

and the only costs incurred by producers are the labor costs of the veterinarian associated with applying the eartag. As official identification is customarily applied at the same time tuberculin tests are performed and read, it is safe to assume that the estimated cost between \$7.50 and \$10 would include the labor costs related to the application of official identification.

On January 1, 2002, the average value per animal in California was estimated to be \$930, which translates to an average value per 101-head herd of about \$94,000. Using high-end cost estimates of \$10 per animal for tuberculosis testing and the cost of official identification, the cost of the additional tuberculin testing necessitated by the interim rule represents 1.1 percent of the per-head value of cattle. In general practice, we assume a regulation that has compliance costs equal to or greater than a small

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<sup>1</sup> Verkuil, Paul R. "A Critical Guide to the Regulatory Flexibility Act," *Duke Law Journal*, Apr. 1982: 928.

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<sup>1</sup> 42 U.S.C. 6294. The statute also requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

<sup>2</sup> Reports for clothes washers are due October 1.



By Direction of the Commission.

Secretary.

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation  
and Enforcement**

**30 CFR Part 917**

[KY-239-FOR]

**Kentucky Abandoned Mine Land (AML)  
Plan**

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

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

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**SUMMARY:** We are approving a proposed  
amendment to the Kentucky abandoned  
mine land reclamation plan (the  
"Kentucky plan") under the Surface  
Mining Control and Reclamation Act of  
1977 (SMCRA or the Act).

**EFFECTIVE DATE:** November 24, 2003.

**FOR FURTHER INFORMATION CONTACT:**

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