

Committee for the 1973-74 season at \$7,790 and prescribes that handlers pay \$0.80 per ton to defray such expenses.

Notice was published in the June 19, 1973, issue of the *FEDERAL REGISTER* (38 FR 15969) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1974, under the marketing agreement, as amended, and Order No. 921, as amended (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.213 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period beginning April 1, 1973, and ending March 31, 1974, will amount to \$7,790;

(b) *Rate of assessment.* The rate of assessment, payable by each handler in accordance with § 921.41 is fixed at eighty cents (\$0.80) per ton of fresh peaches; and

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties of Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed shall be applicable to all assessable fresh peaches from the beginning of such period; and (3) such period began on April 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable fresh peaches beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit
and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-14384 Filed 7-12-73; 8:45 am]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On June 27, 1973, notice of proposed rule making was published in the *FEDERAL*

REGISTER (38 FR 16878) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. This notice allowed interested persons 9 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to \$17,681.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at \$0.90 per ton of sweet cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1973, and said rate of assessment will automatically apply to all such cherries beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit
and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-14385 Filed 7-12-73; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1973 Crop Soybean Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Soybean Loan and Purchase Program

Correction

In FR Doc. 73-11985 appearing at page 15826 of the issue for Monday, June 18,

1973, the following changes should be made in § 1421.393:

1. In § 1421.393(a) under "Wisconsin", "Ozaukei" should read "Ozaukee".
2. In § 1421.393(b), "12.3 through 13.0" should read "12.8 through 13.0".

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1973 CROP—FLUE-CURED TOBACCO, ADVANCE SCHEDULE

On June 8, 1973, there was published in the *FEDERAL REGISTER* (38 FR 15081) a notice of proposed rule making setting forth the proposed price support advance rates for 1973-crop flue-cured tobacco. Interested parties were given the opportunity to submit, not later than July 8, 1973, data, views and recommendations regarding the advance rates.

No unfavorable comments have been received, and the proposed advance rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

Effective date: July 13, 1973.

Signed at Washington, D.C., on July 9, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

§ 1464.16 1973 crop—flue-cured tobacco, types 11-14, advance schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	99.25	B3FR	84.25
A2F	97.25	B4FR	81.25
B1L	93.25	B5FR	78.25
B2L	88.25	B6FR	74.25
B3L	85.25	B3R	73.25
B4L	83.25	B4R	69.25
B5L	81.25	B5R	64.25
B6L	77.25	B6R	60.25
B1F	93.25	B3K	80.25
B2F	88.25	B4K	77.25
B3F	85.25	B5K	74.25
B4F	83.25	B6K	70.25
B5F	81.25	B3LV	83.25
B6F	77.25	B4LV	79.25
B1FR	92.25	B5LV	76.25
B2FR	87.25	B3FV	83.25

¹ The advance rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the advance rates listed plus 12½ cents per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer and only if produced by a cooperator.

Grade	Advance Rate	Grade	Advance Rate
B4FV	79.25	C1L	94.25
B5FV	76.25	C2L	92.25
B3LS	79.25	C3L	90.25
B4LS	76.25	C4L	88.25
B5LS	73.25	C5L	86.25
B6LS	67.25	C1F	94.25
B3FS	77.25	C2F	92.25
B4FS	75.25	C3F	90.25
B5FS	72.25	C4F	88.25
B6FS	66.25	C5F	86.25
B3KL	73.25	C4LV	85.25
B4KL	71.25	C4FV	85.25
B5KL	68.25	C4LS	83.25
B6KL	63.25	C5LS	80.25
B3KF	72.25	C4KL	83.25
B4KF	70.25	C4KF	83.25
B5KF	67.25	C4KM	83.25
B6KF	62.25	C4KR	85.25
B3KM	76.25	X1L	90.25
B4KM	74.25	X2L	88.25
B5KM	71.25	X3L	86.25
B6KM	66.25	X4L	84.25
B3KR	79.25	X5L	80.25
B4KR	76.25	X1F	90.25
B5KR	73.25	X2F	88.25
B6KR	73.25	X3F	86.25
B5KV	68.25	X4F	84.25
B6KV	64.25	X5F	80.25
B5RV	61.25	X3LV	83.25
B4GL	75.25	X4LV	80.25
B5GL	72.25	X3FV	83.25
B6GL	67.25	X4FV	80.25
B4GF	74.25	X3LS	82.25
B5GF	70.25	X4LS	78.25
B6GF	66.25	X3FS	80.25
B4GR	68.25	X4FS	77.25
B5GR	62.25	X4KL	79.25
B6GR	57.25	X4KF	79.25
B4GK	70.25	X4KV	76.25
B5GK	65.25	X3KM	82.25
B6GK	61.25	X4KM	78.25
B5RG	58.25	X4KR	82.25
B4GG	60.25	X4G	75.25
B5GG	57.25	X5G	70.25
H1L	93.25	X4GK	74.25
H2L	90.25	P2L	85.25
H3L	88.25	P3L	82.25
H4L	86.25	P4L	80.25
H5L	83.25	P5L	76.25
H6L	79.25	P2F	85.25
H1F	93.25	P3F	82.25
H2F	90.25	P4F	80.25
H3F	88.25	P5F	76.25
H4F	86.25	P4G	72.25
H5F	83.25	P5G	66.25
H6F	79.25	N1L	69.25
H3FR	86.25	N1XL	73.25
H4FR	83.25	N1K	68.25
H5FR	80.25	N1R	58.25
H6FR	77.25	N1GL	62.25
H4K	82.25	N1GF	61.25
H5K	79.25	N1GE	54.25
H6K	75.25	N1GG	50.25

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

[FR Doc.73-14312 Filed 7-12-73;8:45 am]

Title 23—Highways

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-29; Notice 3]

PART 1230—HIGHWAY SAFETY PROGRAM STANDARDS—APPLICABILITY TO FEDERALLY ADMINISTERED AREAS

In a notice of proposed rulemaking published on October 26, 1972 (37 FR

22876), the National Highway Traffic Safety Administration and the Federal Highway Administration requested public comment on a proposal to apply the highway safety program standards published in 23 CFR Ch. II to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations. The purpose of this notice is to issue a new 23 CFR Part 1230, Highway Safety Program Standards—Applicability to Federally Administered Areas.

Comments were received from most of the land-holding Federal agencies, generally indicating that compliance with the highway safety program standards presents only budgetary problems. There were, however, several comments from agencies discussing particular program difficulties relating to their activities, which, taken together, highlight the need for flexibility in implementation of this aspect of the national highway safety program. For example, the Forest Service, Department of Agriculture, pointed out legislative restrictions established in its 1897 Act, providing that administration of and jurisdiction over persons within the National Forests remain with the States. The Department of Defense also raised questions relating to the applicability of Standard No. 7, Traffic Courts, to unit commanders' on base authority under the Uniform Code of Military Justice.

Several private organizations and States also commented on the proposal, generally expressing support. These comments, too, pointed out particular problems relating to the specific program efforts of the agencies. Logging and paper companies, for example, raised questions about the applicability of the proposal to private roads and existing property rights. Concern was also expressed about the possible impact of applying the highway safety program standards on environmental and recreational needs in the park system, the National Forest System and the National Wildlife Refuge System.

There are 141 Federal agencies, each of which has statutory responsibilities and substantive programs that interface with the Highway Safety Act in a large variety of ways. It is not the intent of the proposal to interfere with the statutory responsibilities of the various Federal agencies, or to cause unnecessarily detrimental impacts on the environment in natural and historic areas. However, the legislative history of the Highway Safety Act clearly establishes the mandate of the Act to attack highway safety problems on all of the Nation's highways. The stated purposes and requirements of this Act should be read in conjunction with the other statutory prescriptions.

It is believed, therefore, that the best way to ensure a meaningful implementation of the highway safety program standards in federally administered areas is to review the standards on a pro-

gram-by-program basis with each agency. For this reason the new part will establish the basic principle that the standards apply to federally administered areas, and impose reporting and program planning requirements. Details of the interaction of specific programs with specific standards will be covered in the planning and review process. Clarification of standard requirements and technical assistance will be available through the staff offices of the FHWA and NHTSA. It is expected that guidelines for submission and review of planning documents will be issued within 180 days of the effective date of this part. The guidelines will include requirements for review of the environmental impact in preparing programs. In view of this intention to clarify the program specifics at a later date, it is the judgment of the FHWA and the NHTSA that no significant environmental impact will directly result from issuance of this notice.

A few agencies have raised a question as to the meaning given to the phrase "open to public travel." This language is based on the indication in the legislative history that the Act is designed to develop programs for protecting the traveling public from the hazards of traffic crashes on the Nation's highways. "Open to public travel" is therefore intended to cover highways and road systems that are open to travel by the general public. It is not intended to apply to roads where access to the general public is restricted, although a requirement for identification to gain access to a road would not necessarily exclude it from the public road category. For example, on military bases, roads on firing ranges where members of the public are not permitted would not be included, but roads on the base where dependents, visitors and other members of the public are permitted access would be included. The process of submission and review of plans required by the new part is designed to resolve the question of what roads are open to public travel as it relates to specific programs.

Some agencies also raised questions about the need for various reports, arguing that a Comprehensive Plan and Annual Report would be sufficient to provide the Department with information to review compliance of the agencies with the standards. The FHWA and NHTSA recognize the need to keep reports and paperwork to a minimum. It has been determined, therefore, that a Comprehensive Plan should be submitted by each agency, detailing its planned efforts for implementing the highway safety program standards in their jurisdictions. An Annual Report reviewing the year's accomplishments would also be submitted. The requirement for submission of an Annual Work Program has been deleted.

In consideration of the foregoing, 23 CFR Ch. II is amended by adding a new Part 1230—Highway Safety Program Standards—Applicability to Federally

Administered Areas, in Subchapter B, to read as set forth below.

Effective date: August 15, 1973.

Issued on: July 6, 1973.

NORBERT T. TIEMANN,
Administrator, Federal
Highway Administration.

JAMES E. WILSON,
Associate Administrator, Traffic
Safety Programs, National
Highway Traffic Safety Ad-
ministration.

- Sec.
1230.1 Scope.
1230.2 Purpose.
1230.3 Applicability.
1230.4 Requirements.

AUTHORITY: 23 U.S.C. 402, 38 FR 12147,
49 CFR 1.48.

§ 1230.1 Scope.

This part establishes requirements for implementation by Federal departments or agencies of highway safety program standards set out in this chapter, in federally administered areas where a Federal department or agency controls highways open to public travel or supervises traffic operations.

§ 1230.2 Purpose.

The purpose of this part is to ensure that uniform standards established to regulate highway safety activities apply uniformly throughout the United States to those highways and activities administered by a Federal agency.

§ 1230.3 Applicability.

Pursuant to 23 U.S.C. 402, the highway safety program standards set forth in this chapter are applicable to Federal departments and agencies that control highways open to public travel within federally administered areas or supervise traffic operations on such highways, to the extent that they engage in activities covered by the highway safety program standards set out in this chapter.

§ 1230.4 Requirements.

(a) Each department or agency shall implement the highway safety program standards, to the extent that they are relevant to the activities of the department or agency. Implementation activities shall include but not be limited to:

(1) In cooperation with the FHWA and NHTSA, review of the department's or agency's activities to determine which are covered by the highway safety program standards.

(2) Review of the current status of those activities with regard to the relevant requirements of the standards.

(3) Development, submission to the FHWA and NHTSA, and periodic updating and implementation of a multiyear Comprehensive Plan for highway safety in accordance with the highway safety program standards.

(b) Each department or agency shall submit annually to the Secretary of Transportation a comprehensive report on the administration of its highway

safety program for the preceding calendar year. The report shall be suitable for inclusion in the report to the President for transmittal to the Congress as required by section 202(a) of the Highway Safety Act of 1966 (P.L. 89-564), and shall include but not be limited to:

(1) Thorough statistical data on fatal, injury and property damage accidents which occurred within its federally administered area.

(2) The scope of observance of applicable Federal standards.

(3) The effectiveness of its highway safety programs.

[FR Doc.73-14335 Filed 7-12-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Issuance of Permits To Obtain Scientific and Research Specimens

Pursuant to the authority contained in the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the references to the name "area supervisor" in § 314.9 are changed to "inspector in charge."

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This docket will amend the regulations to place the issuance of the permit for removal of biological and scientific specimens at the plant level. Prior to the reorganization, this permit (MP-403-10) was issued by the officer in charge who, in most cases, was located in close proximity to the plant. Following the reorganization, the regulations were amended en masse to require the area supervisor to issue the permit. Since this permit is valid only for a specified establishment, good cause is found for authorizing the inspector in charge at each plant to issue this permit. Such permits that are issued would be reviewed by the circuit supervisor.

These amendments are organizational in nature. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective July 13, 1973.

Done at Washington, D.C., on: July 6, 1973.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Service.

[FR Doc.73-14260 Filed 7-12-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE HEALTH AND SAFETY

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173, 30 U.S.C. 801-960 (1970)) and the Federal Metal and Nonmetallic Mine Safety Act (P.L. 89-577, 30 U.S.C. 721-740 (1970)). Order No. 2953 transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration the functions of mine health and safety, assessment and compliance, and education and training. The functions of energy, metallurgical and mining research and development, mine health and safety research, and mineral supply are retained in the Bureau of Mines. In order to provide for necessary changes in nomenclature to conform to the foregoing Secretarial Order, Subchapters N and O of Chapter I, Title 30, Code of Federal Regulations, are hereby amended, as set forth below.

As the amendments relate to matters of internal Department organization and practice, the prior notice and public procedure provisions of 5 U.S.C. section 553 are inapplicable.

The amendments shall be effective on July 16, 1973.

JULY 10, 1973.

JOHN C. WHITAKER,
Acting Secretary
of the Interior.

(Federal Metal and Nonmetallic Mine Safety Act (P.L. 89-577, 30 U.S.C. 721-740) and Sec. 508, Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173, 30 U.S.C. 957))

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 55.2, 55.3-13, 55.4-4, 55.4-24, 55.5-5, 55.6-94, 55.6-94, 55.6-100, 55.12-47, 55.13-32, 55.24-1, 55.24-2, 55.24-5, 55.24-6, 55.24-7 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
55.3-13
55.4-4
55.4-24(o)
55.5-5
55.6-94
55.6-100
55.12-47

Sec.
55.13-32
55.24-2
55.24-5

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor:

Secs.
55.24-1
55.24-2
55.24-5
55.24-6
55.24-7

3. In § 55.24-1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 55.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 56.2, 56.3-13, 56.4-1, 56.4-24, 56.5-5, 56.6-94, 56.6-100, 56.12-47, 56.13-32, 56.24-1, 56.24-2, 56.24-5, 56.24-6, 56.24-7 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
56.3-13
56.4-4
56.4-24(e)
56.5-5
56.6-94
56.6-100
56.12-47
56.13-32
56.24-2
56.24-5

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor:

Secs.
56.24-1
56.24-2
56.24-5
56.24-6
56.24-7

3. In § 56.24-1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 56.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 57.2, 57.3-13, 57.4-1, 57.4-24, 57.5-5, 57.6-94, 57.6-100, 57.12-47, 57.13-32, 57.21-95, 57.21-96, 57.21-100, 57.24-1, 57.24-2, 57.24-5, 57.24-6, 57.24-7, 57.25-1, 57.25-2, 57.25-3, 57.25-7, 57.25-8, 57.25-9 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
57.3-13
57.4-1
57.4-24(e)
57.5-5
57.6-94
57.6-100
57.12-47
57.13-32
57.21-96
57.24-2
57.24-5
57.25-3
57.25-7(a)

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted where it appears and the word "Administrator" is substituted therefor:

Secs.
57.24-1
57.24-2
57.24-5
57.24-6
57.24-7
57.25-1
57.25-2(c)
57.25-3
57.25-7
57.25-8
57.25-9

3. In §§ 57.24-1 and 57.25-1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 57.2 the words "or the

Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

5. In § 57.21-95 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "Bureau of Mines" where such words first appear, and where the words "Bureau of Mines" last appear in that section those words are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

6. In § 57.21-100 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "Bureau of Mines."

PART 58—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES AND OCCUPATIONAL ILLNESSES IN METAL AND NONMETAL MINES

Part 58 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 58.1, 58.2, 58.10, 58.12, 58.20, 58.21, 58.22, 58.30, 58.31, 58.32, 58.33 [Amended]

1. In the heading of Subpart D and the sections specified below the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor, and the word "Bureau" is deleted wherever it appears and the word "Administration" substituted therefor:

Secs.
58.1
58.2(k)
58.10
58.12
58.20
58.21
58.22(a) (1)
58.30
58.31
58.32
58.33

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

Part 70 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 70.204 [Deleted]

1. Section 70.204 is deleted in its entirety.

§§ 70.223, 70.261, 70.271, 70.504-2, 70.510 [Amended]

2. In §§ 70.223, 70.261, 70.271, 70.504-2 and 70.510(b) (2) the term "Bureau of Mines" is deleted and the term "Mining Enforcement and Safety Administration" is substituted therefor.

§ 70.260 [Amended]

3. In § 70.260(a), the words "Pittsburgh Field Health Group, Bureau of Mines" are deleted and the words "Pittsburgh Health and Safety Technical Support Center, Mining Enforcement and Safety Administration" are substituted therefor.

4. Section 70.272 is revised to read as follows:

§ 70.272 Report and certification of conditions in active mine workings.

Each operator of a coal mine shall, on or before June 30, 1970, and annually thereafter on the anniversary date of each initial report and certification, report and certify to the Secretary the conditions relative to dust control which exist in the active workings of all mines operated. Such reports shall be submitted on Mining Enforcement and Safety Administration Form No. 6-1497. Report forms may be obtained from any Coal Mine Health and Safety District Office of the Mining Enforcement and Safety Administration. Reports shall be submitted to the District Manager of the Coal Health and Safety District in which the mine is located.

§§ 70.305-1, 70.400-1, 70.505 [Amended]

5. In §§ 70.305-1, 70.400-1, 70.505, the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "approved by the Bureau of Mines."

§ 70.504 [Amended]

6. In § 70.504 the term "Director, Bureau of Mines" is deleted and the term "Administrator, Mining Enforcement and Safety Administration" is substituted therefor.

§ 70.504-1 [Amended]

7. In § 70.504-1 the terms "Bureau of Mines" and "Bureau" are deleted and the terms "Mining Enforcement and Safety Administration" and "Administration" are respectively substituted therefor.

§§ 70.507, 70.508, 70.509 [Amended]

8. In §§ 70.507, 70.508, and 70.509, the address "Assistant Director, Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240" is deleted and the address "Division of Automatic Data Processing, Mining Enforcement and Safety Administration, Building 53, Denver Federal Center, Denver, Colo. 80225" is substituted therefor, and the words "Bureau of Mines" are deleted and the words "Mining Enforcement and Safety Administration" substituted therefor.

§ 70.510 [Amended]

9. In § 70.510(b) (3) the words "Assistant Director, Coal Mine Health and Safety, Bureau of Mines" are deleted and the words "Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration" are substituted therefor.

PART 71—MANDATORY HEALTH STANDARDS—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Part 71 of Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 71.200, 71.402, 71.500 [Amended]

1. In §§ 71.200, 71.402, and 71.500 the words "Bureau of Mines" are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

§ 71.111 [Amended]

2. In § 71.111 the words "Pittsburgh Field Health Group, Bureau of Mines" are deleted and the words "Pittsburgh Health and Safety Technical Support Center, Mining Enforcement and Safety Administration" are substituted therefor.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Part 75 of Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 75.100, 75.150, 75.155, 75.301-7, 75.301-8, 75.303-2, 75.503-1, 75.517-2, 75.1103-2, 75.1712-6, 75.1721, 75.1800, 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1807 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor.

Secs.
75.100(c) (1)
75.150(b) (2)
75.155(c)
75.301-7(c) (2)
75.301-8(c) (1)
75.303-2(c)
75.503-1
75.517-2(d)
75.1103-2(b)
75.1712-6
75.1721(b) (1)
75.1800
75.1801
75.1802
75.1803
75.1804
75.1805
75.1806
75.1807

§§ 75.151, 75.1703-1, 75.1714-1 [Amended]

2. In §§ 75.151, 75.1703-1, and 75.1714-1 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

§ 75.153 [Amended]

3. In § 75.153(e) the word "Bureau" is deleted and replaced by the word "Administration."

§ 75.506 [Amended]

4. In § 75.506(a) the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "Bureau of Mines" in line 7 thereof.

§§ 75.523-1, 75.1710-1 [Amended]

5. In §§ 75.523-1(c) and 75.1710-1(f) the words "Assistant Director—Technical Support, Bureau of Mines" are deleted and the words "Assistant Administrator—Technical Support, Mining En-

forcement and Safety Administration" are substituted therefor.

§§ 75.803-3, 75.902-3 [Amended]

6. Sections 75.803-3 and 75.902-3 are deleted entirely.

§ 75.1107-17 [Amended]

7. In § 75.1107-17 the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "Bureau of Mines" in line 6 thereof; and the words "Bureau of Mines" in line 11 thereof are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Part 77, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 77.100, 77.101, 77.102, 77.103, 77.105, 77.413, 77.1000-1, 77.1108-1, 77.1303, 77.1900, 77.1902-1, 77.1914 [Amended]

1. In the sections specified below, the term "Bureau of Mines" is deleted wherever it appears and the term "Mining Enforcement and Safety Administration" is substituted therefor.

Secs.
77.101(b) (2)
77.102
77.105(b)
77.413
77.1000-1
77.1108-1(b) (4)
77.1303(m)
77.1900

2. In §§ 77.100(b) (2), 77.1902-1, and 77.1914(c) the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

3. In § 77.103(e) the word "Bureau" is deleted and the word "Administration" is substituted therefor.

PART 80—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS

§§ 80.10, 80.11, 80.12, 80.23, 80.24, 80.31, 80.32, 80.33 [Amended]

Part 80, Chapter I of Title 30, Code of Federal Regulations is amended by deleting the word "Bureau" in § 80.10 and inserting in lieu thereof the word "Administration"; and by deleting the words "Bureau of Mines" in the heading of Subpart D and in the sections specified below, and inserting in lieu thereof the words "Mining Enforcement and Safety Administration."

Secs.
80.10
80.11
80.12
80.23
80.24
80.31
80.32
80.33

PART 81—PROCEDURES FOR IDENTIFICATION OF REPRESENTATIVES OF MINERS AT MINES

Part 81, Chapter I, Title 30, Code of Federal Regulations is amended by deleting the words "Director, Bureau of Mines", "Bureau of Mines", and "Bureau" wherever they appear and by substituting respectively therefor the words "Administrator, Mining Enforcement and Safety Administration", "Mining Enforcement and Safety Administration", and "Administration."

PART 82—NOTIFICATION OF LEGAL IDENTITY

Part 82, Chapter I, Title 30, Code of Federal Regulations is amended by deleting the words "Bureau of Mines" wherever they appear and substituting therefor the words "Mining Enforcement and Safety Administration."

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

Part 90, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§ 90.1 [Amended]

1. In § 90.1 the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor.

2. In § 90.2, paragraph (b) is revised as follows:

§ 90.2 Definitions.

(b) "Administrator" means the Administrator, Mining Enforcement and Safety Administration, U.S. Department of the Interior.

§§ 90.10, 90.20, 90.30, 90.31, 90.32, 90.35 [Amended]

3. In §§ 90.10, 90.20, 90.30, 90.31(a), 90.32, 90.33(b), the heading of Subpart E, and Figure 1 the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor; and the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor.

[FR Doc. 73-14475 Filed 7-12-73; 8:45 am]

Title 31—Money and Finance: Treasury CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512), approved October 20, 1972, the Department of the Treasury hereby amends the regulations in Part 51 of Subtitle B of Title

31, Code of Federal Regulations, effective April 5, 1973 (38 FR 9132) for the entitlement period beginning January 1, 1973, and for entitlement periods subsequent thereto.

These amendments are intended primarily to clarify the language of certain provisions of the regulations. Because the purpose of these amendments is to provide immediate guidance to the states and local units of governments as to procedures applicable after December 31, 1972, in order that the requirements of the Act be complied with, it is hereby found impracticable to issue these amendments with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

The foregoing amendments are issued under authority of the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342). These amendments shall become effective when filed with the Federal Register and are applicable to entitlement periods beginning on or after January 1, 1973.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved July 11, 1973.

EDWARD C. SCHMULTS,
General Counsel.

Section 51.3 is amended to read as follows:

§ 51.3 Procedure for effecting compliance.

(a) *In general.* If the Secretary determines that a recipient government has failed to comply substantially with any provision of this part, and after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government pursuant to Subpart F of this part, the Secretary shall notify the recipient government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(b) *Determination to delay payment.* Whenever the Secretary determines that a recipient government has failed to comply with the communication requirement period until such time as the ment of entitlement funds to such recipient. A determination to delay payment of entitlement funds shall not be subject to the procedure set forth in paragraph (a) of this section and shall be in effect only for such time as is necessary to effect compliance.

The first sentence of § 51.5 is amended to read as follows:

§ 51.5 Transfer of funds to secondary recipients.

Those prohibitions and restrictions set forth in subpart D of this part which are applicable to a recipient government's entitlement funds continue to be applicable to such funds if they are transferred to another governmental unit or private organization. * * *

§ 51.11 [Amended]

The second sentence of § 51.11(b) is amended by deleting the words "and the balance of the trust fund as of the date of the report's submission" and inserting a period after the word "period". As amended, the second sentence of § 51.11(b) reads: "Such report also shall state any interest earned on entitlement funds during the period."

The third sentence of § 51.11(b) is amended by adding the phrase "including its balance" after the word "fund". As amended, the third sentence of § 51.11(b) reads: "Such reports shall show the status of the trust fund including its balance as of June 30 and shall be filed with the Secretary on or before September 1 of each calendar year."

Section 51.24(a) is amended to read as follows:

§ 51.24 Waiver of entitlement; nondelivery of checks; insufficient data.

(a) *Waiver.* Any unit of local government may waive its entitlement for any entitlement period: *Provided*, The chief executive officer with the consent of the governing body of such unit notifies the Secretary that the entitlement payments for a past, current, or the next beginning entitlement period are being waived. In the event that an entitlement payment is returned or a notice of waiver is executed which is not in accordance with this procedure, the chief executive officer will be so notified by the Secretary and, unless the attempted waiver is rescinded within 30 days of the date of such notice, it shall be given effect. However, in no event will a notice of waiver be given effect for an entitlement period which is subsequent to the next beginning entitlement period. The entitlement waived shall be added to and shall become a part of the entitlement of the next highest unit of government eligible to receive entitlement funds in that State in which the unit of government waiving entitlement is located. However, if the governing body of an Indian tribe or Alaskan native village waives its entitlement for any period, the rules relating to distributions within county areas (pursuant to section 108(b)(4) of the Act) are to apply to the distribution within a county area as if such tribe or village were not in existence for that period. A waiver of entitlement by a unit of local government or Indian tribe or Alaskan native village shall be deemed irrevocable for the entitlement period or periods to which it relates.

Paragraph (a) of § 51.25 is amended by deleting the second sentence and inserting a new sentence, and the second

sentence of paragraph (b) is revised, all to read as set forth below.

§ 51.25 Reservation of funds and adjustment of entitlement.

(a) * * * Such reserve shall be known as the Obligated Adjustment Reserve and amounts remaining in that reserve will accumulate until the liabilities of the Trust Fund are discharged or sufficiently diminished to permit an allocation to recipient governments. * * *

(b) * * * In such case the Secretary may demand that the funds received by the recipient government in excess of its entitlement be immediately repaid to the Trust Fund of the Department of the Treasury.

The final sentence of § 51.26(a) is amended by inserting the phrase "debt proceeds and" after the word "including." As amended, the final sentence of § 51.26(a) reads:

§ 51.26 State must maintain transfers to local government.

(a) * * *

* * * The phrase "own sources" means all sources of State revenue (including debt proceeds and the State's revenue sharing entitlement funds) but excluding intergovernmental revenues received from the Federal government.

[FR Doc.73-14469 Filed 7-12-73;8:45 am]