

(b) of the standard to refer to the new Department of Labor charts, the National Highway Traffic Safety Administration (NHTSA) charts or any other posters which contain at least the same instructions, safety precautions and other information contained in those charts that is applicable to the types of rim wheels being serviced. In addition, paragraph (d)(5) is amended to indicate more clearly that the standard requires the employer to have either the charts or the applicable rim manuals for the types of wheels being serviced available in the service area. Finally, Appendix B is being revised to provide ordering information for the new OSHA charts.

Because this action does not impose any additional regulatory burden over that of the current standard, the Assistant Secretary has determined that notice and comment are not necessary prior to issuance of these amendments, pursuant to 5 U.S.C. 553 and 29 CFR 1911.5. In addition, for the same reasons, OSHA is making these final rules effective immediately upon publication.

Regulatory Impact Assessment and Regulatory Flexibility Certification

Pursuant to Executive Order 12291, OSHA has evaluated this Final Rule and has determined that it is not a "major" action under any of the criteria set forth in that Order. OSHA also certifies, pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this action will not have a significant impact on a substantial number of small entities. This rulemaking makes no substantive change in the requirements of § 1910.177, and imposes no new obligations on employers. It informs the public of the availability of the new OSHA charts on the servicing of single piece and multi-piece rim wheels which consolidate and update servicing information into a format which is more easily understood and used by both employers and employees.

This Rulemaking will not have a substantial effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12812, preparation of a Federalism Assessment is not warranted.

This Rulemaking also does not impose new recordkeeping requirements to be evaluated by OSHA under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

State Plan Standards

The 24 States and territories with their own OSHA-approved occupational safety and health plans must adopt a comparable standard within six months of the publication date of the final rule. These States and territories are: Alaska, Arizona, Connecticut (for State and local government employees only), Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New York (for State and local government employees only), Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, Wyoming.

List of Subjects in 29 CFR Part 1910

Protective equipment, Safety, Signs and symbols.

Authority

This document has been prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Therefore, pursuant to sections 4, 6 and 8 of the Occupational Safety and Health Act (29 U.S.C. 653, 655, 657), 5 U.S.C. 553, Secretary of Labor's Order No. 9-83 (48 FR 35736), and 29 CFR Part 1911, 29 CFR Part 1910 is hereby amended as set forth below.

Signed at Washington, DC, this 29th day of August 1988.

John A. Pendergrass,
Assistant Secretary of Labor.

PART 1910—[AMENDED]

1. The authority citation for Subpart N of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25056), or 9-83 (48 FR 35736), as applicable.

Section 1910.177 also issued under 5 U.S.C. 553 and 29 CFR Part 1911.

Sections 1910.178, .178, .179, .183, .184, .189, and .190 also issued under 29 CFR Part 1911.

2. Section 1910.177 is amended by revising the definition of "Charts" in paragraph (b), and by revising paragraph (d)(5), and Appendix B, to read as follows:

§ 1910.177 Servicing multi-piece and single piece rim wheels.

(b) Definitions. . . .

"Charts" means the U.S. Department of Labor, Occupational Safety and Health Administration publications entitled "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-piece Rim Matching Chart," the National Highway Traffic Safety Administration (NHTSA) publications entitled "Demounting and Mounting Procedures Truck/Bus Tires" and "Multi-piece Rim Matching Chart," or any other poster which contains at least the same instructions, safety precautions and other information contained in the charts that is applicable to the types of wheels being serviced.

(d) Tire servicing equipment. . . .

(5) Current charts or rim manuals containing instructions for the type of wheels being serviced shall be available in the service area.

Appendix B—Ordering Information for the OSHA Charts

OSHA has printed two charts entitled "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-piece Rim Matching Chart," as part of a continuing campaign to reduce accidents among employees who service large vehicle rim wheels.

Reprints of the charts are available through the Occupational Safety and Health Administration (OSHA) Area and Regional Offices. The address and telephone number of the nearest OSHA office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.

Individuals, establishments and other organizations desiring single or multiple copies of these charts may order them from the OSHA Publications Office, U.S. Department of Labor, Room N-3101, Washington, DC 20210, Telephone (202) 623-9667.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 208

Sale of Federal Royalty Oil

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its regulations governing the sale of Federal royalty oil at 30 CFR Part 208 to reflect a change in the title and the filing date

requirements for Form MMS-4071, Semiannual Report of Royalty-In-Kind (RIK) Oil Entitlements and Deliveries. This change in title is due to the elimination of the deliveries column from the form. Also, specified filing dates are included which eliminates confusion as to the filing date of the form.

EFFECTIVE DATE: September 8, 1988.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, P.O. Box 25165, MS-662, Building 85, Denver Federal Center, Denver, Colorado 80225, telephone (303) 231-3432, (FTS) 326-3432.

SUPPLEMENTARY INFORMATION:

I. Introduction

The MMS published final regulations governing the sale of Federal royalty oil in the *Federal Register* on October 30, 1987 (52 FR 41908). The regulations require the submission of a Form MMS-4071, Semiannual Report of Royalty-In-Kind (RIK) Oil Entitlements and Deliveries, which is used to document monthly royalty oil entitlements delivered by lease operators to eligible refiners under RIK contracts issued by MMS. The MMS uses this report to determine if the refiner is billed correctly and in a timely manner for all royalty oil entitlements provided by the lease operator. The MMS received more than 250 telephone calls requesting clarification of the information required on the form. Many forms were returned to MMS with incorrect information, necessitating calls to the operators in order to correct the data. To simplify and improve reporting, MMS has modified the design and procedures for processing Form MMS-4071 as discussed below. This final rulemaking amends §§ 208.3 and 208.13 to reflect a change in the title and the filing date requirements of the form.

II. Discussion of Procedural Changes

The form requires a lease number. This has caused some confusion for lessees or operators who assign their own internal lease numbers. Consequently, MMS is considering changing its procedures whereby the first eight lines of Form MMS-4071 would be completed by MMS before sending it out to the lease operator. In this way, the respondent will only have to review the lines and correct, if necessary, the name and address before entering the required sales and royalty entitlement data.

Operators also have complained that the requirement to report entitlements 7

months after the first month of sale, and semiannually thereafter, requires them to submit reports throughout the year if they operate a number of leases which begin sales at different times of the year. Respondents requested a uniform report due date for all leases. Consequently, MMS has changed its procedures whereby the "month and year" on the form will be specified by MMS before it is sent out to the operator. The MMS has also changed the "filing date" requirement, whereby submission of the form will be required for all reporting by March 1 and September 1 each year for the prior 6-month period ending December 31 and June 30 respectively, rather than 7 months after the first month of sale and semiannually thereafter.

To further simplify reporting requirements, MMS has also eliminated the "Deliveries" column on the Form MMS-4071. Operators will continue to report how much of the lease production is royalty oil entitlements due the Federal Government. The MMS bills the refiner for the royalty quantity reported by the payor on Form MMS-2014, Report of Sales and Royalty Remittance. This amount will be reconciled to entitlements reported by the operator on Form MMS-4071. The refiner will be advised when the amounts are in agreement in order to verify that the correct quantity has been delivered. In this way, royalty oil deliveries can be determined without unnecessarily burdening operators by requiring delivery information on Form MMS-4071. Because deliveries will no longer be reported, the name of the form will be changed to Semiannual Report of Royalty-In-Kind (RIK) Oil Entitlements.

This rulemaking action amends 30 CFR 208.3 to reflect the new name of the form and the new filing date requirements. Section 208.13 has also been amended to clarify the revised semiannual reporting requirement.

III. Procedural Matters

Administrative Procedure Act

The changes included in this rulemaking are technical corrections only and not substantive changes. Accordingly, pursuant to 5 U.S.C. 553(b), it has been determined that it is unnecessary to issue proposed regulations before the issuance of this final regulation. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make this regulation effective upon publication in the *Federal Register*.

Executive Order 12291

The Department of the Interior (Department) has hereby determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. This final rulemaking is to reflect a change in the title and filing date requirements of an information collection form required to administer the Government's RIK Program. Under the amended regulation, the operator is still required to submit the report on a semiannual basis; however, the dates for filing the report have been changed.

Regulatory Flexibility Act

Because this rule primarily changes the dates for filing Form MMS-4071, there are no significant additional requirements or burdens placed upon small business entities as a result of implementation of this rule. Therefore, the Department has hereby determined that this rulemaking will not have a significant economic effect on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act. (5 U.S.C. 601 *et seq.*)

Paperwork Reduction Act of 1980

The collections of information contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010-0042.

Public reporting burden for this information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing the burden, to the Information Collection Clearance Officer, Mail Stop 632, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, VA 22091; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

National Environmental Policy Act of 1969

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

Lists of Subjects in 30 CFR Part 208

Continental shelf, Government contracts, Mineral royalties, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

Date: August 31, 1988.
 William D. Bettenberg,
 Director, Minerals Management Service.

For the reasons set out in the preamble, 30 CFR Part 208 is amended as follows:

TITLE 30—MINERAL RESOURCES

PART 208—SALE OF FEDERAL ROYALTY OIL

1. The authority citation for Part 208 continues to read as follows:

Authority: 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *et seq.*; 30 U.S.C. 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; 43 U.S.C. 1801 *et seq.*; and 31 U.S.C. 9701.

2. Section 208.3 is amended by revising the name and filing date for Form MMS-4071 as shown in the table included in this section. The revised table reads as follows:

§ 208.3 Information collection.

Form No.	Name and filing date	OMB No.
MMS-4070	Application for the Purchase of Royalty Oil (due prior to the date of sale in accordance with the instructions in the Notice of Availability of Royalty Oil).	1010-0042
MMS-4071	Semiannual Report of Royalty-In-Kind (RIK) Oil Entitlements (due from the lease operator by Mar. 1 and Sept. 1 each year for the prior 6-month period ending Dec. 31 and June 30).	1010-0042

3. Paragraph (a) of § 208.13 is revised to read as follows:

§ 208.13 Reporting requirements.

(a) In addition to any other applicable royalty reporting requirements, the lessee/operator shall use Form MMS-4071, Semiannual Report of Royalty-In-Kind (RIK) Oil Entitlements, to provide MMS a semiannual report, by lease, of the monthly entitlements of royalty oil

delivered by lease operators to purchasers.

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VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

38 CFR Part 21

Veterans Education; Educational Assistance for Members of the Selected Reserve

AGENCY: Veterans Administration, Department of Defense and Department of Transportation.

ACTION: Final regulations.

SUMMARY: These regulations are designed to implement those provisions of the Veterans' Educational Assistance Act of 1984 which established a new educational assistance program for members of the Selected Reserve. This program (now commonly known as the Montgomery GI Bill—Selected Reserve) is designed to replace the program formerly contained in 10 U.S.C. ch. 106. It is available to a person who after June 30, 1985, enlists, relists or extends an enlistment as a Reserve for service in the Selected Reserve; or to a person who, after then same date, is appointed as, or is serving as a reserve officer in the Selected Reserve and agrees to serve in the Selected Reserve for an additional period of at least six years. These regulations are intended only to implement those provisions of the Veterans' Educational Assistance Act of 1984 which affect this program. Other changes in regulation of this program required by subsequent enactments of law will be the subject of further publication of proposed regulations.

EFFECTIVE DATE: October 19, 1984.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 44054 through 44073 of the Federal Register of November 17, 1987, there was published a notice of intent to amend 30 CFR, Part 21 to provide a new Subpart L. Subpart L contains the regulations the VA will use in

administering the Montgomery GI Bill—Selected Reserve. Interested people were given 31 days to submit comments, suggestions or objections. The Veterans Administration (VA), the Department of Defense and the Department of Transportation received three letters containing comments. Two were from officials of an educational organization; one was from a university official.

The three letter writers had three comments in common. First, they commented that these rules merely follow complex rules which the VA has used for many years to administer other GI Bill education benefit programs. The writers thought that more modern approaches to regulation of the new program would be appropriate. Second, the writers thought that these regulations should not be made final until the Commission on Veterans' Education Policy (the Commission) established by section 320 of the Veterans' Benefits Improvement and Health Care Authorization Act of 1986, issues its final report. Third, they noted with disapproval that the rules do not take into account some changes to the Montgomery GI Bill—Selected Reserve enacted by the Veterans' Benefits Improvement and Health Care Authorization Act of 1986 (Pub. L. 99-576) and the New GI Bill Continuation Act (Pub. L. 100-48). These concerns are addressed below.

These regulations contain many new provisions which implement distinctive chapter 106 provisions (e.g. eligibility requirements, criteria for determining a reservist's delimiting date, permissible type of training). However, this series of regulations also contains many provisions similar to those implementing the other education benefits programs administered by the VA. We view this as perfectly consistent with the mandate of 10 U.S.C. 2136 which directs that various enumerated provisions of chapters 34 and 36 of Title 38 United States Code shall apply to provision of assistance under the Montgomery GI Bill Selected Reserve.

We believe that the Congress clearly intended that the Selected Reserve program, at least to the extent governed by the same statutory provisions, was to be administered in the same manner as the Vietnam Era GI Bill program. The agencies responsible for this program find no reason to alter the coextensive provisions, and, therefore, opt to apply them as written.

The VA, the Department of Defense, and the Department of Transportation do not believe implementation of these regulations should be deferred pending the issuance of a final report by the