

The respondent also failed to adequately observe the well-being of the primates on a daily basis and to discover obvious signs of dehydration, in violation of section 2.33 of the regulations (9 C.F.R. § 2.33(b)).

III

On October 31, 1993, the respondent failed to control the temperature in a sheltered housing facility for nonhuman primates at its White Sands Research Center, allowing the temperature in one den containing three primates to reach 140 degrees Fahrenheit and causing the death of the primates, in violation of section 2.38(k) of the regulations (9 C.F.R. § 2.38(k) and section 3.83 of the standards (9 C.F.R. § 3.83)).

IV

A. On March 9, 1994, APHIS inspected the respondent's premises at its White Sands Research Center and found that the respondent had failed to provide adequate space to 37 nonhuman primates, in violation of section 2.38(k) of the regulations (9 C.F.R. § 2.38(k) and section 3.80(b)(2)(i) of the standards (9 C.F.R. § 3.80(b)(2)(i))).

B. On June 6, 1994, APHIS inspected the respondent's premises at its White Sands Research Center and found that the respondent had continued to fail to provide adequate space to the 37 nonhuman primates, in violation of section 2.38(k) of the regulations (9 C.F.R. § 2.38(k) and section 3.80(b)(2)(i) of the standards (9 C.F.R. § 3.80(b)(2)(i))).

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C. On March 21, 1995, APHIS inspected the respondent's premises at its White Sands Research Center and found that the respondent had continued to fail to provide adequate space to 27 of the 37 nonhuman primates, in violation of section 2.38(k) of the regulations (9 C.F.R. § 2.38(k) and section 3.80(b)(2)(i) of the standards (9 C.F.R. § 3.80(b)(2)(i)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

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(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. 5 2149).

Done at Washington, D.C.
this 6th day of July, 19 95


Acting Administrator
Animal and Plant Health
Inspection Service

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