

§ 1955.103 Definitions.

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Socially disadvantaged applicant (SDA). An applicant who is a member of a socially disadvantaged group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as a member of a group, without regard to their individual qualities. For entity SDA applicants, the majority interest in the entity must be held by socially disadvantaged individuals. The Agency has identified socially disadvantaged groups as Women, Blacks, American Indians, Alaskan Natives, Hispanics, Asians, and Pacific Islanders.

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Dated: October 27, 2003.

J.B. Penn,

Under Secretary for Farm and Foreign Agricultural Services.

Dated: October 28, 2003.

Thomas C. Dorr,

Under Secretary for Rural Development.

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DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 71****[Docket No. 02-069-2]****Interstate Movement of Swine Within a Production System; Inspection of Swine**

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations pertaining to the interstate movement of swine by limiting the requirement for mandatory veterinary inspections, at intervals of 30 days or less, to swine that are or will be in the process of moving interstate within a swine production system and to the premises on which such swine are housed. With this change, swine that have arrived at a finishing house or other final destination within a single swine production system will no longer be required to undergo veterinary inspections at intervals of 30 days or less. In order to ensure that finishing house animals will still undergo regular health monitoring, swine that have completed their interstate movement within the swine production system, as well as the premises on which they are housed, will have to be inspected in accordance with State regulations. This

rule reduces 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.

EFFECTIVE DATE: November 3, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Adam Grow, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-7708.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in subchapter C of chapter I, title 9, Code of Federal Regulations, govern the interstate movement of animals and animal products to prevent the dissemination of livestock and poultry diseases in the United States. Part 71 of subchapter C (referred to below as the regulations) includes, among other things, requirements for the identification and inspection of swine being moved interstate.

On May 23, 2003, we published in the **Federal Register** (68 FR 28167-28168, Docket No. 02-069-1) a proposal to amend the regulations to allow for greater flexibility in health inspections of swine that have completed their movement within a swine production system. Specifically, we proposed to amend our definition of *swine production health plan* in § 71.1 by limiting the requirement for mandatory veterinary inspections, at intervals of 30 days or less, to swine that are or will be in the process of moving interstate within a swine production system and to the premises on which such swine are housed. Under our proposed rule, 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.

The proposed rule was intended to allow for greater flexibility in health monitoring within a swine production system without diminishing the effectiveness of our swine-disease monitoring and surveillance activities.

We solicited comments concerning our proposal for 60 days ending July 22, 2003. We received three comments by that date. They were from a veterinary association and pork producers' associations. All three commenters favored the proposed rule.

Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Miscellaneous

While we are adopting the proposed rule as a final rule without change, we are making three minor editorial changes to the regulations in part 71 in this final rule. First, in § 71.3(c), we are correcting an outdated reference to certain provisions of the tuberculosis regulations in part 77. Those provisions had been contained in § 77.5, but in a final rule published in the **Federal Register** on October 23, 2000 (65 FR 63502-63533, Docket No. 99-038-5), were moved to § 77.17. The reference in § 71.3(c) to those provisions should have been updated at that time, but was not; we are correcting that oversight in this final rule. The other two changes we are making simply correct the numbering of footnotes found in §§ 71.18 and 71.20.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

This rule limits the requirement for mandatory veterinary inspections, at intervals of 30 days or less, to swine that are or will be in the process of moving interstate within a swine production system and to the premises on which such swine are housed. By reducing the frequency of required veterinary inspections for swine that have completed their interstate movement within a single swine production system, this final rule eases the burden on swine producers, particularly those involved in the operation of swine finishing houses or other final receiving destinations in swine production systems. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective upon publication in the **Federal Register**.