

Done in Washington, DC, this 18th day of March 2003.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

9 CFR Parts 97 and 130

[Docket No. 02-040-1]

Veterinary Services User Fees; Fees for Endorsing Export Certificates for Ruminants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the user fees for endorsing export health certificates by establishing a separate user fee that would cover the cost of endorsing certificates that do not require verification of tests or vaccinations for ruminants. We are proposing this change to ensure that we recover all of the costs associated with providing that service. We are also proposing to make several miscellaneous changes to clarify the existing regulations.

DATES: We will consider all comments that we receive on or before May 20, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02-040-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 02-040-1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 02-040-1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except

holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information concerning program operations, contact Ms. Inez Hockaday, Acting Director, Management Support Staff, VS, APHIS, 4700 River Road Unit 44, Riverdale, MD 20737-1231; (301) 734-7517.

For information concerning rate development, contact Ms. Kris Caraher, Accountant, User Fee Section, Financial Management Division, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737-1231; (301) 734-8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import- and export-related services for animals, animal products, birds, germ plasm, organisms, and vectors are contained in 9 CFR part 130. Section 130.20 lists user fees we charge for endorsing health certificates for animals, birds, or animal or nonanimal products exported from the United States. Importing countries often require these certificates to show that an animal, bird, or product has tested negative to specific animal diseases or that the animal, bird, or product has not been exposed to specific animal diseases. The endorsement indicates that APHIS has reviewed a certificate and believes it to be accurate and reliable. The steps associated with endorsing an export certificate may include reviewing supporting documentation; confirming that the importing country's requirements have been met; verifying laboratory test results for each animal if tests are required; reviewing any certification statements required by the importing country; and endorsing, or signing, the certificates. Our user fees are intended to cover all of the costs associated with endorsing the certificates.

The user fees we charge to endorse export health certificates vary, depending on whether or not the importing country requires verification of tests or vaccinations and the type and quantity of animals, birds, or products covered by the certificate. For those

certificates that do not require verification of tests or vaccinations, paragraph (a) of § 130.20 lists user fees for the following certificate categories: Animal and nonanimal products; hatching eggs; poultry, including slaughter poultry; slaughter animals (except poultry) moving to Canada or Mexico; and other endorsements or certifications. For those certificates that require verification of tests or vaccinations, paragraph (b) of § 130.20 lists user fees based on the number of animals or birds and the number of tests or vaccinations on the certificate, and whether the animals covered by the certificate are nonslaughter horses moving to Canada or are other animals or birds. Currently, user fees for the endorsement of export health certificates for ruminants, except for ruminants exported for slaughter to Canada or Mexico, are included in the certificate categories "Other endorsements or certifications" and "Other animals or birds" in paragraphs (a) and (b) of § 130.20, respectively.

On August 28, 2000, we published a final rule in the **Federal Register** (65 FR 51997-52010, Docket No. 97-058-2) that amended the user fees for, among other things, the endorsement of export health certificates. We calculated the user fees established by that final rule to cover the costs associated with providing that service, which include direct labor and direct material costs.

Since the time we calculated the fees established in the August 2000 final rule, we have conducted a review of the costs of endorsing export health certificates. In that review, we found that the projected direct labor costs used to calculate the multi-year user fees for the certificate category "Other endorsements or certifications" in § 130.20(a) are less than the actual direct labor costs for the endorsement of certificates for ruminants, which is covered by that certificate category. As a result, the user fees charged to endorse certificates in accordance with § 130.20(a) for ruminants are less than the actual cost of providing that service. For the user fees to cover all the costs associated with endorsing such certificates for ruminants, including the direct labor costs, we propose to establish a new certificate category and user fee in § 130.20(a) for ruminants.

APHIS currently charges \$23 to endorse each certificate covered by the certificate category "Other endorsements or certifications" in § 130.20(a). We have estimated the actual cost of providing that service for ruminants to be \$33 for each endorsement; therefore, we propose to increase the current user fee charged for