

authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

#### **PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

#### **§ 558.195 [Amended]**

■ 2. Section 558.195 is amended in paragraph (e)(2)(iii) in the “Limitations” column by removing “CTC (chlortetracycline) Type A medicated articles under NADA 141–147” and by adding in its place “chlortetracycline Type A medicated articles under NADA 141–147 and ANADA 200–359” and by adding as the last sentence “Chlortetracycline as provided by Nos. 046573 and 053389 in § 510.600(c) of this chapter.”; and in paragraph (e)(2)(iii) in the “Sponsor” column by adding “053389” after “046573”.

Dated: April 23, 2004.

**Catherine P. Beck,**

*Acting Director, Center for Veterinary Medicine.*

[FR Doc. 04–10829 Filed 5–12–04; 8:45 am]

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## **DEPARTMENT OF LABOR**

### **Mine Safety and Health Administration**

#### **30 CFR Part 50**

#### **Administrative Changes**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** We are amending our regulations to: reflect organizational changes and updated filing procedures; correct clerical errors; and make conforming changes to rule text.

**EFFECTIVE DATE:** May 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** Marvin W. Nichols, Jr., Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209–3939, [Nichols-Marvin@msha.gov](mailto:Nichols-Marvin@msha.gov), (202)693–9440 (telephone), (202)693–9441 (facsimile). This rule is available in alternative formats, such as large print, and is also available at <http://www.msha.gov>, under “Rules and Regs.”

#### **SUPPLEMENTARY INFORMATION:**

#### **A. Background**

This final rule updates 30 CFR part 50 to reflect current mailing addresses and office closings. Additionally, the final rule recognizes our practice of providing the public with electronic access to forms and allowing mine operators to submit reports electronically. Finally, the rule corrects errors and makes a conforming change in the rule text.

Because this final rule deals with agency management and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(a)(2) and (b)(3)(A), and the usual 30-day delay in the effective date is not required.

#### **B. Paperwork Reduction Act Statement**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### **C. E.O. 12866 Regulatory Planning and Review**

This final rule is not a “regulatory action” under section 3 of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. The rule is an administrative action reflecting organizational and procedural changes in a federal agency. Because the rule is limited to agency organization and management, it falls within the exclusion set forth in section 3(d)(3) of the Executive Order.

#### **D. Unfunded Mandates Reform Act**

For purposes of the Unfunded Mandates Reform Act of 1995, this rule does not include any Federal mandate that may result in increased expenditures by State, local, or tribal governments, or by the private sector.

#### **List of Subjects in 30 CFR Part 50**

Investigations, Mine safety and health, Reporting and record keeping requirements.

■ Accordingly, Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

#### **PART 50—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES**

■ 1. The authority citation for Part 50 continues to read as follows:

**Authority:** 29 U.S.C. 577a; 30 U.S.C. 951, 957, 961.

#### **§ 50.2 [Amended]**

■ 2. In § 50.2(h), the comma after the term “Accident means” is removed.

#### **§ 50.10 [Amended]**

■ 3. In § 50.10:

- a. In the first sentence, the phrase “or Subdistrict” is removed.
- b. In the second sentence, the phrase “or Subdistrict” is removed.

#### **§ 50.11 [Amended]**

- 4. In § 50.11(a), in the first sentence, the phrase “or Subdistrict” is removed.
- 5. In § 50.11(b)(8), the word “occurrence” is changed to “occurrence.”

#### **§ 50.12 [Amended]**

- 6. In § 50.12, the phrase “or Subdistrict” is removed.

#### **§ 50.20 [Amended]**

■ 7. In § 50.20(a):

- a. In the second sentence, the phrase “MSHA Metal and Nonmetal Mine Safety and Health District Offices and from MSHA Coal Mine Safety and Health Subdistrict Offices” is revised to read “the MSHA District Office.”
- b. In the last sentence, the phrase “5 through 11” is revised to read “5 through 12.”

#### **§ 50.20–1 [Amended]**

■ 8. In § 50.20–1:

- a. In the second sentence, the phrase “Denver Safety and Health Technology Center” is revised to read “MSHA Office of Injury and Employment Information.”
- b. In the third sentence, the phrase “or Subdistrict” is removed.
- c. In the fifth sentence, the phrase “Denver Safety and Health Technology Center” is revised to read “MSHA Office of Injury and Employment Information.”
- d. At the end of the paragraph, add “You may also submit reports by facsimile, 888–231–5515. To file electronically, follow the instructions on the MSHA Internet site, <http://www.msha.gov>. For assistance in electronic filing, contact the MSHA help desk at 877–778–6055.”

#### **§ 50.20–4 [Amended]**

- 9. In § 50.20–4(a), in the second sentence, the phrase “Health and Safety District of Subdistrict office” is revised to read “District Office.”

#### **§ 50.20–6 [Amended]**

- 10. In § 50.20–6(b)(7)(ii), the term “Disease” is revised to read “Diseases.”
- 11. In § 50.20–6(b)(7)(v), the term “ultra-violet” is revised to read “ultra-violet.”

#### **§ 50.30 [Amended]**

■ 12. Amend § 50.30(a) as follows:

- a. In the first sentence, the phrase “Denver Safety and Health Technology Center” is revised to read “MSHA Office of Injury and Employment Information.”

■ b. In the second sentence, the phrase “MSHA Metal and Nonmetal Mine Safety and Health District Offices and from MSHA Coal Mine Safety and Health Subdistrict Offices” is revised to read “the MSHA District Office.”

■ c. At the end of the paragraph, add “You may also submit reports by facsimile, 888–231–5515. To file electronically, follow the instructions on the MSHA Internet site at <http://www.msha.gov>. For assistance in electronic filing, contact the MSHA help desk at 877–778–6055.”

#### **§ 50.30–1 [Amended]**

■ 14. In § 50.30–1(a), in the second sentence, the phrase “Health and Safety District or Subdistrict” is revised to read “District.”

Dated: May 7, 2004.

**Dave D. Lauriski,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 04–10872 Filed 5–12–04; 8:45 am]

BILLING CODE 4510–43–P

## **DEPARTMENT OF THE INTERIOR**

### **Office of Surface Mining Reclamation and Enforcement**

#### **30 CFR Part 917**

[KY–244–FOR]

#### **Kentucky Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; non-approval of amendment.

**SUMMARY:** We are not approving an amendment to the Kentucky regulatory program (the “Kentucky program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky transferred \$3,000,000 from the Kentucky Bond Pool Fund (the Fund) on June 19, 2003, and \$840,000 on March 1, 2004, to the Commonwealth’s General Fund for the 2002–2003 fiscal year.

**EFFECTIVE DATE:** May 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Telephone: (859) 260–8400. Internet address: [bkovacic@osmre.gov](mailto:bkovacic@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Kentucky Program
- II. Submission of the Proposed Amendment
- III. OSM’s Findings
- IV. Summary and Disposition of Comments
- V. OSM’s Decision
- VI. Procedural Determinations

#### **I. Background on the Kentucky Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary’s findings, the disposition of comments, and conditions of approval in the May 18, 1982, **Federal Register** (47 FR 21404). You can also find later actions concerning Kentucky’s program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16 and 917.17.

#### **II. Submission of the Proposed Amendment**

By telefax dated March 20, 2002, Kentucky asked us to informally review the proposed transfer of \$3,000,000 from the Fund to its General Fund (Administrative Record No. KY–1528). By letter dated March 20, 2002, we expressed concern about the transfer and directed Kentucky to submit the amendment formally. We also advised Kentucky that under 30 CFR 732.17(g), the proposed transfer could not take effect until approved by OSM as an amendment to the approved State program (Administrative Record No. KY–1528). On March 18, 2003, we sent a second letter to Kentucky stating that we had become aware of the proposed transfer of funds in House Bill 269, which had been recently passed by the Kentucky General Assembly (Administrative Record No. KY–1575). We reiterated our concerns with the transfer and referred to our letter dated March 20, 2002. We emphasized that “no such change to laws or regulations shall take effect for purposes of a State program until approved as an amendment.”

By letter dated May 22, 2003, Kentucky sent us an amendment to its program (Administrative Record No. KY–1580) under SMCRA (30 U.S.C. 1201 *et seq.*). Kentucky submitted a portion of House Bill 269, the executive branch budget bill, promulgated by the

2003 Kentucky General Assembly. Specifically, Kentucky transferred \$3,000,000 from the Fund established in Kentucky Revised Statute (KRS) 350.700 to the Commonwealth’s General Fund for the 2002–2003 fiscal year. The transfer appears on page 225, line 21 and is listed under Part V, Section J, item 5 of House Bill 269; the effective date of the transfer was June 19, 2003.

By letter dated July 10, 2003, we requested additional information from Kentucky in the form of a financial analysis (Administrative Record No. KY–1584). We asked that the analysis specifically demonstrate that the transfer of funds would not adversely impact the Fund’s ability to complete the reclamation plan for any area which may be in default at any time as required by 30 CFR 800.11(e). By letter dated August 14, 2003, Kentucky responded by stating the Madison Consulting Group would perform an actuarial review of the Fund (Administrative Record No. KY–1599). By letter dated March 3, 2004, the Department for Natural Resources (formerly the Department for Surface Mining Reclamation and Enforcement) transmitted the Kentucky Bond Pool Actuarial Report to us (Administrative Record No. KY–1615).

The actuarial review covers the time period July 1, 2000, through June 30, 2003, and takes into account that \$3,000,000 was transferred from the Fund on June 19, 2003, with an additional \$840,000 to be transferred from the Fund on March 1, 2004. The full text is available for you to read at the locations listed above at **ADDRESSES**. The key findings of the report are summarized here. The report concluded that the Fund:

1. Should be able to “reasonably withstand the failure of any two of its member companies” to be actuarially sound and viable on a long-term basis (p. 7);
2. Is “currently not able to reasonably provide for the ‘two failure’ funding scenario up to a 75 percent confidence level” (p. 8);
3. Needs to increase its assets “so as to provide for potential liabilities and future growth” (p. 8); and
4. Is in a less favorable financial situation than the last analysis completed for the period ending June 30, 2000 (p. 8).

We announced receipt of the proposed amendment in the July 16, 2003, **Federal Register** (68 FR 41980), and in the same document invited public comment and provided an opportunity for a public hearing on the adequacy of the proposed amendment.