

regulatory program during the 1974-75 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 11, 1974. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 982.319 Expenses of the Filbert Control Board and rate of assessment for the 1974-75 fiscal year.

(a) *Expenses.* Expenses in the amount of \$40,025 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1974, for its maintenance and functioning and for such purposes as the Secretary may, under this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for this fiscal year, payable by each handler under § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: September 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc. 74-22212 Filed 9-24-74; 8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 3]

DOGS AND CATS

Proposed Veterinary Care, Space and Exercise, and Audio-Visual Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of August 24, 1966 (Pub. L. 89-544), as amended by the Animal Welfare Act of 1970 (Pub. L. 91-579), the Department of Agriculture is considering amending Subpart A of Part 3, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, to require random source dogs, after 21 days, to be released from minimum size cages into larger areas for 30 minutes for each of 5 days of a 7-day week; to provide for communal housing of dogs; to require dogs which develop abnormal behavior to be given prompt care and treatment or to be euthanized; and to require dogs and cats to have audio-visual contact with members of their own species.

Statement of considerations. The question of a mandatory exercise requirement for dogs has repeatedly been the topic of controversy and discussion since standards for dogs were first considered by the Department under Pub. L. 89-544, the Laboratory Animal Wel-

fare Act of 1966. Although such requirements were not mentioned in the notice of proposed rulemaking (36 FR 20473-20480) published prior to the amendments to the regulations of December 24, 1971, a number of comments were received indicating that dogs held and used for research should be removed from cages and placed in runs for exercise each day. The statement of considerations which was included with miscellaneous amendments to the regulations and standards under the Act, as published in the FEDERAL REGISTER on December 24, 1971 (36 FR 24917), discussed the need for mandatory exercise requirements for animals at that time.

The Department recognized that under the Laboratory Animal Welfare Act of 1966, as amended by the Animal Welfare Act of 1970, it was responsible for developing minimum standards, as charged by Congress, for the humane care and handling of animals, including the opportunity for exercise. On March 7, 1972, the Department did declare its intent to revise the standards by publication of a notice of proposed rulemaking in the FEDERAL REGISTER (37 FR 4918) requesting data, views, and arguments from the public as to what standards, if any, should be issued with respect to the exercise requirements for animals, especially dogs. The more than 500 comments received were divided essentially into two categories: those who opposed the exercise requirement on the basis of no scientific justification and those who favored it on the basis that empirical evidence demonstrates the need for such requirements for dogs.

Subsequent to the comment period, a number of work conferences were held with representatives of the scientific community, animal welfare groups, zoos, animal dealers, exhibitors, and representatives of other Federal agencies to gain further information on the subject. Although the discussions were open and frank, there was very little additional information offered over what had been presented during the comment period.

It is an accepted fact that, in general, the dog is a very adaptable animal. However, dogs from an unknown background and environment (e.g. pets, strays, etc.) may be subject to a great deal of stress when placed in restricted quarters such as a cage of USDA minimum size, and therefore, it appears that such dogs should be released periodically to have an opportunity for exercise. Several animal behaviorists feel that those few dogs which are prone to developing abnormal stereotyped behavior (e.g. whirling, depression, inappetence, coprophagy, self-inflicting injuries, etc.) will exhibit such abnormal behavior after a 21-day period in a restricted environment.

Therefore, we are proposing that dogs which were not born and reared in a known restricted environment (cages and/or runs) shall be released from their primary enclosures, if housed in the minimum space as required by § 3.4(b) (2) (1) of the standards, after an initial period of confinement of 21 days, into a larger area for a minimum of a 30-minute pe-

riod during the normal working hours of each of 5 days of the 7-day calendar week. The minimum size of the larger area shall be not less than three times the minimum square footage of floor space required for such dog by § 3.4(b) (2) (1) of the standards and a height of not less than twice the height of the dog as measured to the top of its shoulders while in a standing position (in no case shall the height be less than two feet).

It is also proposed to make provisions for dogs to be communally housed or communally released into a larger area. In such cases, for example, the exercise area that would be satisfactory for one dog would also be satisfactory for two compatible dogs of the same size to be communally housed together. Such would be possible because the same communal space would be available to each dog. Dogs that are housed in primary enclosures which meet the space requirements of the larger area do not need to be released as they would have the larger area available at all times.

It is also proposed that dogs which exhibit abnormal behavior or similar problems shall be provided veterinary medical care and released to runs or other primary enclosures which may correct the abnormal behavior, assigned promptly to short term, terminal experiments or immediately euthanized. Such practices are routinely followed in research facilities.

The question of whether dogs and cats should have audio-visual contact with members of their own species is primarily related to the housing of such animals at research facilities. The Department's information indicates that while dogs and cats on dealers' premises are seldom deprived of such contact, dogs and cats in research facilities are often housed individually in cages or primary enclosures with only the front constructed for visual contact. Further, information indicates that psychological stress in such animals may be reduced because of such audio-visual contact since it appears that fewer animals show boredom or depression and the animals are apparently more quiet and happy when they have such contact. Accordingly, it is proposed to amend the standards to require dogs and cats to have audio-visual contact with members of their own species unless otherwise required by the attending veterinarian in providing adequate veterinary care.

Due to the possible impact of these proposed requirements, it is proposed that if these amendments are promulgated, such requirements would not take effect with respect to dealers until the expiration of six months after publication of the final amendments in the Federal Register and with respect to research facilities until the expiration of eighteen months after such publication. Such delay would appear to be necessary in order to give dealers and research facilities sufficient time to comply with the requirements.

Accordingly, it is proposed that the standards under the Animal Welfare Act,

as amended, (9 CFR 3.1 et seq.) be amended as follows:

1. In § 3.4 it is proposed that a new paragraph (a) (1) (v) would be added to read:

§ 3.4 Primary enclosures.

(a) *General*—(1) * * *

(v) In the case of dogs and cats housed individually in primary enclosures, the primary enclosures shall be so positioned that each dog and cat therein has audiovisual contact with one or more members of its own species: *Provided, however,* That such housing shall not be necessary if there is only one dog or cat located in the housing facility or if, in the opinion of the attending veterinarian, a dog or cat should be exempted from the provisions of this paragraph for the reason of providing adequate veterinary care.

2. In § 3.10, a new paragraph (d) would be added to read:

§ 3.10 Veterinary care.

(d) Dogs held in a restricted environment may develop abnormal behavior (exhibited by such signs as whirling, depression, inappetence, coprophagy, and self-inflicted injuries) or may refuse to eliminate body wastes. Dogs developing these or similar problems shall be provided veterinary medical care and released permanently to runs or other primary enclosures which may correct such abnormal behavior, assigned promptly to short term, terminal experiments, or immediately euthanized.

3. The present §§ 3.11, 3.12, 3.13, and 3.14, concerning transportation standards, would be renumbered as §§ 3.12, 3.13, 3.14, and 3.15, respectively, and a new § 3.11 would be added with a new heading as follows:

EXERCISE REQUIREMENTS

§ 3.11 Exercise requirements and exceptions for random source dogs.

(a) *General.* A random source dog is a dog which was not born and reared in a restricted environment such as a cage or run. Random source dogs shall be given an opportunity for exercise after a maximum of 21 days after acquisition by a dealer, exhibitor, or research facility, in accordance with the requirements and subject to the exceptions in paragraphs (b) and (c) of this section.

(b) *Exercise requirements.* (1) The minimum available floor space of the exercise area for a random source dog shall be at least 3 times the minimum square footage of floor space required for such dog by paragraph (b) (2) (i) of § 3.4 of the standards; *Provided,* That, neither the length nor the width of such area shall be less than the length of the dog, as measured from the tip of its nose to the base of its tail, plus six inches.

(2) The minimum height of the exercise area for a random source dog shall be the greater of either 2 feet or twice the height of such dog as measured to the top of its shoulders while in a standing position.

(3) The minimum period of time a random source dog shall have access to the exercise area shall be 30 minutes during the normal working hours of each of 5 days of the 7-day calendar week.

(c) *Exceptions.* (1) More than one dog can have access to the exercise area at the same time if the dogs are compatible and the minimum available floor space of the exercise area is at least the sum of 1½ times the minimum square footage of floor space required for each dog by paragraph (b) (2) (i) of § 3.4 of the standards.

(2) A random source dog is not required to be released into an exercise area if it is housed in a primary enclosure that meets the minimum space requirements set forth in paragraphs (b) (1) and (2) of this section.

(3) Random source dogs are not required to be released into an exercise area if they are communally housed in a primary enclosure that meets the minimum space requirements set forth in paragraphs (c) (1) and (b) (2) of this section.

(4) The provisions of this section are not applicable to random source dogs under research, experimentation, or testing if the research, experimentation or testing program, protocol or procedure requires that the dogs not be exercised and this requirement has been approved in writing by the attending veterinarian of the research facility or by an institutional committee of at least three members, one of whom is a Doctor of Veterinary Medicine, established for the purposes of evaluating the care, treatment, and use of all warmblooded animals held or used for research, experimentation, or testing.

§§ 3.12-3.14 [Renumbered]

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, before November 25, 1974.

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

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of September 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74-22283 Filed 9-24-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

BURLEY TOBACCO

Advance Grade Rates for Price Support on 1974 Crop

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1974-crop burley tobacco.

Consideration will be given to data, views and recommendations pertaining to the advance rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than October 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.). (7 CFR 1.27(b)).

Under the Tobacco Loan Program published June 6, 1974 (39 FR 20070), and amended August 23, 1974 (39 FR 30477), CCC proposes to establish loan rates by grades for the 1974 crop burley tobacco, type 31, as set forth herein. These proposed rates, calculated to provide the level of support of 85.8 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.21 1974 Crop Burley Tobacco, Type 31, Loan Schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
B1F	91	B4VR	80
B2F	90	B5VR	77
B3F	89	B3GF	82
B4F	88	B4GF	80
B5F	87	B5GF	77
B1FR	90	B3GR	75
B2FR	89	B4GR	73
B3FR	88	B5GR	70
B4FR	87	T3F	87
B5FR	85	T4F	84
B1R	88	T5F	81
B2R	87	T3FR	85
B3R	86	T4FR	83
B4R	85	T5FR	80
B5R	84	T3R	81
B4D	77	T4R	78
B5D	73	T5R	74
B3K	86	T4D	73
B4K	84	T5D	70
B5K	79	T4K	72
B3M	86	T5K	71
B4M	84	T4VF	82
B5M	78	T5VF	77
B3VF	88	T4VR	75
B4VF	85	T5VR	71
B5VF	82	T4GF	76
B3VR	81	T5GF	72

¹ Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No.-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct \$1 per hundred pounds to apply against overhead costs.