

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.*

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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**DATES:** As of June 20, 2003, this direct final rule (68 FR 19347), published on April 21, 2003, is withdrawn.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](mailto:Nichols-Marvin@msha.gov).

Dated: June 17, 2003.

**John R. Caylor,**

*Deputy Assistant Secretary of Labor for Mine Safety and Health.*

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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)