

**List of Subjects in 20 CFR Part 403**

Courts, Government employees.

20 CFR part 403 is corrected by making the following correcting amendments:

**PART 403—TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF RECORDS AND INFORMATION IN LEGAL PROCEEDINGS**

1. The authority citation for part 403 continues to read as follows:

**Authority:** Secs. 702(a)(5) and 1106 of the Act, (42 U.S.C. 902(a)(5) and 1306); 5 U.S.C. 301; 31 U.S.C. 9701.

2. Section 403.120 is amended by revising the first sentence of paragraph (c) to read as follows:

**§ 403.120 How do you request testimony?**

\* \* \* \* \*

(c) You must send your application for testimony to: Social Security Administration, Office of the General Counsel, Office of General Law, P.O. Box 17779, Baltimore, MD 21235-7779, Attn: Touhy Officer. \* \* \*

\* \* \* \* \*

Georgia E. Myers,

SSA Regulations Officer.

[FR Doc. 01-5823 Filed 3-9-01; 8:45 am]

BILLING CODE 4191-02-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 520****Oral Dosage Form New Animal Drugs; Phenylbutazone Tablets and Boluses**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Phoenix Scientific, Inc. The supplemental NADA provides for oral use of a 200-milligram (mg) strength phenylbutazone tablet for relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses.

**DATES:** This rule is effective March 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7540.

**SUPPLEMENTARY INFORMATION:** Phoenix Scientific, Inc., 3915 South 48th Street Terrace, P.O. Box 6457, St. Joseph, MO 64506-0457, filed a supplement to approved NADA 094-170 for Phenylbutazone Tablets, USP. The supplemental NADA provides for use of a 200-mg strength phenylbutazone tablet for relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses. The supplemental NADA is approved as of January 12, 2001, and the regulations are amended in 21 CFR 520.1720a to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subjects in 21 CFR Part 520**

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 520 continues to read as follows:

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

**§ 520.1720a [Amended]**

2. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(2) by removing "No. 000010" and by adding in its place "Nos. 000010 and 059130"; and in paragraph (b)(3) by removing "015579, 059130" and by adding in its place "015579".

Dated: February 26, 2001.

**Claire M. Lathers,**

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01-5681 Filed 3-9-01; 8:45 am]

BILLING CODE 4160-01-S

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 816 and 817****RIN 1029-AB40****Surface Coal Mining and Reclamation Operations; Technical Amendment; Permanent and Temporary Impoundments**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are making technical revisions to our regulations to correct errors in cross references and to change an address.

**EFFECTIVE DATE:** March 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andy DeVito, Office of Surface Mining Reclamation and Enforcement, Room 117, South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone (202) 208-2701. E-Mail: adevito@osmre.gov.

**SUPPLEMENTARY INFORMATION:**

I. Background and Discussion of Final Rule  
II. Procedural Matters

**I. Background and Discussion of Final Rule**

We published a final rule (RIN 1029-AB40) on October 20, 1994 at 59 FR 53022. The rule revised regulations in 30 CFR parts 816 and 817. In both 30 CFR 816.49 and 817.49, OSM redesignated paragraphs (a)(8), (a)(9), and (a)(10) as (a)(9), (a)(10), and (a)(11) respectively. Redesignated paragraph (a)(9) still contains cross references to paragraphs (a)(8), (a)(8)(i) and (a)(8)(ii). Those cross references should have been revised to read (a)(9), (a)(9)(i) and (a)(9)(ii) when paragraph (a)(8) was redesignated as paragraph (a)(9). Similarly, redesignated paragraph (a)(11) contains cross references to paragraphs (a)(10)(i) and (a)(10)(iv). Those cross references should have been revised to read (a)(11)(i) and (a)(11)(iv) when paragraph (a)(10) was redesignated as paragraph (a)(11). In addition, both 30 CFR 816.49(c)(2) and

817.49(c)(2) contains a cross reference to (a)(8)(i) which, under the redesignation, should have been revised to (a)(9)(i). This rule corrects those errors. Finally, 30 CFR 816.49(a)(1) and 817.49(a)(1) contains references to OSM's Administrative Record Room which was located at 800 North Capitol Street, NW., Washington, DC when the rule was published. Since publication of the rule, we have moved the Administrative Record Room to 1951 Constitution Avenue, NW., Washington, DC. This rule revise paragraphs 816.49(a)(1) and 817.49(a)(1) to indicate the new address.

## II. Procedural Matters

### *Administrative Procedure Act*

This final rule has been issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA) (5 U.S.C. 553) provides an exception to the notice and comment procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. OSM has determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rule merely corrects references contained in the regulations and does not impose any new OSM regulatory requirements. These same reasons also provide OSM with good cause under 5 U.S.C. 553(d)(3) of the APA to have the regulation become effective on a date that is less than 30 days after the date of publication in the **Federal Register**.

### *Executive Order 12866*

This rule is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. As previously stated, this rule corrects references contained in the regulations and does not impose any new OSM regulatory requirements.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency for the reasons stated above.

(3) This rule does not alter the budgetary effects of entitlements, grants,

user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues for the reasons stated above.

### *Regulatory Flexibility Act*

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). As previously stated, the rule merely corrects references contained in the regulations and does not impose any new OSM regulatory requirements.

### *Unfunded Mandates Reform Act*

For purposes of compliance with the Unfunded Mandates Reform Act of 1995, this rule does not impose any obligations that individually or cumulatively would require an aggregate expenditure of \$100 million or more by State, local, and Tribal governments and the private sector in any given year.

### *Federal Paperwork Reduction Act*

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

### *National Environmental Policy Act*

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the requirement to prepare an environmental document under the National Environmental Policy Act of 1969. This determination was made in accordance with the Departmental Manual (516 DM 2, Appendix 1.10).

### *Executive Order 12988 on Civil Justice Reform*

The Department of the Interior has determined that this rule meets the requirements of sections (3)(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform (61 FR 4729).

### *Effect in Federal Program States and on Indian Lands*

The rule will apply through cross-referencing to the following Federal program states: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee and Washington. The Federal programs for these States appear at 30 CFR Parts 905, 910, 912, 921, 922, 933, 937, 939, 941, 942 and 947, respectively. The rule also applies through cross-referencing to Indian lands under the Federal program for

Indian lands as provided in 30 CFR part 750.

### *Effect on State Programs*

Following promulgation of the final rule, OSM will evaluate State programs approved under section 503 of SMCRA to determine any changes in those programs that will be necessary. When OSM determines that a particular State program provision should be amended in order to be made no less stringent than the revised Federal regulations, the particular States will be notified in accordance with the provisions of 30 CFR 732.17.

### **List of Subjects**

#### *30 CFR Part 816*

Environmental protection, Reporting and recordkeeping requirements, Surface mining.

#### *30 CFR Part 817*

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Dated: February 23, 2001.

#### **Piet deWitt,**

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons given in the preamble, 30 CFR Parts 816 and 817 are amended as set forth below.

### **PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES**

1. The authority citation for Part 816 is revised to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*; and sec. 115 of Pub. L. 98–146.

#### **§ 816.49 [Amended]**

2. Amend § 816.49 as follows:

a. In paragraph (a)(1), the words “Room 660, 800 North Capitol Street” are revised to read “1951 Constitution Avenue, NW.”

b. In paragraph (a)(9), the references to “(a)(8)(i)” and “(a)(8)(ii)” are revised to read “(a)(9)(i)” and “(a)(9)(ii),” respectively.

c. In paragraph (a)(9)(ii), the reference to “(a)(8)” is revised to read “(a)(9).”

d. In paragraph (a)(11), the references to “(a)(10)(i)” and “(a)(10)(iv)” are revised to read “(a)(11)(i)” and “(a)(11)(iv),” respectively.

e. In paragraph (a)(11)(ii), the references to “(a)(10)(i)” and “(a)(10)(iv)” are revised to read “(a)(11)(i)” and “(a)(11)(iv),” respectively.

f. In paragraph (c)(2), the reference to “(a)(8)(i)” is revised to read “(a)(9)(i).”

**PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES**

4. The authority citation for Part 817 is revised to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

**§ 817.49 [Amended]**

5. Amend § 817.49 as follows:

a. In paragraph (a)(1), the words “Room 660, 800 North Capitol Street” are revised to read “1951 Constitution Avenue, NW.”

b. In paragraph (a)(9), the references to “(a)(8)(i)” and “(a)(8)(ii)” are revised to read “(a)(9)(i)” and “(a)(9)(ii),” respectively.

c. In paragraph (a)(9)(ii), the reference to “(a)(8)” is revised to read “(a)(9).”

d. In paragraph (a)(11), the references to “(a)(10)(i)” and “(a)(10)(iv)” are revised to read “(a)(11)(i)” and “(a)(11)(iv),” respectively.

e. In paragraph (a)(11)(ii), the references to “(a)(10)(i)” and “(a)(10)(iv)” are revised to read “(a)(11)(i)” and “(a)(11)(iv),” respectively.

f. In paragraph (c)(2), the reference to “(a)(8)(i)” is revised to read “(a)(9)(i).”

[FR Doc. 01-6105 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-05-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MA-01-082-7212a; A-1-FRL-6931-3]

**Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to the Massachusetts Port Authority/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes a state process to allow the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total Logan Parking Freeze inventory number remains at or below 21,790 parking spaces. This action is being taken under the Clean Air Act.

**EFFECTIVE DATE:** This rule will become effective on April 11, 2001.

**ADDRESSES:** Copies of the documents relevant to this action are available for

public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M-1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and Planning and Evaluation Division, Bureau of Waste Prevention, Massachusetts Department of Environmental Protection, One Winter Street, 9th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Donald O. Cooke, (617) 918-1668 or e-mail Cooke.donald@epa.gov.

**SUPPLEMENTARY INFORMATION:** On November 27, 2000 (65 FR 70676-70678), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of amendments to the Massachusetts Port Authority (Massport)/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze. The revisions allows the Commonwealth to automatically approve the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total parking space inventory number for the Logan Parking Freeze remains at or below 21,790 parking spaces. Future modifications in the parking freeze inventories for the Logan Airport and East Boston Parking Freezes will be regulated by the Commonwealth's revisions to Massachusetts State Regulations 310 CMR 7.30 and 310 CMR 7.31. The formal SIP revision was submitted by Massachusetts on December 8, 2000 and December 26, 2000.

Originally, Massachusetts requested that EPA parallel process this SIP revision. In accordance with this process, EPA held a thirty day comment period which overlapped the Commonwealth's public participation period. During the Commonwealth's comment period, two comments were submitted to the Massachusetts Department of Environmental Protection (MA DEP) from Massport and from EPA-New England. Massport's comment provided substitution of the language in 310 CMR 7.30(5)(b) which enables MA DEP to keep an up-to-date administrative record of the Logan and East Boston Parking Freeze inventories. EPA-New England's comment addressed public access to information on the number of MA DEP-certified parking spaces in the Logan Airport and East Boston Parking Freeze areas. MA DEP has made a commitment to make these

parking freeze inventory numbers available on its web site (<http://www.magnet.state.ma.us/dep/dephome.htm>) and will also encourage Massport and the City of Boston to do the same.

Other specific requirements of Massport/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze, and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received by EPA on the NPR.

**Final Action**

EPA is approving the modifications to Massachusetts State Regulations 310 CMR 7.30 “Massport/Logan Airport Parking Freeze” and 310 CMR 7.31 “City of Boston/East Boston Parking Freeze” as revisions to the Massachusetts SIP.

**Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.