

determined that this was not a significant adverse comment because MSHA's standard, 30 CFR 56/57.14131, addresses seat belts for off-road trucks and NHTSA's standard, 49 CFR 571.209, applies to over-the-road "passenger cars, multipurpose passenger vehicles, trucks, and buses" (49 CFR 571.209 S2). The comment is beyond the scope of this rulemaking, does not explain why the direct final rule is inappropriate, does not challenge the rule's underlying premise, and does not explain why the direct final rule would be ineffective or unacceptable without a change.

Dated: June 17, 2003.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 03-15695 Filed 6-19-03; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 71 and 75

RIN 1219-AA98 (Phase 9)

Standards for Sanitary Toilets in Coal Mines

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

ACTION: Withdrawal of direct final rule.

SUMMARY: As a result of significant adverse comments, MSHA is withdrawing the direct final rule (68 FR 19347) on Standards for Sanitary Toilets in Coal Mines that was published on April 21, 2003. In that document, MSHA stated that if significant adverse comments were received, MSHA would withdraw the direct final rule, address the comments received on that rule, and publish a final rule based on the companion proposed rule also published on April 21. Accordingly, all public comments that have been received in this rulemaking are accepted under the proposed rule (68 FR 19477) and will be addressed in the final rule. MSHA will not institute a second comment period. Comments filed during this rulemaking can be viewed at MSHA's Internet site at <http://www.msha.gov/currentcomments.htm>.

DATES: As of June 20, 2003, this direct final rule (68 FR 19347), published on April 21, 2003, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director; Office of Standards, Regulations, and Variances, MSHA; phone: (202) 693-9440; facsimile: (202) 693-9441; e-mail: Nichols-Marvin@msha.gov.

Dated: June 17, 2003.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 03-15694 Filed 6-19-03; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 78

RIN 0790-AG93

Voluntary State Tax Withholding From Retired Pay

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Final rule; amendment.

SUMMARY: This rule amends 32 CFR part 78, Voluntary State Tax Withholding From Retired Pay, to comply with the Treasury Financial Manual, Volume 1, Section 5060f.

EFFECTIVE DATE: This rule is effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Office of the Under Secretary of Defense (Comptroller), 703-604-6350.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this rule is not a significant regulatory action. The rule does not:

- (1) Have an annual effect to the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The amendments are required to update tax withholding procedures to comply with the Treasury Financial Manual, Volume 1, Section 506f and to update the Uniformed Services retired pay addresses.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that this rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Federalism (Executive Order 13132)

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 78

Income Taxes, Intergovernmental relations, Military personnel, Pensions.

■ Accordingly, 32 CFR part 78 is amended as follows:

PART 78—VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY

■ 1. The authority citation for 32 CFR part 78 continues to read as follows:

Authority: 10 U.S.C. 1045.

■ 2. Section 78.5(a) is revised to read as follows:

§ 78.5 Procedures.

(a) The Uniformed Services shall comply with the payment requirements of the state, city, or county tax laws. Therefore, the payment requirements (biweekly, monthly, or quarterly) of the state, city, or county tax laws currently in effect will be observed by the Uniformed Services. However, payment will not be made more frequently than required by the state, city, or county, or more frequently than the payroll is paid by the Uniformed Services. Payment procedures shall conform, to the extent practicable, to the usual fiscal practices of the Uniformed Services.

* * * * *

■ 3. Section 78.5(g) is amended by removing paragraphs (g)(1) through (g)(7)

and adding new paragraphs (g)(1) through (g)(4) to read as follows:

§ 78.5 Procedures.

* * * *

(g) * * *

(1) Defense Finance and Accounting Service, Attn: DFAS/PRR/CL, 1240 East Ninth Street, Cleveland, OH 44199–2055.

(2) Coast Guard: Commanding Officer (RPB), U.S. Coast Guard Human Resources Service and Information Center, 444 S. E. Quincy Street, Topeka, KS 66683–3591.

(3) U.S. Public Health Service Compensation Branch, 5600 Fishers Lane, Room 4–50, Rockville, MD 20857.

(4) National Oceanic and Atmospheric Administration, Commanding Officer (RPB), U.S. Coast Guard Human Resources Service and Information Center, 444 S. E. Quincy Street, Topeka, KS 66683–3591.

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■ 4. Section 78.5(i) is amended by removing the third sentence and adding “The letter shall be addressed to the Director, Defense Finance and Accounting Service, 1931 Jefferson Davis Highway, Arlington, VA 22240.” in its place.

■ 5. Section 78.5(j) is revised to read as follows:

§ 78.5 Procedures.

* * * *

(j) Within 120 days of the receipt of a letter from a State, the Director, Defense Finance and Accounting Service, or designee, will notify the State, in writing, that DoD has either entered into the Standard Agreement or that an agreement cannot be entered into with the State and the reasons for that determination.

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■ 6. Section 78.7, Article IV—Reporting, is revised to read as follows:

§ 78.7 Standard Agreement.

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Article IV—Reporting

Copies of Internal Revenue Service Form 1099R, “Distribution From Pensions, Annuities, Retirement, or Profit Sharing Plan, IRAs, Insurance Contracts, etc.” may be used for reporting withheld taxes to the State. The media for reporting (paper copy, magnetic tape, electronic file transfer, etc.) will comply with the state reporting standards that apply to employers in general.

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Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–15573 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 152

RIN 0790–AG99

Review of the Manual for Courts-Martial

AGENCY: Department of Defense.

ACTION: Interim rule with request for comments.

SUMMARY: The Department of Defense promulgates procedures implementing Executive Order 12473, dated July 13, 1984, calling upon the Secretary of Defense to cause an annual review of the Manual for Courts-Martial (MCM) and to recommend to the President any appropriate amendments. Through the annual review process, the Secretary of Defense assists the president in fulfilling his rule-making responsibilities under Article 36 of the Uniform Code of Military Justice (UCMJ; Chapter 47 of title 10, United States Code). Under the direction of the General Counsel of the Department of Defense, a Joint-Service Committee on Military Justice (JSC) is established with responsibility to conduct the annual review and propose MCM amendments. The JSC also proposes amendments to the UCMJ, as necessary.

This rule updates part 152 to title 32, Code of Federal Regulations, “Review of the Manual for Courts-Martial,” to reflect practice and procedures for conducting annual reviews, and to change the annual review cycle from concluding with an annual report due to the General Counsel by December 31, instead on May 1. The change in the annual review cycle is due to legislative requirements on affecting JSC responsibilities. This Interim rule is provided to afford a 60-day opportunity for public comment prior to issuing a final rule. This rule is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

DATES: Effective May 3, 2003. Comments on this rule must be postmarked no later than August 19, 2003.

ADDRESSES: Comments on this rule should be sent to Mr. Robert E. Reed, Associate Deputy General Counsel (Military Justice and Personnel Policy), ODGC(P&HP), 1600 Defense Pentagon, Room 3E999, Washington, DC 20302–1600.

FOR FURTHER INFORMATION CONTACT:

Robert E. Reed, (703) 695–1055.

SUPPLEMENTARY INFORMATION: On November 18, 2002, the Department of Defense published a Notice of Availability (67 FR 69512) inviting public comments on DoD Directive 5500.17, “Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice.”

Executive Order 12866, “Regulatory Planning and Review”

It has been determined that 32 CFR part 152 is not a significant regulatory action. This rule does not: (1) Have an annual effect to the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs, the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation or recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in Executive Order 12866.

Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. 601 et seq.)

It has been determined that this part is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This part presents no economic impact and solely involves the rules and procedures governing the internal Department of Defense annual review of the Manual for Courts-Martial and the procedures affecting military justice actions.

Public Law 96–511, “Paperwork Reduction Act of 1995” (44 U.S.C. 3501 et seq.)

It has been determined that this part does not impose any reporting or recordkeeping requirements under the Paperwork Reduction act of 1995.