidelines.

§ 544.32 Goals.

The Warden is to insure, to the extent possible, that leisure activities are provided to meet social, physical, and psychological needs of inmates.

(a) Leisure activities are designed to attract inmate participation regardless of ethnic, racial, age, or sex difference, or handicap considerations, and to enhance the potential for post-release involvement.

(b) Leisure activities are designed to ensure that an inmate with the need and desire has the opportunity to complete one or more activities (see 28 CFR 544.81).

§ 544.33 Movies.

The Warden or designees may approve the showing of movies at the institution. X-rated movies are not permitted. Where the institution receives premium movie channels through cable television subscription, regular movie rentals ordinarily will be limited to special events or holidays.

§ 544.34 Art and hobbycraft.

(a) An inmate engaged in art or hobbycraft activities may obtain materials through:

(1) The institution art program (if one exists);

(2) The commissary sales unit;

(3) Special purchase commissary orders, if the sales unit is unable to stock a sufficient amount of the needed materials; or

(4) Other sources approved by the Warden.

(b) Each inmate shall identify art or hobbycraft materials by showing the inmate's name and register number on the reverse side of the item.

(c) Completed or abandoned art or hobbycraft articles may be disposed of in the following manner:

(1) Upon approval of the Warden, by giving the item to an authorized visitor.

(2) By mailing the item to a verified relative or approved visitor at the inmate's expense.

(3) By selling through an institution art and hobbycraft sales program, if one exists, after the institution price committee has determined the sale price.

(4) Other methods established by the Warden.

(d) *Restrictions.* Art and hobbycraft programs are intended for the personal enjoyment of an inmate and as an opportunity to learn a new leisure skill. They are not for the mass production of art and hobbycraft items by artists or to provide a means of supplementing an inmate's income.

(1) The Warden may restrict, for reasons of security and housekeeping, the size of inmate paintings. Paintings mailed out of the institution must conform to both institution guidelines

and postal regulations. If an inmate's art work or hobbycraft is on public display, the Warden may restrict the content of the work in accordance with community standards of decency.

(2) The Warden may set limits, in compliance with commissary guidelines, on the amount of money an inmate may spend on art or hobbycraft materials.

(3) The Warden may restrict for reasons of security, fire safety, and housekeeping, the use or possession of art and hobbycraft items or materials.

(4) The Warden may limit hobbycraft projects in the cell/living areas to those which can be contained/stored in designated personal property

containers. Exceptions may be made for such items as a painting where the size would prohibit placement in a locker. Hobbycraft items must be removed from the living area when completed.

(5) The Warden shall require the inmate to mail completed hobbycraft articles out of the institution at the inmate's expense, or to give them to an authorized visitor within 30 days of completion, or to dispose of them through approved sales. However, articles offered for sale must be sold within 90 days of completion, or must be given to an authorized visitor or mailed out of the institution at the inmate's expense.

(6) Where space and equipment are limited and demand is high, the Warden may set limits on the amount of time an inmate may use a hobbycraft facility, e.g. the Warden may limit an inmate's use of a ceramics classroom to six months to make room for new students.

[FR Doc. 86-20573 Filed 9-11-86; 8:45 am]

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