

(d) \* \* \*

(1) \* \* \*

Bacitracin methylene disalicylate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* * *	* * *	* * *	* * *	* * *
(iv) 10 to 30	Chlortetracycline approximately 400, varying with body weight and food consumption to provide 10 milligrams per pound of body weight per day.	Swine; for increased rate of weight gain and improved feed efficiency.	For growing and finishing swine	046573
		Swine; for increased rate of weight gain and improved feed efficiency; for treatment of bacterial enteritis caused by <i>Escherichia coli</i> and <i>Salmonella choleraesuis</i> and bacterial pneumonia caused by <i>Pasteurella multocida</i> susceptible to chlortetracycline.	Feed for not more than 14 days; bacitracin methylene disalicylate provided by No. 046573; chlortetracycline provided by Nos. 046573 and 053389 in § 510.600(c) of this chapter.	046573 053389
		Swine; for control of porcine proliferative enteropathies (ileitis) caused by <i>Lawsonia intracellularis</i> susceptible to chlortetracycline.	Feed for not more than 14 days; chlortetracycline and BMD as provided by 046573 in § 510.600(c) of this chapter.	046573
* * *	* * *	* * *	* * *	* * *

\* \* \* \* \*

Dated: September 2, 2004.  
**Stephen F. Sundlof**,  
 Director, Center for Veterinary Medicine.  
 [FR Doc. 04-21560 Filed 9-24-04; 8:45 am]  
**BILLING CODE 4160-01-S**

**DEPARTMENT OF THE TREASURY**  
**Internal Revenue Service**

**26 CFR Part 31**

[TD 7374]

**Amendment of Employment Tax Regulations and Regulations on Procedure and Administration; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to (TD 7374) which was published in the **Federal Register** on Thursday, July 24, 1975 (40 FR 30946) relating to Federal Insurance Contribution Act taxes (FICA).

**DATES:** This correction is effective July 24, 1975.

**FOR FURTHER INFORMATION CONTACT:** Warren Joseph at (202) 622-4920 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 7374) that are the subject of this correction is under section 6413(c) of the Internal Revenue Code.

**Need for Correction**

As published, TD 7374, contains an error that may prove to be misleading and is in need of clarification.

**List of Subjects in 26 CFR Part 31**

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social Security, Unemployment compensation.

**Correction of Publication**

■ Accordingly, 26 CFR Part 31 is corrected by making the following correcting amendment:

**PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE**

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

**§ 31.6413(c)-1 [Corrected]**

■ **Par. 2.** Section 31.6413(c)-1(a)(1)(i) is amended by removing the language

“§ 1.21-2” and adding the language “§ 1.31-2” in its place.

**Cynthia E. Grigsby**,  
 Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).

[FR Doc. 04-21613 Filed 9-24-04; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF JUSTICE**

**Office of the Attorney General**

**28 CFR Part 0**

[A.G. Order No. 2735-2004]

**Technical Revision of Regulation Delegating Waiver Authority for Claims Involving Employee Overpayment Debt**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule makes technical changes to the Department of Justice organizational regulations to delete unnecessary and obsolete references to legal authorities.

**DATES:** This rule is effective September 27, 2004.

**FOR FURTHER INFORMATION CONTACT:** Stuart Frisch, General Counsel, or Morton J. Posner, Attorney-Advisor, Justice Management Division, U.S. Department of Justice, 1331 Pennsylvania Avenue, NW., Suite 520 North, Washington, DC 20530;

Telephone: (202) 514-3452; fax: (202) 514-4317.

**SUPPLEMENTARY INFORMATION:** This rule makes two technical changes to the Department of Justice's regulation concerning waiver of claims for erroneous payments of pay and allowances to its employees. The regulation to be modified currently delegates waiver authority under 5 U.S.C. 5584, "as amended by Public Law 92-453." Section 5584 has been amended several times since. The reference to Public Law 92-453 is outdated and is deleted. In addition, the current regulation directs application of "standards prescribed by the Comptroller General" for the waiver of claims. These standards are now obsolete and are therefore deleted.

#### *Administrative Procedure Act*

This rule relates to a matter of agency management or personnel and, therefore, is exempt from the usual requirements of prior notice and comment and a 30-day delay in effective date. See 5 U.S.C. 553(a)(2).

#### *Regulatory Flexibility Act*

The Attorney General, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter.

#### *Executive Order 12866*

This rule has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866 section (3)(d)(3) and, therefore, is not a "regulation" or "rule" as defined by that Executive Order. Accordingly, this rule has not been reviewed by the Office of Management and Budget.

#### *Executive Order 13132*

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. Therefore, in accordance with Executive Order 13132,

Federalism, the Department has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### *Executive Order 12988*

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties. Accordingly, it is not a "rule" for purposes of the reporting requirement of 5 U.S.C. 801.

#### *Congressional Review Act*

The Department has determined that this action pertains to agency management or personnel and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### **List of Subjects in 28 CFR Part 0**

Authority delegations (government agencies), Government employees, Organization and functions (government agencies).

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 5584, and 28 U.S.C. 509 and 510, Subpart X of Part 0,

Title 28 of the Code of Federal Regulations is amended as follows:

### **PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

■ 1. The authority for part 0 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

#### **§ 0.155 [Amended]**

■ 2. In § 0.155, delete the phrase " , as amended by Public Law 92-453," and delete the phrase "in accordance with the standards prescribed by the Comptroller General in 4 CFR parts 91 through 93".

Dated: September 21, 2004.

**John Ashcroft,**

*Attorney General.*

[FR Doc. 04-21604 Filed 9-24-04; 8:45 am]

**BILLING CODE 4410-CS-P**

### **DEPARTMENT OF THE INTERIOR**

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

#### **30 CFR Part 935**

**[OH-248-FOR]**

#### **Ohio Regulatory Program**

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

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

**SUMMARY:** We are approving an amendment to the Ohio surface coal mining regulatory program (the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment we are approving revises the Ohio program to reflect changes promulgated by the U.S. Environmental Protection Agency (EPA) related to coal re-mining operations. The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations.

**DATES:** *Effective* September 27, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, Pennsylvania 15220, Telephone (412) 937-2153. E-mail: [grieger@osmre.gov](mailto:grieger@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Ohio Program
- II. Submission of the Amendment
- III. OSM's Findings