

Swine that have reached a finishing house or other final destination in the system will be destined for the slaughterhouse. Nothing in the current proposal would preclude any inspection needed to issue a certification for the interstate movement of swine to slaughter. The proposal would merely eliminate routine 30-day inspections for animals that have arrived at a finishing house or other final destination and that may well spend months at that one location. It does not relieve accredited veterinarians of the responsibility of complying with the accreditation standards or other applicable requirements.

Therefore, we are proposing to amend our definition of *swine production health plan* in § 71.1 to allow for greater flexibility in health inspections of swine that have completed their movement within a swine production system. Under our proposed definition, the swine production health plan would have to provide for health monitoring, including inspection by the swine production system accredited veterinarian(s), of all swine within the system. The required frequency of inspections would vary according to the nature of the premises and the swine that populate them. Inspections of premises that contain swine that are or will be in the process of moving interstate within the swine production system and of all swine on those premises would still have to be conducted by the accredited veterinarian(s) at intervals of no greater than 30 days. Inspections of premises containing only swine that have completed their interstate movement within a single swine production system and of all swine on those premises would have to be conducted in accordance with State regulations.

This action would reduce the frequency of veterinary inspections for swine that have completed their interstate movement within a single swine production system without diminishing the effectiveness of our swine-disease monitoring and surveillance activities.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would remove a requirement in § 71.1 for veterinary inspections, at intervals no greater than 30 days, of swine that have already

completed their interstate movement within a swine production system.

The entities affected by this proposed action would be swine owners and swine finishing houses or other final receiving destinations in swine production systems. Data from the 1997 Census of Agriculture suggest that approximately 109,754 swine farms could be affected, and that 98 percent of these swine farms could be classified as small entities under the Small Business Administration criterion of \$750,000 or less in revenue per year.¹

The overall economic impact of this proposed rule should be positive but small. Swine operations would be able to forgo certain costs of inspections at the finishing houses or other final receiving premises in the swine production system. The annual savings that would be realized by each swine operation are difficult to estimate because many of the veterinarians who perform the inspections are held under a retainer and perform other services for the swine operation. However, the time and resources of the veterinarian could be redirected to other issues at the finishing houses or other receiving premises, like caring for sick animals, thereby benefitting swine owners.

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 in conflict 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.*).

¹ 1997 Census of Agriculture, Hogs and Pigs Inventory (<http://www.nass.usda.gov>).

List of Subjects in 9 CFR 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 9 CFR part 71 as follows:

PART 71—GENERAL PROVISIONS

1. The authority citation for part 71 would continue to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

2. In § 71.1, in the definition of *swine production health plan*, the second sentence would be removed and four new sentences would be added in its place to read as follows:

§ 71.1 Definitions.

* * * * *

Swine production health plan. * * *
The plan must identify all premises that are part of the swine production system and that receive or send swine in interstate commerce and must provide for health monitoring of all swine within the system. Such health monitoring must include inspections by the swine production system accredited veterinarian(s). Inspections of all identified premises that contain swine that are or will be in the process of moving interstate within the swine production system and of all swine on those premises must be conducted by the accredited veterinarian(s) at intervals of no greater than 30 days. Inspections of all identified receiving premises that contain only swine that have completed their interstate movement within a single swine production system and of all swine on those premises must be conducted in accordance with State regulations.

* * *

* * * * *

Done in Washington, DC, this 19th day of May 2003.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–12994 Filed 5–22–03; 8:45 am]

BILLING CODE 3410–34–P