its total interstate member transportation in such fiscal year.

(b) *Records of interstate transportation when nonmember transportation is performed.* Any cooperative association or federation of cooperative associations performing interstate transportation for nonmembers shall prepare and retain for a period of at least two years written records of all interstate transportation performed for members and nonmembers. These records shall contain:

(1) The date of the shipment,

(2) The names and addresses of the consignor and consignee,

(3) The origin and destination of the shipment,

(4) A description of the articles in the shipment,

(5) The weight or volume of the shipment,

(6) A description of the equipment used either by unit number or license number and, in the event this equipment is nonowned, the name and address of its owners and drivers,

(7) The total charges collected,

(8) A copy of all leases executed by the cooperative association or federation of cooperative associations to obtain equipment to perform transportation under 49 U.S.C. 13506(a)(5),

(9) Whether the transportation performed is:

(i) Member transportation,

(ii) Nonmember transportation for nonmembers who are farmers, cooperative associations, or federations thereof,

(iii) Other nonmember transportation, and if of class (iii), how the transportation was incidental and necessary as defined in §372.109(a).

[43 FR 2397, Jan. 17, 1978, as amended at 45 FR 45524, July 3, 1980; 62 FR 38036, July 16, 1997; 62 FR 49940, Sept. 24, 1997]

§ 372.113 [Reserved]

§ 372.115 Commodities that are not exempt under 49 U.S.C. 13506(a)(6).

49 U.S.C. 13506(a)(6) provides an exemption from regulation for motor vehicles used in carrying ordinary livestock, fish, and unmanufactured agricultural commodities. Certain specific commodities have been statutorily determined to be non-exempt. Administrative Ruling No. 133, which is reproduced below, is a list of those commodities that are non-exempt by statute.

ADMINISTRATIVE RULING No. 133

LIST OF COMMODITIES THAT ARE NOT EXEMPT BY STATUTE UNDER 49 U.S.C. 13506(A)(6)

Animal fats
Butter
Canned fruits and vegetables
Carnauba wax as imported in slabs or chunks
Cattle, slaughtered
Charcoal
Cheese
Coal
Cocoa beans
Coffee, beans, roasted, or instant
Copra meal
Cotton yarn
Cottonseed cake or meal
Diatomaceous earth
Dinners, frozen
Feeds:

  Alfalfa meal
  Alfalfa pellets
  Beet pulp
  Bran shorts
  Copra meal
  Corn gluten
  Distilled corn grain residues, with or without solubles added
  Fish meal
  Hominy feed
  Middlings
  Pelletized ground refuse screenings
  Wheat bran
  Wheat shorts

Fertilizer, commercial

Fish:

  Canned or salted as a treatment for preserving
  Cooked or partially cooked fish or shrimp, frozen or unfrozen
  Hermetically sealed in containers as a treatment for preserving
  Oil from fishes
  Preserved, or treated for preserving, such as smoked, salted, pickled, spiced, corned or kippered

Flagstone
Flaxseed meal
Flour

Forest products:

  Resin products, such as turpentine

Fruits and Berries:

  Bananas, fresh, dried, dehydrated, or frozen
  Canned
  Frozen
  Hulls of oranges after juice extractions
  Juice, fruit, plain or concentrated
  Pies, frozen

Preserved, such as jam
Purees, strawberry and other, frozen

Grains:

Oils extracted from grain
Popcorn, popped
Rice, precooked
Wheat germ

Gravel
Hair, hog or other animal, product of slaughter of animal
Hay, sweetened with 3 percent molasses by weight
Hemp fiber
Hides, green and salted
Insecticides
Limestone, agricultural

Livestock:

Monkeys
Race horses
Show horses
Zoo animals

Lumber, rough sawed or planed
Maple syrup

Meal:

Alfalfa
Copra
Cottonseed
Fish
Flaxseed
Linseed
Peanut
Soybean

Meat and meat products, fresh, frozen or canned

Milk and Cream:

Chocolate
Condensed
Sterilized in hermetically sealed cans

Molasses

Nuts (including peanuts):

Peanut meal
Roasted or boiled

Oil, mint
Oil, extracted from vegetables, grain, seed, fish or other commodity
Pelts
Pies, frozen
Pigeons, racing
Pulp, beet
Pulp, sugar cane
Rock (except natural crushed, vesicular rock to be used for decorative purposes)
Rubber, crude, in bales
Rubber, latex, natural, liquid, from which water has been extracted and to which ammonia has been added
Sand

Seeds:

Oil extracted from seeds

Skins, animal
Soil, potting

Soil, top
Soup, frozen
Sugar
Sugar cane pulp
Sugar raw
Syrup, cane
Syrup, maple
Tea

Tobacco:

Cigars and cigarettes
Homogenized
Smoking

Top Soil

Trees:

Sawed into lumber

Vegetables:

Candied sweet potatoes, frozen
Canned
Cooked
French fried potatoes
Oil, extracted from vegetables
Soup, frozen
Soybean meal

Wool imported from a foreign country
Wool tops and noils
Wool waste (carded, spun, woven, or knitted)
Wool yarn

Note 1: Under 49 U.S.C. 13506(a)(6)(D), any listed fish or shellfish product that is not intended for human consumption is *exempt.*

Note 2: Under 49 U.S.C. 13506(a)(6)(E), any listed livestock feed, poultry feed, agricultural seeds, or plants that are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production is *exempt*

[53 FR 17707, May 18, 1988, as amended at 62 FR 15421, Apr. 1, 1997]

§ 372.117　Motor transportation of passengers incidental to transportation by aircraft.

(a) *Passengers having an immediately prior or subsequent movement by air.* The transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft provided (1) that it is confined to the transportation of passengers who have had or will have an immediately prior or immediately subsequent movement by air and (2) that the zone within which motor transportation is incidental to transportation by aircraft, except as it may be individually determined as provided in section (c) herein, shall not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart and by the boundaries of the