

those entities, 99 percent of cattle farms (656,181) and 99 percent of sheep and goat farms (29,938) are considered small entities under the SBA's standards.<sup>10</sup>

Cattle feedlots are considered small under the SBA's standards if their annual sales are \$1.5 million or less.<sup>11</sup> Over 97 percent of feedlots (95,000 of 97,091) have capacities of fewer than 1,000 head, and average annual sales of about 420 head.<sup>12</sup> Assuming each head sold for \$1,000, these fewer-than-1,000 head capacity feedlots would generate, on average, \$420,000 in sales. Clearly, most feedlots that export ruminants to Mexico or Canada are also considered small entities.

The proposed \$10 increase in user fees for the endorsement of ruminant export health certificates that do not require verification of testing or vaccination, except ruminants exported from Mexico or Canada, would not have a significant economic impact on a substantial number of entities, large or small, given the value and number of animals usually listed on a single health certificate. Although the majority of entities potentially affected by this proposed rule are small entities, and the majority of cattle, sheep, and goats exported by the United States do not require testing or vaccination, the proposed user fee increase is small compared to the average total value of livestock normally included on a single health certificate.

Under these circumstances, the Administrator of the Animal and Plant

Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects

##### 7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and

recordkeeping requirements, Travel and transportation expenses.

##### 9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

##### 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 7 CFR part 354 and 9 CFR parts 97 and 130 as follows:

### PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 would continue to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

2. Section 354.1 would be amended as follows:

a. In paragraph (a)(1), introductory text, the table would be revised to read as set forth below.

b. In paragraph (a)(1)(iii), the table would be revised to read as set forth below.

#### 354.1 Overtime work at border ports, sea ports, and airports.

(a)(1) \* \* \*

### OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF PLANT, PLANT PRODUCTS, ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)			
	Oct. 1, 2002– Sept. 30, 2003	Oct. 1, 2003– Sept. 30, 2004	Oct. 1, 2004– Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays .....	\$46.00	\$48.00	\$49.00	\$51.00
Sundays .....	61.00	63.00	65.00	67.00

\* \* \* \* \*

(iii) \* \* \*

### OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES<sup>1</sup>

Outside the employee's normal tour of duty	Overtime rates (per hour)			
	Oct. 1, 2002– Sept. 30, 2003	Oct. 1, 2003– Sept. 30, 2004	Oct. 1, 2004– Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays .....	\$37.00	\$39.00	\$40.00	\$41.00
Sundays .....	49.00	51.00	53.00	55.00

<sup>1</sup> These charges exclude administrative overhead costs.

<sup>10</sup> 1997 Census of Agriculture, USDA National Agricultural Statistics Service (NASS). Sales

information for these farms identifies a data break at annual sales of \$500,000, not at \$750,000.

<sup>11</sup> Cattle feedlots, NAICS 112112.

<sup>12</sup> "Cattle on Feed," NASS, February 2001.