

Response to Public Comment:

Please note that the comment will be discussed in the final rule.

In the event that traveling exhibitors are unable to follow their itinerary due to unforeseen circumstances i.e., inclement weather, motor vehicle malfunctions, sick animals, construction, etc., APHIS may be informally contacted via telephone, FAX, or email of the change in their planned itinerary. Traveling exhibitors will not be held accountable for deviations in their itinerary due to unforeseen circumstances.

The commenter stated “that by submitting such itinerary information, we may put ourselves all in the untenable position of providing groups such as PETA, and other animal rights activists, with more than they need to know.” These itineraries are private to the extent permitted by law. Title 5 U.S.C. 552 B (7) (f), states that information can be exempt from being “FOIAed” if it “could reasonably be expected to endanger the life or physical safety of any individual.” Also, if an itinerary is requested via the Freedom of Information Act (FOIA), most likely the itinerary will not be given to the requester until after the itinerary has been completed. APHIS inspectors will have access to documents which research facilities are required to keep on file describing their animal care and use procedures to ensure compliance with the AWA: however, they must maintain the privacy of such information and may not remove such information from the research facility unless it is required to support the investigation of a possible violation.

Most often itineraries are already public knowledge. Traveling exhibitors (licensees and registrants) are usually taking their animals away from their home to be exhibited at shows which are advertised via posters, Web sites, and trade publications. APHIS is not restricting how to submit itineraries to reduce the burden on the public. Licensees and registrants can record their itinerary in any format using any medium (with the exemption of the telephone).

Without collecting these itineraries of licensees and registrants, APHIS would not know where the animals are, and therefore could not adequately enforce the regulations and perform unannounced inspections. In addition, without this information, valuable time and resources would be wasted trying to track down exhibitors when APHIS is investigating complaints. Not providing this information would be contrary to the intent of the AWA and prevent prosecution of violators. This collection of information for Part 2 is consistent with 5 CFR 1320.5.