

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER A—ANIMAL WELFARE

PART 2—REGULATIONS

Annual Fees and Report; Termination of Licenses

Statement of considerations. The Act of August 24, 1966 (Public Law 89-544), was amended by the Animal Welfare Act of 1970 (Public Law 91-579). The regulations and standards to implement such legislative amendments were published as Miscellaneous Amendments in the FEDERAL REGISTER on December 24, 1971 (36 F.R. 24917-24927).

On July 15, 1972, there was published in the FEDERAL REGISTER (37 F.R. 13995) a notice with respect to proposed amendments to §§ 2.6(b) and 2.7 (b) and (c) of Part 2, Subchapter A, Chapter I, Title 9, Code of Federal Regulations. Such notice gave interested persons a period of 30 days from the date of publication of the notice in which to submit written data, views, or arguments, concerning the proposed amendments.

Three written comments on the proposal were received by the Department. The content of the comments dealt primarily with a reduction in the annual fees for licensed pet stores and small volume animal breeders. Since a change in annual fees was not a consideration in the published proposal, the wording of the final rule making remains the same as the proposal.

1. Subparagraphs (1), (2), and (4) of paragraph (b) of § 2.6 of the regulations are amended to read as follows:

§ 2.6 Annual fees; and termination of licenses.

(b) (1) Except as provided in subparagraphs (3) and (4) of this paragraph, the amount of the annual license fee for a dealer shall be based on the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, directly or through an auction sale, by such dealer or applicant during his preceding business year (calendar or fiscal).

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, the amount of the annual license fee for an operator of an auction sale shall be that of a Class "B" dealer and shall be based on the total gross amount, expressed in dollars, derived from commis-

sions or fees charged for the sale of animals at auction by the operator to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, during the preceding business year (calendar or fiscal).

(4) In the case of an applicant for a license as a dealer or operator of an auction sale who did not operate for at least 6 months during his preceding business year, the annual license fee will be based in the case of a dealer on the anticipated total gross yearly income to be derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, directly or through an auction sale, and in the case of an operator of an auction sale on the anticipated gross yearly income to be derived from commissions and fees charged for the sale of animals at auction to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets.

2. Paragraphs (b) and (c) of § 2.7 of the regulations are amended to read as follows:

§ 2.7 Annual report by licensees.

(b) A person licensed as a dealer shall set forth in his annual report the total gross dollar amount derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, directly or through an auction sale, by the licensee during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

(c) A person licensed as an operator of an auction sale shall set forth in his annual report the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals at auction by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

(Sec. 3, 84 Stat. 1561, as amended, 7 U.S.C. 2133; 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

The foregoing amendments shall become effective 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of December 1972.

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

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SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 83—SCREWWORMS

Miscellaneous Amendments

Pursuant to sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 1 through 4 of the Act of March 3, 1905, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f), Part 83, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 83.1, a new paragraph (p) is added to read:

§ 83.1 Definitions.

(p) *Area of persistent infestation.* The counties in Texas as designated in § 83.2 where screwworm infestations can occur from December 1 each year through April 14 of the following year.

2. Section 83.2 is amended to read:

§ 83.2 Notice relating to existence of screwworms.

(a) Notice is hereby given that screwworm infestations usually exist from April 15 through November 30 of each year in the following areas, which are hereby designated as areas of recurring infestation:

(1) *Texas.* The entire State.

(2) *Puerto Rico.* The entire Commonwealth.

(3) *Arizona.* Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, Yavapai, and Yuma Counties.

(4) *California.* Imperial, Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura Counties.

(5) *New Mexico.* Catron, Chaves, DeBaca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, and Socorro Counties.

(6) *Oklahoma.* The entire State.

(b) Further notice is hereby given that screwworm infestation may persist from December 1 each year through April 14 of the following year in the following area, which is hereby designated as an area of persistent infestation:

Texas. Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Calhoun, Cameron, De Witt, Dimmit, Duval, Edwards, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala Counties.