Appendix 2 to Subpart P of Part 404—Medical-Vocational Guidelines

§ 201.00 Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).

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(h)(1) The term *younger individual* is used to denote an individual age 18 through 49. For individuals who are age 45–49, age is a less advantageous factor for making an adjustment to other work than for those who are age 18–44. Accordingly, a finding of ''disabled'' is warranted for individuals age 45–49 who:

(i) Are restricted to sedentary work,

(ii) Are unskilled or have no transferable skills,

(iii) Have no past relevant work or can no longer perform past relevant work, and

(iv) Are unable to communicate in English, or are able to speak and understand English but are unable to read or write in English.

(2) For individuals who are under age 45, age is a more advantageous factor for making an adjustment to other work. It is usually not a significant factor in limiting such individuals' ability to make an adjustment to other work, including an adjustment to unskilled sedentary work, even when the individuals are unable to communicate in English or are illiterate in English.

(3) Nevertheless, a decision of ''disabled'' may be appropriate for some individuals under age 45 (or individuals age 45–49 for whom rule 201.17 does not direct a decision of disabled) who do not have the ability to perform a full range of sedentary work. However, the inability to perform a full range of sedentary work does not necessarily equate with a finding of ''disabled.'' Whether an individual will be able to make an adjustment to other work requires an adjudicative assessment of factors such as the type and extent of the individual's limitations or restrictions and the extent of the erosion of the occupational base. It requires an individualized determination that considers the impact of the limitations or restrictions on the number of sedentary, unskilled occupations or the total number of jobs to which the individual may be able to adjust, considering his or her age, education and work experience, including any transferable skills or education providing for direct entry into skilled work.

(4) ''Sedentary work'' represents a significantly restricted range of work, and individuals with a maximum sustained work capability limited to sedentary work have very serious functional limitations. Therefore, as with any case, a finding that an individual is limited to less than the full range of sedentary work will be based on careful consideration of the evidence of the individual's medical impairment(s) and the limitations and restrictions attributable to it. Such evidence must support the finding that the individual's residual functional capacity is limited to less than the full range of sedentary work.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Nequinate; Oxytetracycline; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations that reflect approval of two new animal drug applications (NADAs) for combination drug Type C feeds containing nequinate. In a notice published in the **Federal Register** of February 28, 1978 (43 FR 8182), FDA withdrew approval of these NADAs. This action is being taken to improve the accuracy of the regulations.

DATES: This rule is effective August 28, 2001.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–4567, e-mail: ghaibel@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 28, 1978 (43 FR 8182), the agency published a notice that it was withdrawing approval of NADA 42–919 for combination use of nequinate and roxarsone, and NADA 48–205 for combination use of nequinate and oxytetracycline, both in chicken feed. These actions were requested by the sponsor, Ayerst Laboratories, because the products were no longer manufactured or marketed. However, a final rule published in the same issue of the **Federal Register** (43 FR 8134) did not amend all applicable portions of the regulations. At this time, the agency is amending the animal drug regulations in 21 CFR 558.365 and 558.450 to remove portions reflecting approval of these NADA's.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely making nonsubstantive changes.

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 558

Animal drugs, Animal feeds.

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 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.

§ 558.365 [Amended]

2. Section 558.365 *Nequinate* is amended by removing paragraphs (d)(1)(ii) and (d)(1)(iii), and by redesignating paragraphs (d)(1)(i)(*a*) and (d)(1)(i)(*b*) as paragraphs (d)(1)(ii) and (d)(1)(iii).

§ 558.450 [Amended]

3. Section 558.450 *Oxytetracycline* is amended in table 1 in paragraphs (d)(1)(iv) and (d)(1)(vi) by removing the entries for ''Nequinate 18.16 g/ton (0.002%)''.

Dated: August 20, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 42, 47, 56, 57, and 77

RIN 1219–AA47

Hazard Communication

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

ACTION: Interim final rule; delay of effective date; re-opening of record; notice of public hearings; close of record.

SUMMARY: MSHA is delaying the effective date, re-opening the record, and holding additional public hearings on the interim final rule for hazard communication (HazCom). We are re-opening the record on our interim final rule to provide interested persons an additional opportunity to comment on any issue relevant to the rulemaking. Several commenters expressed concern that they had not had sufficient time to fully analyze the interim final rule and to develop and submit meaningful comments. This action also will assure that operators have sufficient time to