

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

such an endorsement by \$10 to \$33. If adopted, this proposed user fee would take effect on the effective date of the final rule for this action.

Slaughter ruminants exported to Canada or Mexico that require certification under § 130.20(a) are covered by the certificate category "Slaughter animals (except poultry) moving to Canada or Mexico." To make it clear that slaughter ruminants exported to Canada or Mexico would continue to be covered by that certificate category, and not by the certificate category for ruminants proposed in this rule, we also propose to amend the title of the category for slaughter animals in § 130.20(a) to "Slaughter animals (except poultry but including ruminants) moving to Canada or Mexico." Similarly, the title of the proposed new category for ruminants would read: "Ruminants, except slaughter ruminants moving to Canada or Mexico." The user fees currently listed in § 130.20(a), including those fees for slaughter animals exported to Canada or Mexico, would not be affected by this proposed change.

Calculation Methodology

We calculated the user fee for endorsing export health certificates that do not require verification of tests or vaccinations for ruminants to cover the full costs associated with reviewing and endorsing a certificate. The costs of providing that service are the direct labor costs, administrative support costs, billing and collections costs, agency overhead, departmental charges, and a reserve component.

Direct labor costs are the salary and benefit costs of employee time spent specifically to endorse a certificate. To calculate the direct labor costs, we included time for a GS-14 step 5 veterinarian to provide information over the phone, research regulations, send any necessary facsimiles, and review, sign, and audit paperwork. We also included time for a GS-5 step 5 export clerk to review the contents of the certificate, print a receipt, enter and process information in the system, verify the origin and identity of the animal(s) by researching farms and matching eartags, handle collections, and mail certifications. We used the actual hourly salary of a GS-14 step 5 and a GS-5 step 5 during fiscal year (FY) 2002 (October 1, 2001, through September 30, 2002) and took into consideration the anticipated increases in the cost of living for fiscal years 2003 and 2004 that were projected in the President's Budget for FY 2003 (October 1, 2002, through September 30, 2003). Finally, we included employee benefit

costs at 20.42 percent of the total employee salary costs. Based on this approach, we estimate that the direct labor cost associated with the endorsement of export health certificates that do not require verification of tests or vaccinations for ruminants is \$15.12 for each certificate.

Administrative support costs include local clerical and administrative activities; indirect labor hours; travel and transportation for personnel; supplies, equipment, and other necessary items; training; general office supplies; rent; equipment capitalization; billings and collections expenses; utilities; and contractual services. Indirect labor hours include supervision of personnel and time spent doing work that is not directly connected with endorsing the certificates but which is nonetheless necessary, such as repairing equipment. Rent is the cost of using the space we need to perform work related to endorsing the certificates. Equipment capitalization is the cost per year to replace equipment, which we determine by establishing the life expectancy, in years, of equipment we use to endorse the certificates and by establishing the cost to replace the equipment at the end of its useful life. We subtract any money we anticipate receiving for selling used equipment. Then we divide the resulting amount by the life expectancy of the equipment. The result is the annual cost to replace equipment. Billing costs are the costs of managing user fee accounts for our customers who wish to receive monthly invoices for the services they receive from APHIS. Collections expenses include the costs of managing customer payments and accurately reflecting those payments in our accounting system. Utilities include water, telephone, electricity, gas, heating and oil. Contractual services include security service, maintenance, trash pickup, etc. We have calculated the administrative support costs for each endorsement to be \$10.85.

Agency overhead is the pro-rata share, attributable to endorsing the certificates, of the agency's management and support costs. Management and support costs include the costs of providing budget and accounting services, regulatory services, investigative and enforcement services, debt-management services, personnel services, public information services, legal services, liaison with Congress, and other general services provided above the local level. We have determined that \$4.19 for each endorsement covers the agency overhead associated with providing that service.

Departmental charges are APHIS's share, expressed as a percentage of the total cost, of services provided centrally by the Department of Agriculture (Department). Services the Department provides centrally include the Federal Telephone Service; mail; National Finance Center processing of payroll, and other money management; unemployment compensation; Office of Workers Compensation Programs; and central supply for storing and issuing commonly used supplies and Department forms. The Department notifies APHIS how much the agency owes for these services. We have included a pro-rata share of these departmental charges of \$1.38, as attributable to the endorsement of export health certificates that do not require verification of tests or vaccinations for ruminants, in our fee calculation.

We have added an amount that would help provide for a reasonable balance, or reserve, in the Veterinary Services' (VS) user fee account. We maintain a reserve in the VS user fee account that is equal to approximately 25 percent of the annual cost of the Import/Export Program to ensure that we have sufficient operating funds in cases of bad debt, customer insolvency, and fluctuations in activity volumes. All user fees contribute to the reserve proportionately. We have included a pro-rata share of the reserve of \$1.58, as attributable to each endorsement, in our fee calculation.

We added all of the costs, as discussed above, to obtain our cost of \$33.12 to endorse export health certificates that do not require verification of tests or vaccinations for ruminants, except for slaughter ruminants exported to Mexico or Canada. We then rounded this cost to the nearest whole dollar to obtain a user fee of \$33 for each certification. As mentioned above, if this proposed rule is adopted, the user fee for the new certificate category would take effect on the effective date of the final rule for this action. As is the case with all APHIS user fees, we intend to review, at least annually, the user fee proposed in this document. We will publish any necessary adjustments in the **Federal Register**.

We are also proposing to make several miscellaneous changes to the regulations for clarity. As mentioned above, the regulations in 9 CFR part 130 contain, among other things, tables that list multi-year user fees for certain veterinary diagnostic services and import- and export-related services. In addition to listing user fees for the current and future fiscal years (FY 2003

and beyond), many of the tables in part 130 list user fees for fiscal years 2001 and/or 2002. Because fiscal years 2001 and 2002 have passed, we believe it is no longer necessary to list the user fees for those fiscal years in the regulations. Therefore, we are proposing to amend the user fee tables in the part 130 by removing columns that list fees for fiscal years 2001 and 2002.

Similarly, we would also remove the columns for fiscal year 2002 from the overtime rates tables found in 7 CFR part 354 and 9 CFR parts 97 and 130 (those tables list multi-year overtime rates for inspection, laboratory testing, certification, or quarantine services provided by APHIS employees on a holiday, Sunday, or at any other time outside of an employee's regular tour of duty).

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.

APHIS charges flat-rate user fees to individuals, firms, corporations, and other entities for the endorsement of export health certificates for animals, birds, or animal or nonanimal products. These user fees vary, depending on whether or not the importing country requires verification of tests and the type and quantity of animals, birds, or products covered by the certificate. There is one user fee schedule for certificates that require verification of tests or vaccinations and another schedule for certificates that do not require such verification.

Currently, certifications for ruminants that do not require verification of tests

or vaccinations, other than certifications for slaughter ruminants exported to Mexico or Canada, are covered by a miscellaneous "catchall" user fee certificate category. (Ruminants exported to Mexico and Canada for slaughter are covered by a separate user fee that includes all slaughter animals, except poultry, exported to those two countries). APHIS currently charges \$23 per endorsement for services covered by that miscellaneous certificate category. Based on our review of the costs associated with endorsing export health certificates, we have determined that the current user fee charged for the miscellaneous certificate category does not cover all of our costs to endorse such certificates for ruminants. As a result, we are proposing to establish a new certificate category and user fee for that service. If adopted, this proposal would increase the current user fee charged to endorse certificates that do not require verification of tests or vaccinations for ruminants, except slaughter ruminants exported to Mexico or Canada, by \$10 to \$33 for each endorsement. We are proposing this change to ensure that we recover our costs for providing that service, which include direct labor costs, administrative support costs, billing and collection costs, Agency overhead, departmental charges, and a reserve component.

This proposed rule would affect entities who export ruminants, other than slaughter ruminants exported to Mexico or Canada, to countries that do not require that export health certificates include verification of tests or vaccinations. Because entities who export ruminants to Mexico or Canada for immediate slaughter are covered by a separate user fee category, such entities would not be affected by this

proposed rule. Whether or not an importing country requires verification of tests or vaccinations for ruminants depends on such factors as the type of animal exported, the time of year exportation occurs, and the health status of an animal's herd or State of origin. A representative overview of countries that import ruminants from the United States (including Brazil, Canada, China, Dominican Republic, Japan, Mexico, Nicaragua, Philippines, and Turkey) indicates that most countries require that export health certificates include verification of testing or vaccinations for ruminants.¹ For example, importing countries almost always require U.S.-origin ruminants to be tested for brucellosis and tuberculosis, and frequently require those animals to be tested for such diseases as anaplasmosis, bluetongue, Johne's disease, leptospirosis, and vesicular stomatitis, among others. However, two countries, Mexico and Canada, do not currently require verification of tests or vaccinations for some cattle, sheep, and goats, under certain conditions.

As shown in Table 1, below, trade statistics indicate that the majority of U.S.-origin cattle, sheep, and goats are exported to Mexico and Canada. For example, 56.6 percent of purebred cattle, 99.6 percent of not purebred cattle, 99.5 percent of sheep, and 82.3 percent of goats exported from the United States during 1999–2001 were shipped to Mexico or Canada. Of those animals listed in Table 1, animals categorized as "not purebred cattle" (which include feeder cattle, cattle exported for immediate slaughter, and other not purebred cattle) comprise the single largest category, accounting for 83 percent of the total number of cattle, sheep, and goats exported from the United States during 1999–2001.

TABLE 1.—VALUE OF U.S. EXPORTS OF CATTLE, SHEEP, AND GOATS TO MEXICO, CANADA, AND THE REST OF THE WORLD

[Dollar amounts and percentage shares of each livestock category as annual averages for 1999–2001]

	Mexico	Canada	Rest of the world
Purebred cattle	\$9.86 million (45.8%)	\$2.39 million (10.8%)	\$9.39 million (43.4%)
Not purebred cattle	\$70.77 million (32.4%)	\$145.74 million (67.2%)	\$718,000 (0.4%)
Sheep	\$18.00 million (97.4%)	\$391,000 (2.1%)	\$85,000 (0.5%)
Goats	\$1.95 million (74.2%)	\$206,000 (8.1%)	\$487,000 (17.7%)

Source: World Trade Atlas, based on U.S. Census data.

Because Mexico and Canada are the principal markets for ruminants exported from the United States that do not require health certificates to include

verification of tests or vaccinations, we can expect that entities who export cattle, sheep, and goats to those two countries would be most affected by this

proposed rule. As a result, this analysis will focus on the importation requirements of Mexico and Canada for U.S.-origin cattle, sheep, and goats.

¹ Import health requirements of foreign countries, including required certification statements and

testing, may be found on the Internet at <http://www.aphis.usda.gov/vs/ncie/iregs/animals/>.

U.S. Ruminant Exports to Mexico

Mexico does not require verification of tests or vaccinations for the following ruminants imported from the United States: Steers and spayed heifers shipped as feeder cattle; slaughter cattle, unless from Texas or Missouri; sheep other than rams; and goats other than breeding stock. Because Texas and Missouri are not designated as brucellosis Class-Free States, cattle imported for slaughter from those two States must be tested for that disease. Breeding cattle imported into Mexico from any State are required to be tested for brucellosis only if the animal is less than 6 months of age, or is an official calfhood vaccinate less than 20 months of age raised for dairy production or a vaccinate less than 24 months of age raised for beef. However, all breeding cattle, except for those animals under 1 month of age, must be tested for tuberculosis. For sheep and goats, Mexico requires that breeding and feeder rams be tested for brucellosis and breeding goats be tested for tuberculosis.

As mentioned above, animals other than poultry exported to Mexico and Canada for slaughter are covered by a separate user fee category. As a result, exporters of slaughter ruminants, including slaughter cattle, exported to Mexico or Canada would not be affected by this proposed rule. Slaughter cattle account for the majority of not purebred cattle exported to Mexico from the United States.² As shown in Table 1, the annual value of not purebred cattle exported to Mexico from the United States is estimated to be about \$71 million. APHIS export certification data indicate that approximately 62 percent of not purebred cattle shipped to Mexico were exported from the United States for purposes other than slaughter.³ We can expect, therefore, that the annual value of not purebred cattle exported to Mexico that would be affected by this proposed rule to be approximately \$44 million (\$70.77 million multiplied by 0.62).

This proposed rule would have a negligible economic impact on exporters of sheep and goats shipped to Mexico, as over 99 percent of sheep and 96

percent of goats from the United States to Mexico are intended for slaughter and would not, therefore, be covered by the certificate category and user fee proposed in this document.

U.S. Ruminant Exports to Canada

Ruminants exported to Canada that do not require testing or vaccination are feeder cattle from Hawaii, Montana, and Washington; sheep and goats intended for immediate slaughter; and some purebred cattle, sheep, and goats, depending on the health status of the State or herd from which the animal originated and the time of year the animals are shipped.

Canada requires feeder cattle imported from most States to be tested for tuberculosis and anaplasmosis, and requires certain feeder cattle to be tested for brucellosis and bluetongue. Brucellosis testing is not required for steers and spayed heifers and official calfhood vaccinates that were vaccinated with Strain 19 vaccine. For all other cattle, brucellosis testing requirements depend on the brucellosis status of the animal's herd and State. Currently, all States except Missouri and Texas are classified as brucellosis Class-Free. As a result, feeder cattle exported to Canada from all States except Missouri and Texas are exempt from brucellosis testing. Bluetongue test requirements depend on whether the animal comes from a low-, medium-, or high-incidence State and/or the time of year the animal is exported. For example, feeder cattle imported into Canada between October 1 and December 31 are not required to be tested for bluetongue, regardless of the State of origin.

As an alternative to the foregoing testing requirements, Canada accepts shipments of untested feeder cattle under its Restricted Feeder Cattle Program.⁴ To participate in this program, a State must meet certain requirements, including being free of brucellosis and tuberculosis and classified as a low risk for bluetongue, and must submit to Canada summary data for anaplasmosis. Currently, Hawaii, Montana, and Washington are

allowed to export untested feeder cattle to Canada under the Restricted Feeder Cattle Program. Cattle imported by Canada under this program may only enter the country between October 1 and March 31.

Testing requirements for breeding cattle exported to Canada depend on a given animal's particular circumstances. For example, brucellosis and anaplasmosis testing requirements depend on the health status of the herd and State, and bluetongue testing requirements depend on the State's classification and/or the time of year the animal is exported to Canada. Breeding cattle need not be tested for tuberculosis if the entire herd from which the animal originated is tested within the 12 months preceding exportation.

Sheep and goats exported to Canada for immediate slaughter need not be tested for bluetongue. For all other sheep and goats, testing for bluetongue depends on the status of the exporting State and/or the time of year of the export. For example, Canada does not require sheep and goats exported from any State between October 1 and December 31 to be tested for bluetongue, assuming that the animals have resided only in the United States or Canada.

As shown in Table 1, not purebred cattle, which predominantly consist of feeder cattle, account for the single largest category of ruminants exported to Canada that would be affected by this proposed rule. Because Hawaii, Montana, and Washington are the only States currently allowed to export feeder cattle to Canada without tests or vaccinations under the Restricted Feeder Cattle Program, we can expect that exporters of ruminants from those three States would be most affected by this proposed rule. Table 2 shows approximate average annual values of feeder cattle exported to Canada from Hawaii, Montana, and Washington, 1999–2001. These values are for cattle classified under Harmonized Schedule code 010290 (not purebred), and, therefore, may include animals exported for immediate slaughter and other not purebred animals; however, the majority of cattle under this classification are imported by Canada under its Restricted Feeder Cattle Program for feeding and subsequent slaughter.

² APHIS, Centers for Epidemiology & Animal Health (CEAH), 1999–2001.

³ APHIS CEAH, 1999–2001.

⁴ Canadian Food Inspection Agency, Client Services Information Sheet No. 14, Restricted Feeder Cattle from the United States.

TABLE 2.—APPROXIMATE AVERAGE ANNUAL VALUES OF FEEDER CATTLE EXPORTS TO CANADA FROM THE STATES OF HAWAII, MONTANA, AND WASHINGTON, 1999–2001

Hawaii	\$2,383,000
Montana	84,999,000
Washington	8,821,000
Total	96,203,000

Source: Industry Canada, Trade Data Online, based on data obtained from Statistics Canada and the U.S. Census Bureau, U.S. Department of Commerce.

Note: Values are for Harmonized Schedule code 010290—Bovine, live—Not Pure-bred, which are predominantly feeder cattle, but may include other cattle. The values, therefore, are only approximate feeder cattle values.

Montana's livestock exporters, in particular, have benefitted from the Restricted Feeder Cattle Program. A total of 127,643 restricted feeder cattle were shipped to Canada from Montana during the 1999–2000 season. In the 2000–2001 season, Montana shipped 133,240 head.⁵ The total value of feeder cattle exported from the three States to Canada, shown in Table 2 to be \$96 million, comprises two-thirds of the \$146 million shown in Table 1 for all not purebred cattle exported to Canada.

Statistics on other ruminants exported to Canada and affected by this proposed rule are not available. However, as mentioned above, exports of such ruminants, which include certain breeding stock, are not nearly as important as exports of not purebred cattle.

The User Fee Increase and Ruminant Export Values

The total value of ruminant exports that would be affected by this proposed rule and for which statistics are available is approximately \$140 million annually. This figure accounts for about 54 percent of cattle, sheep, and goats exported from the United States.⁶ However, even though a sizable percentage of U.S. ruminant exports would be affected by the proposed user fee increase, we do not expect that this proposed rule would have a significant impact on a substantial number of entities. The \$10 proposed increase in user fees for the endorsement of certificates that do not require verification of tests or vaccinations for ruminants represents a small amount of

the average export value of cattle.

Furthermore, the \$10 proposed increase in user fees is small compared to the total value of livestock usually included on a single health certificate, as most health certificates are issued for more than one animal and the new user fee of \$33 would apply for any number of animals covered by a single certificate.

This proposed rule would have the largest effect on exporters of not purebred cattle intended for export to Mexico and Canada. Table 3 shows the average value for each animal for those ruminant categories. The proposed \$10 increase in user fees represents approximately 2 percent of the average value of not purebred cattle exported to Mexico and Canada from the United States.

TABLE 3.—AVERAGE VALUES OF NOT PUREBRED CATTLE EXPORTED TO MEXICO AND CANADA AND PERCENTAGES OF THE VALUES REPRESENTED BY THE PROPOSED \$10 INCREASE IN USER FEES

	Average value per animal	\$10 user fee increase as a percentage of the average value
Not Purebred Cattle:		
Exported to Mexico	\$464	2.2
Exported to Canada	504	2.0

Source: World Trade Atlas, based on U.S. Census Bureau data. Values are annual averages for 1999, 2000, and 2001.

However, these percentages overstate the potential impact of the proposed user fee increase, as numerous animals are usually exported using a single certificate. For example, from 1999 through 2001, the average number of feeder cattle exported to Canada per certificate numbered 798 head.⁷ Based on this average number of cattle per certificate, the \$10 proposed user fee increase would account for only 0.002

percent of the total value of livestock included in a single health certificate.⁸

Impact on Small Entities

The Regulatory Flexibility Act require agencies to consider the economic impact of their rules on small entities, such as small businesses, organizations, and governmental jurisdictions. This proposed rule would affect livestock operations that export ruminants to Mexico or Canada, which include such

entities as cattle ranches and farms, sheep and goat farms, and cattle feedlots.

Under the standards established by the Small Business Administration (SBA), a business, firm, organization or other entity engaged in cattle ranching and farming, sheep farming, or goat farming is considered small if the entity has annual sales of \$750,000 or less.⁹ In 1997, there were 651,542 cattle farms and 29,790 sheep and goat farms. Of

⁵ Montana Department of Livestock.

⁶ Feeder cattle exports to Canada from Hawaii, Montana, and Washington (\$96 million) + not purebred cattle exports to Mexico (\$44 million) = \$140 million. (Overcounting of affected cattle and smallstock shipments to Mexico is assumed to be balanced by undercounting of affected cattle and

smallstock shipments to Canada.) All U.S. exports total about \$260 million (Table 1).

⁷ Calculated from data obtained from APHIS CEAH.

⁸ Average total value of feeder cattle exported to Canada, for each health certificate, is \$402,192: (\$10

divided by \$402,192) multiplied by 100 = 0.002 percent.

⁹ Cattle ranching and farming, North American Industry Classification System (NAICS) code 112120; sheep farming, NAICS 112410; and goat farming, NAICS 112420.

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.¹⁰

Cattle feedlots are considered small under the SBA's standards if their annual sales are \$1.5 million or less.¹¹ 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.¹² 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 SERVICES¹

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

¹ These charges exclude administrative overhead costs.

¹⁰ 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.

¹¹ Cattle feedlots, NAICS 112112.

¹² "Cattle on Feed," NASS, February 2001.

* * * * *

**PART 97—OVERTIME SERVICES
RELATING TO IMPORTS AND
EXPORTS**

3. The authority citation for part 97 would continue to read as follows:

Authority: 7 U.S.C. 8301–8317; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.4.

4. Section 97.1 would be amended as follows:

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

b. In paragraph (a)(3), the table would be revised to read as set forth below.

97.1 Overtime services relating to imports and exports.

(a) * * *

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF 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

* * * * *

(3) * * *

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES ¹

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

¹ These charges exclude administrative overhead costs.

* * * * *

PART 130—USER FEES

5. The authority citation for part 130 would continue to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31

U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.4.

6. Section 130.2 would be amended as follows:

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

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

§ 130.2 User fees for individual animals and certain birds quarantined in APHIS-owned or -operated animal quarantine facilities, including APHIS Animal Import Centers.

(a) * * *

Animal or bird	Daily user fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Birds (excluding ratites and pet birds imported in accordance with Part 93 of this subchapter):		
0–250 grams	\$1.50	\$1.75
251–1,000 grams	5.50	5.75
Over 1,000 grams	13.00	13.00
Domestic or zoo animals (except equines, birds, and poultry):		
Bison, bulls, camels, cattle, or zoo animals	100.00	102.00
All others, including, but not limited to, alpacas, llamas, goats, sheep, and swine	26.00	27.00
Equines (including zoo equines, but excluding miniature horses):		
1st through 3rd day (fee per day)	264.00	270.00
4th through 7th day (fee per day)	191.00	195.00
8th and subsequent days (fee per day)	162.00	166.00
Miniature horses	60.00	61.00
Poultry (including zoo poultry):		
Doves, pigeons, quail	3.25	3.50
Chickens, ducks, grouse, guinea fowl, partridge, pea fowl, pheasants	6.25	6.25
Large poultry and large waterfowl, including, but not limited to game cocks, geese, swans, and turkeys	14.00	15.00
Ratites:		
Chicks (less than 3 months old)	9.00	9.25
Juveniles (3 months through 10 months old)	14.00	14.00
Adults (11 months old and older)	26.00	27.00

(b) * * *

Bird or poultry (nonstandard housing, care, or handling)	Daily user fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Birds 0–250 grams and doves, pigeons, and quail	\$5.50	\$5.75
Birds 251–1,000 grams and poultry such as chickens, ducks, grouse, guinea fowl, partridge, pea fowl, and pheasants	13.00	13.00
Birds over 1,000 grams and large poultry and large waterfowl, including, but not limited to game cocks, geese, swans, and turkeys	25.00	25.00

* * * * *

7. In § 130.3, paragraph (a)(1), the table would be revised to read as follows:

§ 130.3 User fees for exclusive use of space at APHIS Animal Import Centers.

(a)(1) * * *

Animal import center	Monthly user fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Newburgh, NY:		
Space A, 5,396 sq. ft. (503.1 sq. m.)	\$57,630	\$59,254
Space B, 8,903 sq. ft. (827.1 sq. m.)	95,085	97,764
Space C, 905 sq. ft. (84.1 sq. m.)	9,666	9,938

* * * * *

8. In § 130.4, the table would be revised to read as follows:

§ 130.4 User fees for processing import permit applications.

* * * * *

Service	Unit	User fee	
		Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Import compliance assistance:			
Simple (2 hours or less)	Per release	\$68.00	\$70.00
Complicated (more than 2 hours)	Per release	174.00	180.00
Processing an application for a permit to import live animals, animal products or byproducts, organisms, vectors, or germ plasm (embryos or semen) or to transport organisms or vectors ¹			
Initial permit	Per application	94.00	94.00
Amended permit	Per amended application	47.00	47.00
Renewed permit ²	Per application	61.00	61.00
Processing an application for a permit to import fetal bovine serum when facility inspection is required.	Per application	322.00	322.00

¹ Using Veterinary Services Form 16–3, “Application for Permit to Import or Transport Controlled Material or Organisms or Vectors,” or Form 17–129, “Application for Import or In Transit Permit (Animals, Animal Semen, Animal Embryos, Birds, Poultry, or Hatching Eggs).”

² Permits to import germ plasm and live animals are not renewable.

9. In § 130.6, paragraph (a), the table would be revised to read as follows:

§ 130.6 User fees for inspection of live animals at land border ports along the United States-Mexico border.

(a) * * *

Type of live animal	Per head user fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Any ruminants (including breeder ruminants) not covered below	\$8.75	\$9.00
Feeder	2.50	2.50
Horses, other than slaughter	43.00	44.00
In-bond or in-transit	5.50	5.75
Slaughter	3.75	3.75

* * * * *

10. In § 130.7, paragraph (a), the table would be revised to read as follows:

§ 130.7 User fees for import or entry services for live animals at land border ports along the United States-Canada border.

(a) * * *

Type of live animal	Unit	User fee	
		Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Animals being imported into the United States			
Breeding animals (Grade animals, except horses):			
Sheep and goats	Per head	\$0.50	\$0.50
Swine	Per head	0.75	0.75
All others	Per head	3.25	3.25
Feeder animals:			
Cattle (not including calves)	Per head	1.50	1.50
Sheep and calves	Per head	0.50	0.50
Swine	Per head	0.25	0.25
Horses (including registered horses), other than slaughter and in-transit.	Per head	28.00	29.00
Poultry (including eggs), imported for any purpose	Per load	48.00	50.00
Registered animals (except horses)	Per head	5.75	6.00
Slaughter animals (except poultry)	Per load	24.00	25.00
<i>Animals transiting¹ the United States:</i>			
Cattle	Per head	1.50	1.50
Sheep and goats	Per head	0.25	0.25
Swine	Per head	0.25	0.25
Horses and all other animals	Per head	6.75	6.75

¹ The user fee in this section will be charged for in-transit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the hourly user fee rate in § 130.30 will apply.

* * * * *

11. In § 130.8, paragraph (a), the table would be revised to read as follows:

§ 130.8 User fees for other services.

(a) * * *

Service	Unit	User fee	
		Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Germ plasm being exported: ¹			
Embryo:			
Up to 5 donor pairs	Per certificate	\$81.00	\$83.00
Each additional group of donor pairs, up to 5 pairs per group, on the same certificate.	Per group of donor pairs	36.00	37.00
Semen	Per certificate	49.00	51.00
Release from export agricultural hold:			
Simple (2 hours or less)	Per release	68.00	70.00
Complicated (more than 2 hours)	Per release	174.00	180.00

¹ This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the hourly user fee in 130.30 will apply.

* * * * *

12. Section 130.10 would be amended as follows:

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

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

§ 130.10 User fees for pet birds.

(a) * * *

Service	Unit	User fee	
		Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
(1) Which have been out of the United States 60 days or less	Per lot	\$105.00	\$108.00
(2) Which have been out of the United States more than 60 days ..	Per lot	250.00	257.00

(b) * * *

Number of birds in isolette	Daily user fee	
	Oct. 1, 2002— Sept. 30, 2003	Beginning Oct. 1, 2003
1	\$9.00	\$9.25
2	11.00	11.00
3	13.00	13.00
4	15.00	15.00
5 or more	17.00	18.00

* * * * *

13. In § 130.11, paragraph (a), the table would be revised to read as follows:

§ 130.11 User fees for inspecting and approving import/export facilities and establishments.

(a) * * *

Service	Unit	User fee	
		Oct. 1, 2002— Sept. 30, 2003	Beginning Oct. 1, 2003
Embryo collection center inspection and approval (all inspections required during the year for facility approval).	Per year	\$369.00	\$380.00
Inspection for approval of biosecurity level three laboratories (all inspections related to approving the laboratory for handling one defined set of organisms or vectors).	Per inspection	977.00	977.00
Inspection for approval of pet food manufacturing, rendering, blending, or digest facilities:			
Initial approval	For all inspections required during the year.	404.75	404.75
Renewal	For all inspections required during the year.	289.00	289.00
Inspection for approval of pet food spraying and drying facilities:			
Initial approval	For all inspections required during the year.	275.00	275.00
Renewal	For all inspections required during the year.	162.00	162.00
Inspection for approval of slaughter establishment:			
Initial approval (all inspections)	Per year	362.00	373.00
Renewal (all inspections)	Per year	314.00	323.00
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:			
Approval (compliance agreement) (all inspections for first year of 3-year approval).	Per year	386.00	398.00
Renewed approval (all inspections for second and third years of 3-year approval).	Per year	223.00	230.00

* * * * *

14. Section 130.20 would be amended as follows:

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

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

130.20 User fees for endorsing export certificates.

(a) * * *

Certificate categories	User fee	
	Oct. 1, 2002— Sept. 30, 2003	Beginning Oct. 1, 2003
Animal and nonanimal products	\$31.00	\$32.00
Hatching eggs	29.00	30.00
Poultry, including slaughter poultry	29.00	30.00
Ruminants, except slaughter ruminants	33.00	33.00
Slaughter animals (except poultry but including ruminants) moving to Canada or Mexico	34.00	35.00
Other endorsements or certifications	23.00	24.00

* * * * *

(b)(1) * * *

Number of tests or vaccinations and number of animals or birds on the certificate	User fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
1–2 tests or vaccinations:		
First animal	\$74.00	\$76.00
Each additional animal	4.25	4.25
3–6 tests or vaccinations:		
First animal	91.00	94.00
Each additional animal	7.00	7.25
7 or more tests or vaccinations:		
First animal	106.00	109.00
Each additional animal	8.25	8.50

* * * * *

15. Section 130.30 would be revised to read as follows:

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

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

§ 130.30 Hourly rate and minimum user fees.

(a) * * *

	User fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Hourly rate:		
Per hour	\$84.00	\$84.00
Per quarter hour	21.00	21.00
Per service minimum fee	24.00	25.00

(b) * * *

Overtime rates (outside the employee's normal tour of duty)	Premium rate user fee	
	Oct. 1, 2002– Sept. 30, 2003	Beginning Oct. 1, 2003
Premium hourly rate Monday through Saturday and holidays:		
Per hour	\$96.00	\$100.00
Per quarter hour	24.00	25.00
Premium hourly rate for Sundays:		
Per hour	108.00	112.00
Per quarter hour	27.00	28.00

* * * * *

16. In § 130.50, paragraph (b)(3)(i), the table would be revised to read as follows:

§ 130.50 Payment of user fees.

* * * * *

(b) * * *

(3) * * *

(i) * * *

Outside of 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
Rate for inspection, testing, certification or quarantine of animals, animal products or other commodities: ³				
Monday–Saturday and holidays	\$46.00	\$48.00	\$49.00	\$51.00
Sundays	61.00	63.00	65.00	67.00
Rate for commercial airline inspection services: ⁴				
Monday–Saturday and holidays	37.00	39.00	40.00	41.00
Sundays	49.00	51.00	53.00	55.00

¹ Minimum charge of 2 hours, unless performed on the employee's regular workday and performed in direct continuation of the regular workday or begun within an hour of the regular workday.

² When the 2-hour minimum applies, you may need to pay commuted travel time. (See § 97.1(b) of this chapter for specific information about commuted travel time.)

³ See § 97.1(a) of this chapter or 7 CFR 354.3 for details.

⁴ See § 97.1(a)(3) of this chapter for details.

* * * * *

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03-6797 Filed 3-20-03; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Natural Resources Conservation Service

7 CFR Part 1470

Conservation Security Program

AGENCY: Commodity Credit Corporation and the Natural Resources Conservation Service, USDA.

ACTION: Extension of public comment period.

SUMMARY: The Conservation Security Program (CSP) is authorized by Title XII, Chapter 2, Subchapter A, of the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002. The Natural Resources Conservation Service (NRCS) published an advance notice of proposed rulemaking for CSP on February 18, 2003, (68 FR 7720), with a comment period expiring March 20, 2003. NRCS is hereby extending the period during which it will accept public comment on the advance notice of proposed rulemaking for CSP to April 3, 2003. This extension is to give the public an additional opportunity to comment on key issues that have been raised regarding the implementation of the program.

DATES: Comments must be received in writing by April 3, 2003.

ADDRESSES: Send comments in writing, by mail, to Conservation Operations Division, Natural Resources Conservation Service, P.O. Box 2890, Washington, DC 20013-2890, or by e-mail to FarmBillRules@usda.gov; Attn: Conservation Security Program. The Advance Notice of Proposed Rulemaking may also be accessed via the Internet through the NRCS homepage, at <http://www.nrcs.usda.gov>, and by selecting Farm Bill 2002. All comments, including names and addresses when provided, are placed in the record and are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Charles Whitmore, Acting Director, Conservation Operations Division, NRCS, P.O. Box 2890, Washington, DC

20013-2890; telephone: (202) 720-1845; fax: (202) 720-4265; submit e-mail to: charles.whitmore@usda.gov, Attention: Conservation Security Program.

Signed in Washington, DC, on March 17, 2003.

Bruce I. Knight,

Chief, Natural Resources Conservation Service and Vice President, Commodity Credit Corporation.

[FR Doc. 03-6825 Filed 3-20-03; 8:45 am]

BILLING CODE 3410-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 071-0379b; FRL-7456-5]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Mendocino County Air Quality Management District, and Monterey Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Imperial County Air Pollution Control District (ICAPCD), Mendocino County Air Quality Management District (MCAQMD), and Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern administrative changes for clarity and consistency. We are proposing to approve local rules and a rule rescission to regulate emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by April 21, 2003.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations: California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814. Imperial County Air Pollution Control District, 150 South 9th Street, El Centro, CA 92243-2801. Mendocino County Air Quality Management District, 306 E. Gobbi St., Ukiah, CA 95482-5511.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Ct., Monterey, CA 93940-6536.

A copy of the rules may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, EPA Region IX, (415) 947-4120.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: ICAPCD 115, MCAQMD 400(b), and rescission of MBUAPCD 209. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules and rule rescission in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: January 17, 2003.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 03-6709 Filed 3-20-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[TRI-2002-0003; FRL-7469-7]

RIN 2025-AA10

Community Right-to-Know; Toxic Chemical Release Reporting Using North American Industry Classification System (NAICS); Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On April 9, 1997, the Office of Management and Budget (OMB)