

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Parts 160 and 161**

[Docket No. 96-075-2]

Accredited Veterinarians; Optional Digital Signature**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule.

SUMMARY: We are amending the regulations to accept digital signatures from accredited veterinarians as an additional option for official certificates, forms, records, and reports to the Animal and Plant Health Inspection Service. Before the publication of this document, we required hand written signatures on all such documents. We believe that accepting digital signatures will benefit accredited veterinarians and the industries they serve by reducing the turnaround time for these documents. This action relieves restrictions that appear to be unnecessary.

EFFECTIVE DATE: May 9, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph S. VanTiem, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-7716, or e-mail: jvantiem@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in 9 CFR parts 160 and 161 (the regulations), govern the accreditation of veterinarians. Accredited veterinarians are approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS) to perform certain regulatory tasks to control and prevent the spread of animal diseases throughout the country and internationally. One of these regulatory tasks is preparing official documents including certificates, forms, records, and reports and submitting such documents to APHIS. Before the publication of this document, we required a hand written signature by the accredited veterinarian on all official certificates, forms, records, and reports.

On January 6, 1997, we published in the **Federal Register** (62 FR 597-600, Docket No. 96-075-1) a proposal to amend the regulations by allowing accredited veterinarians the additional option of signing official certificates, forms, records, and reports by use of a digital signature and of transmitting

such documents electronically to APHIS.

We solicited comments concerning our proposal for 60 days ending March 7, 1997. We received two comments by that date. They were from industry representatives. Both responses were in favor of our proposal to accept digital signatures from accredited veterinarians.

The commenters both supported our proposal and agreed that the acceptance of digital signatures and electronically transmitted documents will expedite document creation and processing and benefit all parties by saving time and money.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

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**. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. The current method of delivering certificates is time consuming and expensive. The optional use of digital signatures and electronic transmissions will save both time and money and expedite exports. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This 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.

We do not have enough data for a comprehensive analysis of the economic impacts of this final rule on small entities. Therefore, in accordance with 5 U.S.C. 601 *et seq.*, we have performed a Final Regulatory Flexibility Analysis, set forth below, regarding the economic effect of this rule on small entities.

Under the Animal Industry Act (21 U.S.C. 112, 113-114a-1, and 115), the Animal Quarantine Acts and the Cattle Contagious Diseases Act (21 U.S.C. 105, 111-113, 120, 121, and 125), the Federal Meat Inspection Act (21 U.S.C. 612 and 613), the Foot-and-Mouth Disease Research Act (21 U.S.C. 113a), and the Horse Protection Act (15 U.S.C. 1828),

the Secretary of Agriculture has the authority to promulgate regulations and take measures to prevent the introduction and dissemination of communicable diseases of livestock and poultry. In accordance with the regulations in 9 CFR parts 160, 161, and 162, some veterinarians are accredited by the Federal Government to cooperate with APHIS in controlling and preventing the introduction and dissemination of animal diseases. Accredited veterinarians use their professional training in veterinary medicine to perform certain regulatory tasks. One of these regulatory tasks is preparing official documents, including certificates, forms, records, and reports and submitting such documents to APHIS. Before the publication of this document, only a hand written signature of an accredited veterinarian was acceptable.

We are amending the regulations to allow accredited veterinarians to use digital signatures in place of hand written signatures. Allowing the electronic transmission of signed documents will benefit accredited veterinarians and the industries they serve by eliminating the time-consuming step of physical transmission from the accredited veterinarian to the VS area office and others involved in the process.

An example of a document which accredited veterinarians must sign is an export health certificate. For the poultry industry, VS Form 17-6, Certificate for Poultry or Hatching Eggs for Export, is used as an export health certificate. Before the publication of this document, a VS Form 17-6 was processed as follows: The producer filled out information related to the exportation on the VS Form 17-6 and sent it to the accredited veterinarian; the accredited veterinarian filled out the information about the health of the poultry or eggs on the VS Form 17-6, including any required test information, signed the VS Form 17-6 and sent it to the VS area office; the APHIS veterinarian reviewed and endorsed the VS Form 17-6 and sent it back to the producer, who sent the VS Form 17-6 to the importing country. Throughout this process, there could have been time delays and additional expenses incurred for mailing or special handling to move the certificate from one place to the next.

With the use of digital signatures, the accredited veterinarian can receive, complete, and sign an automated document from the producer. The accredited veterinarian can electronically transmit the signed document to the VS area office. Therefore, this amendment eliminates

the need to pay couriers or package delivery companies and wait for delivery between the producers, accredited veterinarians, and the VS area office.

This rule provides an additional option for signing and submitting official certificates, forms, records, and reports. While not requiring that this option be exercised, there are potential savings for those accredited veterinarians who make use of this option. The delivery costs associated with these documents can vary widely based on the delivery method used. Therefore, we cannot accurately estimate the potential savings. However, we expect that this rule will benefit accredited veterinarians and their clients, whether large or small.

An alternative to this rule was to make no changes in the regulations. We rejected this alternative because accredited veterinarians will not be required to use this alternative signature method.

This rule contains no new information collection or recordkeeping requirements.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects

9 CFR Part 160

Veterinarians.

9 CFR Part 161

Reporting and recordkeeping requirements, Veterinarians.

Accordingly, 9 CFR parts 160 and 161 are amended as follows:

PART 160—DEFINITION OF TERMS

1. The authority citation for part 160 continues to read as follows:

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111–114, 114a, 114a–1, 115, 116, 120, 121, 125, 134b, 134f, 612 and 613; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 160.1, the definitions for *issue* and *sign* are revised and the definition for *approved digital signature* is added, in alphabetical order, to read as follows:

§ 160.1 Definitions.

Approved digital signature. Digital signatures approved by the Administrator for electronic transmission, for example, via a computer. To be approved, a digital signature must be able to verify the identity of the accredited veterinarian signing the document and indicate if the integrity of the data in the signed document was compromised.

Issue. The distribution, including electronic transmission, of an official animal health document that has been signed.

Sign, (Signed). For an accredited veterinarian to put his or her signature in his or her own hand, or by means of an approved digital signature, on a certificate, form, record, or report. No certificate, form, record, or report is signed if:

(1) Someone other than the accredited veterinarian has signed it on behalf of or in the name of the accredited veterinarian, regardless of the authority granted them by the accredited veterinarian; or

(2) If any mechanical device, other than an approved digital signature, has been used to affix the signature.

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

3. The authority citation for part 161 continues to read as follows:

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111–114, 114a, 114a–1, 115, 116, 120, 121, 125, 134b, 134f, 612 and 613; 7 CFR 2.22, 2.80, and 371.2(d).

4. In § 161.3 paragraph (j) is revised to read as follows:

§ 161.3 Standards for accredited veterinarian duties.

(j) An accredited veterinarian shall be responsible for the security and proper

use of all official certificates, forms, records, and reports; tags, bands, or other identification devices; and approved digital signature capabilities used in his or her work as an accredited veterinarian and shall take reasonable care to prevent the misuse thereof. An accredited veterinarian shall immediately report to the Veterinarian-in-Charge the loss, theft, or deliberate or accidental misuse of any such certificate, form, record, or report; tag, band, or other identification device; or approved digital signature capability.

Done in Washington, DC, this 5th day of May 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–12084 Filed 5–8–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AAL–3]

Temporary Establishment of Class D Airspace; Anchorage International Airport, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a temporary Class D airspace area east of the Anchorage International Airport, AK, while Runway 06R/24L is closed for construction and at times for the closure of portions of Runway 32/14. During these closures, heavy or large commercial aircraft will be departing to the east from Runway 06L or arriving from the east to land on Runway 24R. The intended effect of this action is to enhance safety by reducing the possibility of small general aviation aircraft encountering wake turbulence from, or conflicting with, heavy or large aircraft departing or arriving Anchorage International Airport.

DATES: *Effective date:* 0901 UTC, May 22, 1997.

Expiration date: 0901 UTC, September 15, 1997.

FOR FURTHER INFORMATION CONTACT: Robert C. Durand, System Management Branch, AAL–530, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue #14, Anchorage, AK 99513–7587; telephone number: (907) 271–5898.