(c) * * *
(1) * * *

(i) On the outside wrapper or container and on the immediate container of the tetracycline hydrochloride, the statement "Expiration date _____," the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(ii) On the outside wrapper or container and on the immediate container of the solution in the packaged combination, a statement giving the method of dissolving the tetracycline hydrochloride in the solution and the conditions under which the solution should be stored, including reference to its instability when stored under other conditions, and the statement, "The solution may be kept in a refrigerator for 1 week without significant loss of potency."

* * * * *

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each immediate container thereof, the date on which the latest assay of the batch was completed, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride used in making such batch was completed, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) * * *

(ii) The solution after the tetracycline hydrochloride has been dissolved therein: potency.

(iii) The tetracycline hydrochloride used in making the batch: potency, moisture, pH, crystallinity, and absorptivity.

(3) * * *

(ii) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201(b).

* * * * *

§§ 146c.211, 146c.213, 146c.214 and 146c.227 [Revoked]

b. By revoking the following sections: § 146c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder;* § 146c.213 *Chlortetracycline gauze packing (chlortetracycline hydrochloride gauze packing);* § 146c.214 *Chlortetracycline dressing (chlortetracycline hydrochloride dressing);* and § 146c.227 *Chlortetracycline spray dressing (chlortetracycline spray dressing).*

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

§ 146e.403 [Amended]

3. Part 146e is amended in § 146e.403 *Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals)* by revising the fourth sentence in paragraph (a) to read as follows: "Tablets not exceeding 15 millimeters in diameter shall disintegrate within 1 hour."

PART 148n—OXYTETRACYCLINE

§ 148n.15 [Revoked]

4. Part 148n is amended by revoking § 148n.15 *Oxytetracycline hydrochloride for inhalation.*

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so revoked and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357)

Dated: October 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15580; Filed 10-26-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7115]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Rates of Income Tax Withholding; Marital Status for Purposes of Withholding

Correction

In F.R. Doc. 71-6917 appearing at page 9201 in the issue of Friday, May 21, 1971, the following changes should be made in the pay period withholding tables under § 31.3402(c)-2(a):

1. In the weekly and not married pay period table on pages 9216 and 9217 the following entries should be changed:

a. The entry for wages that are "at least $45 but less than $45" should read "at least $45 but less than $46".

b. The continuation heading on page 9217 should refer to employees who are not married.

c. The entry for wages that are "at least $180 but less than $180" should read "at least $180 but less than $190".

d. The entry for three exemptions under wages that are at least $230 but less than $240 should be "$39.90".

2. In the weekly and married pay period table on pages 9217 and 9218 the following entries should be changed on page 9218:

a. The entry for four exemptions under wages that are at least $300 but less than $310 reading "$42.00" should read "$42.70".

b. The entry for zero exemptions under wages that are at least $470 but less than $480 reading "$98.80" should read "$96.80".

3. In the biweekly and married pay period table beginning on page 9219 the entry for zero exemptions under wages that are at least $240 but less than $250 reading "$38.70" should read "$36.70".

4. In the semimonthly and married pay period table beginning on page 9221 the entry for five exemptions under wages that are at least $500 but less than $520 reading "$56.90" should read "$56.60".

5. In the monthly and not married pay period table beginning on page 9222 the entry for five exemptions under wages that are at least $720 but less than $760 reading "$75.80" should read "$73.80".

6. In the monthly and married pay period table beginning on page 9223 the entry for one exemption under wages that are at least $156 but less than $160 reading "$11.50" should read "$11.60".

7. In the monthly payroll period table on pages 9228 and 9229 the two entries on page 9229 for one exemption under wages that are at least $760 but less than $800 and at least $800 but less than $840 should be transposed so that the figures in the column read in ascending order.

8. In the semimonthly pay period table appearing on pages 9231 and 9232 the continuation heading on page 9232 should be changed to indicate the table is semimonthly rather than monthly.

9. In the miscellaneous pay period table on page 9233 the following changes should be made:

a. The entry for five exemptions under wages that are at least $9.25 but less than $9.50 should read "$.05".

b. Under wages that are at least $11.50 but less than $12.00 the entry for zero exemptions reading "$3.10" should read "$2.10" and the entry for six exemptions should read "$.15".

c. The entry for one exemption under wages that are at least $14.50 but less than $15.00 reading "$.235" should read "$2.35".

d. The entry for two exemptions under wages that are at least $17.50 but less than $18.00 reading "$2.45" should read "$2.55".

e. The entry for two exemptions under wages that are at least $21.00 but less than $22.00 reading "$3.29" should read "$3.20".

f. The entry for ten or more exemptions under wages that are at least $24.00 but less than $25.00 reading "$.10" should read "$1.10".

g. The entry for two exemptions under wages that are at least $26.00 but less than $27.00 reading "$1.40" should read "$4.40".

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7146]

PART 301—PROCEDURE AND ADMINISTRATION

Restriction on Examination of Churches

Amendment of the regulations on procedure and administration under section 7605(c) of the Internal Revenue Code of 1954 to conform to section 121 (f) of the Tax Reform Act of 1969.

On December 17, 1970, notice of proposed rule making with respect to the amendment of the regulations on procedure and administration (26 CFR Part 301) under section 7605(c) of the Internal Revenue Code of 1954 (relating to restrictions on examinations of churches) to reflect the changes made by section 121(f) of the Tax Reform Act of 1969 (83 Stat. 548) was published in the FEDERAL REGISTER (35 F.R. 19115). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, as set forth below subject to certain changes in paragraph 2 of the notice of proposed rule making.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: October 20, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 301.7605 is amended by adding at the end thereof a new subsection (c) and by revising the historical note. These amended and added provisions read as follows:

§ 301.7605 Statutory provisions; time and place of examination.

SEC. 7605. *Time and place of examination.* * * *

(c) *Restriction on examination of churches.* No examination of the books of account of a church or convention or association of churches shall be made to determine whether such organization may be engaged in the carrying on of an unrelated trade or business or may be otherwise engaged in activities which may be subject to tax under part III of subchapter F of chapter 1 of this title (sec. 511 and following, relating to taxation of business income of exempt organizations) unless the Secretary or his delegate (such officer being no lower than a principal internal revenue officer for an internal revenue region) believes that such organization may be so engaged and so notifies the organization in advance of the examination. No examination of the religious activities of such an organization shall be made except to the extent necessary to determine whether such organization is a church or a convention or association of churches, and no examination of the books of account of such an organization shall be made other than to the extent necessary to determine the amount of tax imposed by this title.

[Sec. 7605 as amended by sec. 4(1), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(4), Highway Revenue Act 1956 (70 Stat. 396); sec. 121(f), Tax Reform Act 1969 (83 Stat. 548)]

PAR. 2. Section 301.7605–1 is amended by adding at the end thereof a new paragraph (c). This added provision reads as follows:

§ 301.7605–1 Time and place of examination.

* * * * *

(c) *Restriction on examination of churches*—(1) *In general.* This section imposes certain restrictions upon the examination of the books of account and religious activities of a church or convention or association of churches for the purpose of determining whether such organization may be engaged in activities the income from which is subject to tax under section 511 as unrelated business taxable income. The purposes of these restrictions are to protect such organizations from undue interference in their internal financial affairs through unnecessary examinations to determine the existence of unrelated business taxable income, and to limit the scope of examination for this purpose to matters directly relevant to a determination of the existence or amount of such income. This section also imposes additional restrictions upon other examinations of such organizations.

(2) *Books of account.* No examination of the books of account of an organization which claims to be a church or a convention or association of churches shall be made except after the giving of notice as provided in this subparagraph and except to the extent necessary (i) to determine the initial or continuing qualification of the organization under section 501(c)(3); (ii) to determine whether the organization qualifies as one, contributions to which are deductible under section 170, 545, 556, 642, 2055, 2106, or 2522; (iii) to obtain information for the purpose of ascertaining or verifying payments made by the organization to another person in determining the tax liability of the recipient, such as payments of salaries, wages, or other forms of compensation; or (iv) to determine the amount of tax, if any, imposed by the Code upon such organization. No examination of the books of account of a church or convention or association of churches shall be made unless the Regional Commissioner believes that such examination is necessary and so notifies the organization in writing at least 30 days in advance of examination. The Regional Commissioner will conclude that such examination is necessary only after reasonable attempts have been made to obtain information from the books of account by written request and the Regional Commissioner has determined that the information cannot be fully or satisfactorily obtained in that manner. In any examination of a church or convention or association of churches for the purpose of determining unrelated business income tax liability pursuant to such notice, no examination of the books of account of the organization shall be made except to the extent necessary to determine such liability.

(3) *Religious activities.* No examination of the religious activities of an organization which claims to be a church or convention or association of churches shall be made except (i) to the extent necessary to determine the initial or continuing qualification of the organization under section 501(c)(3); (ii) to determine whether the organization qualifies as one, contributions to which are deductible under section 170, 545, 556, 642, 2055, 2106, or 2522; or (iii) to determine whether the organization is a church or convention or association of churches subject to the provisions of part III of subchapter F of chapter 1. The requirements of subparagraph (2) of this paragraph that the Regional Commissioner

give notice prior to examination of the books of account of an organization do not apply to an examination of the religious activities of the organization for any purpose described in this subparagraph. Once it has been determined that the organization is a church or convention or association of churches, no further examination of its religious activities may be made in connection with determining its liability, if any, for unrelated business income tax.

(4) *Effective date.* The provisions of this paragraph shall apply to audits and examinations of taxable years beginning after December 31, 1969.

[FR Doc.71-15609 Filed 10-26-71;8:52 am]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

CONFIDENTIALITY

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart B, § 1601.20 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 1601.20 is revised to read as follows:

§ 1601.20 Confidentiality.

Neither a charge, nor information obtained pursuant to section 709(a) of title VII, nor information obtained from records required to be kept or reports required to be filed pursuant to sections 709 (c) and (d) of said title, shall be made matters of public information by the Commission prior to the institution of any proceedings under this title involving such charge or information. This provision does not apply to such earlier disclosures to the charging party, the respondent, witnesses, and representatives of interested Federal, State, and local agencies as may be appropriate or necessary to the carrying out of the Commission's functions under the title, nor to the publication of data derived from such information in a form which does not reveal the identity of the charging party, respondent, or person supplying the information.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e-12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (10-27-71).

Signed at Washington, D.C., this 18th day of October 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc.71-15527 Filed 10-26-71;8:46 am]

PART 1610—AVAILABILITY OF RECORDS

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

FEES, CHARGES, AND METHODS OF PAYMENT

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Part 1610, Subpart A, by adding § 1610.16, and by amending § 1610.17, of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. These amendments shall be effective upon publication in the FEDERAL REGISTER.

§ 1610.16 User charges, waiver.

It is the policy of the Equal Employment Opportunity Commission to cooperate with charging parties, their counsel, and private agencies working to eliminate employment discrimination. To the extent practicable that policy will be applied under this part so as to permit requests for inspection or copies of records and information to be met without cost to the charging party, attorney, or group making the request. Fees will be charged, however, in the case of requests which are determined by the General Counsel to involve a burden on staff or facilities significantly in excess of that normally accepted by the agency in handling routine requests for information. While the fees charged for services and copying will in no event exceed those as specified in § 1610.17, the Commission reserves the right to limit the number of copies that will be provided of any document or to require that special arrangements for copying be made in the case of records or requests presenting unusual problems of reproduction or handling.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e-12(a))

§ 1610.17 Schedule of fees and method of payment for services rendered.

(a) Except as provided for in § 1610.16 the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.60
(2) Other facilitative services and index assistance minimum charge	3.60
(3) Copies made by Xerox or otherwise (per page)	$0.05
(4) Certification of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(b) When no specific fee has been established for a service, e.g., legal or research assistance, or the request for a service does not fall under one of the above categories due to the amount, size, or type thereof, the Director of Administration is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A-25, entitled "User Charges."

(c) When a request for identifiable records is made by mail, it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified precludes remitting the exact fee chargeable with the request, the agency will inform the interested party of the exact amount required.

(e) Payment shall be in the form of a check, bank draft, money order. Remittances shall be made payable to the order of the Equal Employment Opportunity Commission.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) No charge will be made for services performed at the request of other governmental agencies or officers thereof, acting in their official capacities.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e-12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (10-27-71).

Signed at Washington, D.C., this 18th day of October 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc.71-15526 Filed 10-26-71;8:46 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

In accordance with the provisions of section 203 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, there was

published in the FEDERAL REGISTER for March 2, 1971 (36 F.R. 3900) a notice of proposed rule making setting forth a new Part 90 to Subchapter O of Chapter I, Title 30, Code of Federal Regulations, which provided procedures to be followed by miners, operators, and the Bureau of Mines, in relation to notification, exercise, and enforcement of the option of a miner with evidence of pneumoconiosis to transfer his position to a less dusty area of the mine.

Interested persons were afforded a period of 30 days following the date of publication of the notice in which to submit written comments, suggestions, or objections to the proposed regulations. In view of the comments, objections, and requests for public hearings received in response to said notice, the Department decided to hold a public hearing in order to receive further comments and testimony relating to Procedures for Transfer of Miners with Evidence of Pneumoconiosis. A notice of public hearing was published in the FEDERAL REGISTER for July 14, 1971 (36 F.R. 13097) and a public hearing was held on July 26, 1971 in the Auditorium, Department of the Interior, 19th and C Streets NW., Washington, D.C.

The comments and testimony received at the July 26 public hearing, as well as all other written comments, suggestions, or objections were thoroughly reviewed, and some of the regulations were revised accordingly. For example, if a miner who shows evidence of the development of pneumoconiosis is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, the operator need not transfer him to another position. In addition a miner who elects to exercise his option of transfer need not inform the operator by whom he is employed of this election, but only must notify the Bureau of Mines, using a form supplied to him for this purpose by the Bureau.

A considerable portion of the comments, suggestions, objections, and testimony was devoted to the conflict between the miner's right to be afforded the option of transfer provided by section 203 (b) of the Act and the seniority and jobbidding provisions of the current National Bituminous Coal Wage Agreement. However, after careful consideration, it is the position of the Department that since section 203(b) of the Act is a properly enacted Federal statutory provision, it may operate to supersede, in part, provisions of this labor contract. Testimony was also received advocating the use of approved respiratory equipment in order to allow a longer period of time within which to effectuate a transfer. This approach was rejected by Congress, in its consideration of the Federal Coal Mine Health and Safety Act of 1969, and in light of this legislative history the Department has not adopted these suggestions. H.R. Conf. Rep. No. 91-761, 91st Cong., 1st Sess., 77 (1969).

A summary of the comments, suggestions, and objections, and a transcript of the July 26, 1971 public hearing, together with an explanation of actions taken with respect to this data are available for public inspection in the Office of the Deputy Director for Health and Safety, Room 4512, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Part 90, Subchapter O, Chapter I of Title 30, Code of Federal Regulations is herewith promulgated at set forth below and shall become effective upon publication in the FEDERAL REGISTER (10-27-71).

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 20, 1971.

Subpart A—General

Sec.
90.1 Scope.
90.2 Definitions.

Subpart B—Notification to Miner

90.10 Notification by Director; contents.

Subpart C—Miner's Election of Option of Transfer

90.20 Election of option of transfer; notification to Bureau of Mines.

Subpart D—Operator's Transfer of Miner

90.30 Notification of option of transfer.
90.31 Operator's transfer of miner; requirements.
90.32 Transfer of miner; time requirement.
90.33 Notification to District Manager.
90.34 Compensation of transferred miner.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

90.40 Enforcement of option of transfer; notices and orders.

AUTHORITY: The provisions of this Part 90 are issued under sections 203 and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

Subpart A—General

§ 90.1 Scope.

Section 203(a) of the Federal Coal Mine Health and Safety Act of 1969 requires the operator of a coal mine to cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in a coal mine the opportunity to have chest roentgenograms. The films of such roentgenograms shall be read and classified in a manner prescribed by the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall submit the results of these roentgenograms to each miner and advise him of his rights under the Act related thereto. Section 203(b)(1) of the Act provides that prior to December 30, 1972, any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 milligrams of dust per cubic meter of air. Effective December 30, 1972, section 203(b)(2) of the Act provides that such miner shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of pneumoconiosis, where the concentration of respirable dust in the mine atmosphere is not more than 1.0 milligrams of dust per cubic meter of air, or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 milligrams per cubic meter of air. Section 203(b)(3) of the Act further provides that any miner so transferred shall receive compensation for such work at not less than the regular rate of pay received by him immediately prior to his transfer. The regulations in this Part 90 prescribe the manner by which the Director, Bureau of Mines shall notify miners of the results of chest roentgenograms and advise them of related rights; the method by which eligible miners shall exercise their option of transfer of position; the method to be followed by operators in transferring such eligible miners; and the manner in which the Director, Bureau of Mines shall enforce the option of transfer of position of eligible miners.

§ 90.2 Definitions.

As used in this Part 90:

(a) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(b) "Director" means the Director, Bureau of Mines, U.S. Department of the Interior.

(c) "Miner" means any individual working in a coal mine.

(d) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine.

(e) "Option of transfer" means:

(1) Prior to December 30, 1972, the option afforded a miner, whose chest roentgenogram or other medical examination shows evidence of the development of pneumoconiosis, to transfer from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of pneumoconiosis, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 mg./m.^{3} of air; however, if such miner is already working in a position where the concentration of respirable dust is not more than 2.0 mg./m.^{3} of air, he need not be transferred; and

(2) On and after December 30, 1972, the option afforded a miner, whose chest roentgenogram or other medical examination shows evidence of the development of pneumoconiosis, to transfer from his position to another position in

any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 1.0 mg./m.³ of air, or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 mg./m.³ of air; however, if such miner is already working in a position where the concentration of respirable dust is not more than 1.0 mg./m.³ of air, or if such level is not attainable in such mine, in a position where the concentration of respirable dust is the lowest attainable below 2.0 mg./m.³ of air, he need not be transferred.

(f) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in a coal mine.

(g) "Respirable dust" means only dust particulates 5 microns or less in size.

(h) "Secretary" means the Secretary of Health, Education, and Welfare.

Subpart B—Notification to Miner

§ 90.10 Notification by Director; contents.

(a) Upon the receipt of information from the Secretary that a miner has been given a chest roentgenogram, and that such roentgenogram has been read and classified in the manner prescribed by the Secretary, the Director shall submit to such miner, by letter, the results of such roentgenogram and advise such miner of his rights related thereto. The Director shall include a copy of the information received from the Secretary.

(b) When a chest roentgenogram shows, in the judgment of the Secretary, evidence of the development of pneumoconiosis, the Director shall notify the affected miner that he has the option of transfer.

Subpart C—Miner's Election of Option of Transfer

§ 90.20 Election of option of transfer; notification to Bureau of Mines.

Any miner notified by the Director that he has the option of transfer, if he elects to exercise such option, shall, in writing, notify the Bureau of Mines of his election to exercise the option of transfer. A miner may fulfill this requirement by signing and dating a form, similar to Figure 1, which will be sent to him by the Director for this purpose. This notification shall be sent to the Chief, Health Division—Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. The miner shall not be required to furnish the operator a copy of the medical information received from the Secretary and provided to the miner by the Director.

Subpart D—Operator's Transfer of Miner

§ 90.30 Notification of option of transfer.

Upon receipt by the Bureau of Mines, pursuant to § 90.20 of information from the miner that he elects to exercise the option of transfer, the Director shall send to the operator employing such miner a letter notifying the operator that the miner is afforded the option of transfer and that the miner has exercised the option of transfer. The Director shall send a copy of this letter of notification to the miner.

§ 90.31 Operator's transfer of miner; requirements.

(a) Except as provided in paragraph (b) of this section, an operator shall, upon receipt of a letter of notification from the Director in accordance with § 90.30, transfer the miner to such a position as is required by section 203(b) of the Federal Coal Mine Health and Safety Act of 1969, within the time prescribed in § 90.32.

(b) If, based upon the respirable dust sampling requirements of Part 70 of this chapter an operator ascertains that the miner who has exercised his option of transfer is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, then the operator need not transfer such miner from such position.

§ 90.32 Transfer of miner; time requirement.

Except as provided in § 90.31(b) the operator shall transfer the miner who has exercised the option of transfer as soon as practicable, but no later than 45 days from the date of the letter of notification by the Director pursuant to § 90.31, or by such other date after the period of 45 days that the miner may indicate, in writing, to both the operator and the Director as being acceptable to the miner for such transfer.

§ 90.33 Notification to District Manager.

(a) The operator shall, when the transfer has been accomplished or when the operator has ascertained that the miner who has exercised his option of transfer is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, immediately notify the District Manager of the Coal Mine Health and Safety District in which the mine is located, in writing, that he has complied with § 90.31. This notice shall include the name and Social Security number of the miner who has exercised his option of transfer; the name and identification number of the mine; the section identification number; where applicable, the date of transfer, the position from which such miner was transferred, and the position to which such miner was transferred; and, where applicable, certification by the operator that such miner is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act.

(b) Upon receipt of certification by the operator that a miner is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, the District Manager shall officially confirm such certification by reference to Bureau of Mines dust sampling data, and shall notify the miner, by letter, that the operator need not transfer him to another position. However if Bureau of Mines dust sampling data subsequently shows that the miner is working in a position where the concentration of respirable dust is in excess of the levels prescribed by section 203(b) of the Act, then the District Manager shall notify the operator and the miner that such miner must be transferred in accordance with this part.

§ 90.34 Compensation of transferred miner.

Any miner transferred in accordance with the provisions of this Part 90 shall receive compensation for his work at not less than the regular rate of pay received by him immediately prior to his transfer.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

§ 90.40 Enforcement of option of transfer; notices and orders.

(a) If the notification prescribed in § 90.33 is not received from the operator within the time required by § 90.32, the District Manager of the Coal Mine Health and Safety District where the mine is located shall make or cause to be made an inspection and investigation to determine whether or not the transfer of the miner has been accomplished and whether there is compliance with section 203 of the Act.

(b) If the inspection and investigation shows noncompliance with section 203 of the Act, the District Manager shall make or cause to be made appropriate findings, notices, and orders under section 104 of the Act. In no case shall a reasonable time for abatement of a violation be more than 30 days from the date of the notice of violation.

FIGURE 1

EXERCISE OF OPTION TO TRANSFER

Chief Health Division,
Coal Mine Health and Safety,
Bureau of Mines,
Department of the Interior,
Washington, D.C. 20240.

I have been notified by the Bureau of Mines that I am eligible, under the provisions of the Federal Coal Mine Health and Safety Act of 1969, to transfer to an area of the mine as is required by section 203(b) of the Act, if I am not already working in such an area.

I elect to exercise my option to transfer.

(Signature of miner)

(Date signed)

Name and Address of Miner.

LETTER FROM DISTRICT MANAGER TO MINER ELECTING HIS OPTION OF TRANSFER, BUT WHO IS ALREADY WORKING IN A POSITION WHERE THE RESPIRABLE DUST IN THE MINE ATMOSPHERE MEETS THE REQUIREMENTS OF SECTION 203(b) OF THE ACT.

Although you were previously notified by the Director, Bureau of Mines that, in accordance with section 203(b) of the Federal Coal Mine, Health and Safety Act of 1969 (Public Law 91-173), you were eligible for transfer to an area of the mine where the

concentration of respirable dust is not more than 2.0 milligrams per cubic meter of air, if you were not already working in such an environment, review of our records has confirmed that you are already working in such an environment. Consequently, your employer need not transfer you from your present position at this time. However you may apply for Black Lung Benefits (title V of the Act) at the nearest Social Security Office; and if official records subsequently show that you are working in an area of the mine where the concentration of respirable dust is more than 2.0 milligrams per cubic meter of air, then you and your employer will be notified that you must be transferred as required by law.

Coal Mine Health and Safety,
District Manager.

LETTER TO MINE OPERATOR (COPY TO MINER) FROM DISTRICT MANAGER WHEN SUBSEQUENT DUST SAMPLING DATA SHOWS MINER IS WORKING IN A POSITION WHERE RESPIRABLE DUST IN MINE ATMOSPHERE EXCEEDS LEVELS PRESCRIBED BY SECTION 203(b).

Miner:_____
Soc. Sec. #:_____

DEAR OPERATOR: Records of the Bureau of Mines show that the above named miner is presently working in a position where the concentration of respirable dust is in excess of the levels prescribed by section 203(b) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173). Therefore you must transfer this miner to a less dusty area of the mine as required by Part 90, Subchapter O, Chapter I, Code of Federal Regulations.

Coal Mine Health and Safety,
District Manager.

[FR Doc.71-15574 Filed 10-26-71;8:51 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-86A]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds; Explosives Anchorage, Hassler Harbor, Alaska

The purpose of this amendment to the anchorage regulations is to establish an explosives anchorage in Hassler Harbor, Southeast Alaska.

This amendment is based on a notice of proposed rule making published in the Saturday, August 28, 1971, issue of the FEDERAL REGISTER (36 F.R. 17360) and Public Notice 17-5-71, issued by the Commander, 17th Coast Guard District on June 21, 1971. The explosives anchorage was proposed to be located in one of six areas that were described. The substance of the proposed regulations for the proposed explosives anchorage was described.

Nine comments were received and the majority of these comments urged that the anchorage be established in Hassler Harbor. There were no comments on the proposed regulations. Based on the comments received and the recommendations of the Commander, 17th Coast Guard District, Hassler Harbor has been selected as the area for the explosives anchorage.

One change has been made to the regulations. In order that the public understands what is required in the sign prescribed by § 110.232(b)(6)(iii), the rule now states the wording and the minimum height of the lettering to be used.

Accordingly, Part 110 is amended by adding a new section, § 110.232, to read as follows:

§ 110.232 Southeast Alaska.

(a) *The anchorage grounds*—(1) *Hassler Harbor—explosives anchorage.* The waters of Hassler Harbor within a circular area with a radius of 1,500 yards, having its center at latitude 55°12'52" N., longitude 131°25'52" W.

(b) *The regulations.* (1) Except in an emergency, only a vessel that is transporting, loading or discharging explosives may anchor, moor, or remain within the Hassler Harbor explosives anchorage.

(2) A master or person in charge of a vessel shall obtain a written permit from the captain of the port, Ketchikan, Alaska, to anchor, moor, or remain within the explosives anchorage. The vessel shall anchor in the position specified by the permit.

(3) The net weight of the explosives laden aboard all vessels anchored, moored, or remaining within the anchorage shall not exceed 800,000 pounds.

(4) The captain of the port, Ketchikan, Alaska, may require a nonself propelled vessel to be attended by a tug while moored, anchored, or remaining within the explosives anchorage.

(5) A wooden vessel must—

(i) Be fitted with a radar reflector screen of metal of sufficient size to permit target indication on the radar screen of commercial type radar; or

(ii) Have steel bulwarks; or

(iii) Have metallic cases or cargo aboard.

(6) Each vessel moored, anchored, or remaining within the explosives anchorage and carrying, loading, or discharging explosives from sunrise to sunset shall display—

(i) A red flag from the mast; or

(ii) A sign posted on each side of the vessel reading "Explosives—Keep Clear—No Smoking or Open Flame" in letters that are 3 inches or larger and have sufficient contrast with the background to be seen from a distance of 200 feet.

(7) Each vessel moored, anchored, or remaining within the anchorage during the night shall display—

(i) Anchor lights; and

(ii) A 32 point red light located from the mast or highest part of the vessel to be visible all around the horizon for a distance of 2 miles.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937, 33 U.S.C. 471, 49 U.S.C. 1655(g)(A), 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1) (36 F.R. 19160))

Effective date. This amendment shall become effective on November 26, 1971.

Dated: October 20, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15592 Filed 10-26-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114-25—GENERAL

Reports

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Subpart 114-25.48 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This subpart shall become effective on the date of its publication in the FEDERAL REGISTER (10-27-71).

ROGERS C. B. MORTON,
Secretary of the Interior.

OCTOBER 20, 1971.

Subpart 114-25.48—Reports

Sec.
114-25.4801 Supply activity report.
114-25.4801-50 Responsibility for review.

AUTHORITY: The provisions of this Subpart 114-25.48 issued under 5 U.S.C. 301 (Supp. V, 1965-1969); section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-25.48—Reports

§ 114-25.4801 Supply activity report.

(a) Each Bureau and Office shall submit an original and three copies of a consolidated report to reach the Office of Management Operations by August 15 for review and transmittal to the General Services Administration.

(b) The following supplemental instructions shall be observed in the preparation of GSA Form 1473, Supply Activity Report:

PART I—INVENTORY ENTRIES

(1) Inventories should be reported in Part I broken down by groups as carried in Bureau records or accounts. Breakdown by Federal Supply Classification descriptions is not required, but inventories may be reported on this basis if desired.

(2) The column headed "line items" under Part I of GSA Form 1473 shall be left blank, except for line 6, "Items having no issues in the last 12 months."

(3) Do not report the value of inventory items held for "Exchange or Repair," unless in the unlikely event your Bureau carries a significant quantity of inventory items in this category.

(4) Report on line 7.a the value of "long supply" inventory transferred to other activities within the Bureau and to other Bureaus of the Department of the Interior.