

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 93-076-1]

Animal Welfare—Standards for Marine Mammals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are considering revising the standards for the humane care and transportation of marine mammals used for exhibition and research purposes, and are soliciting comments regarding appropriate changes or additions to the present standards.

DATES: Consideration will be given only to comments received on or before October 6, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93-076-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Crawford, Assistant Deputy Administrator, Animal Care, Regulatory Enforcement and Animal Care, APHIS, USDA, room 554, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-4981.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*, enacted in 1966 and amended in 1970, 1976, 1985, and 1990) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. Regulations established under the Act are contained in 9 CFR parts 1, 2, and 3.

Under the Act, the Department established regulations in 1979 for the humane handling, housing, care, treatment, and transportation of marine mammals used for research or exhibition purposes. These standards were amended in 1984. During the 9 years since the standards were amended, advances have been made, new information has been developed, and new concepts have been implemented with regard to the housing and care of marine mammals.

We therefore consider it appropriate to review the current standards to determine what revisions, if any, are necessary. As part of our review we are requesting comments on appropriate specific standards for the humane handling, care, treatment, and transportation of marine mammals used for research or exhibition purposes. In addition, we invite responses to the following questions:

- Should ambient temperature ranges for air and water be established for each species for both indoor and outdoor facilities? If so, what should these temperature ranges be?
- Should the regulations consider the effect of noise on animals? If so, what level of noise should be allowable?
- Should public contact with marine mammals, including programs such as "Swim-with-the-Dolphins," be allowed? Under what parameters should such contact be allowed?
- Should additional recordkeeping be required in the areas of behavior, food intake, and veterinary care? If so, what recordkeeping should be required?
- Should solitary confinement of marine mammals in captivity be allowed? If so, under what conditions? Should this consideration be applied to polar bears as well?

—Is the currently required coliform test for water quality adequate? What test methods should be allowed? Should pH ranges be established by species? If so, what should these ranges be?

If we determine that the standards for marine mammals should be revised, we will publish the proposed standards for comment in the Federal Register.

Authority: 7 U.S.C. 2131-2157; 7 CFR 2.17, 2.51, and 371.2(g).

Done in Washington, DC, this 16th day of July 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-17559 Filed 7-22-93; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Part 78

[Docket No. 92-044-1]

Brucellosis; Interstate Movement of Swine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the swine brucellosis regulations by standardizing and simplifying the testing requirements for States seeking validation as swine brucellosis-free, and by extending to 2 years the period during which validated brucellosis-free herds must be tested to maintain brucellosis-free status. We are also proposing to restrict the interstate movement of feral swine because of swine brucellosis. These actions appear necessary to achieve the goal of swine brucellosis eradication in the United States.

DATES: Consideration will be given only to comments received on or before September 21, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92-044-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are