

preventive maintenance projects which include very minor or no roadway work. Formal findings of applicability are expected only as needed to resolve controversies.

(f) *Exceptions.* (1) Approval within the delegated authority provided by FHWA Order M1100.1A may be given on a project basis to designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for:

(i) Experimental features on projects; and

(ii) Projects where conditions warrant that exceptions be made.

(2) The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections of roadway and the probable time before reconstruction of the section due to increased traffic demands or changed conditions.

§ 625.4 Standards, policies, and standard specifications.

The documents listed in this section are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and are on file at the Office of the Federal Register in Washington, DC. They are available as noted in paragraph (d) of this section. The other CFR references listed in this section are included for cross-reference purposes only.

(a) *Roadway and appurtenances.* (1) A Policy on Geometric Design of Highways and Streets, AASHTO 1994. [See § 625.4(d)(1)]

(2) A Policy on Design Standards—Interstate System, AASHTO 1991. [See § 625.4(d)(1)]

(3) The geometric design standards for resurfacing, restoration, and rehabilitation (RRR) projects on NHS highways other than freeways shall be the procedures and the design or design criteria established for individual projects, groups of projects, or all nonfreeway RRR projects in a State, and as approved by the FHWA. The other geometric design standards in this section do not apply to RRR projects on NHS highways other than freeways, except as adopted on an individual State basis. The RRR design standards shall reflect the consideration of the traffic, safety, economic, physical, community, and environmental needs of the projects.

(4) Erosion and Sediment Control on Highway Construction Projects, refer to 23 CFR part 650, subpart B.

(5) Location and Hydraulic Design of Encroachments on Flood Plains, refer to 23 CFR part 650, subpart A.

(6) Procedures for Abatement of Highway Traffic Noise and Construction Noise, refer to 23 CFR part 772.

(7) Accommodation of Utilities, refer to 23 CFR part 645, subpart B.

(8) Pavement Design, refer to 23 CFR part 626.

(b) *Bridges and structures.* (1) Standard Specifications for Highway Bridges, Fifteenth Edition, AASHTO 1992. [See § 625.4(d)(1)]

(2) Interim Specifications—Bridges, AASHTO 1993. [See § 625.4(d)(1)]

(3) Interim Specifications—Bridges, AASHTO 1994. [See § 625.4(d)(1)]

(4) Interim Specifications—Bridges, AASHTO 1995. [See § 625.4(d)(1)]

(5) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (U.S. Units). [See § 625.4(d)(1)]

(6) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (SI Units). [See § 625.4(d)(1)]

(7) Standard Specifications for Movable Highway Bridges, AASHTO 1988. [See § 625.4(d)(1)]

(8) Bridge Welding Code, ANSI/AASHTO/AWS D1.5–95, AASHTO. [See § 625.4(d)(1) and (2)]

(9) Structural Welding Code—Reinforcing Steel, ANSI/AWS D1.4–92, 1992. [See § 625.4(d)(2)]

(10) Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, AASHTO 1994. [See § 625.4(d)(1)]

(11) Navigational Clearances for Bridges, refer to 23 CFR part 650, subpart H.

(c) *Materials.* (1) General Materials Requirements, refer to 23 CFR part 635, subpart D.

(2) Standard Specifications for Transportation Materials and Methods of Sampling and Testing, parts I and II, AASHTO 1995. [See § 625.4(d)(1)]

(3) Sampling and Testing of Materials and Construction, refer to 23 CFR part 637, subpart B.

(d) Availability of documents incorporated by reference. The documents listed in § 625.4 are incorporated by reference and are on file and available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These documents may also be reviewed at the Department of Transportation Library, 400 Seventh Street, SW., Washington, DC, in Room 2200. These documents are also available for inspection and copying as provided in 49 CFR part 7, appendix D. Copies of these documents may be obtained from the following organizations:

(1) American Association of State Highway and Transportation Officials (AASHTO), Suite 249, 444 North Capitol Street, NW., Washington, DC 20001.

(2) American Welding Society (AWS), 2501 Northwest Seventh Street, Miami, FL 33125.

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Coast Guard

33 CFR Part 165

[CGD08–97–008]

RIN 2115–AE84

Amendment to Regulated Navigation Area Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: On March 18, 1997, the Coast Guard established a temporary regulated navigation area affecting the operation of downbound tows in the Lower Mississippi River from mile 347 at Vicksburg, MS to mile 88 above Head of Passes. This amendment extends the southern limit of the regulated navigation area to the boundary of the territorial sea at the approaches to South West Pass and includes regulations affecting the operation of self-propelled vessels of 1600 gross tons or greater. The regulated navigation area is needed to protect vessels, bridges, shore-side facilities and the public from a safety hazard created by high water and resulting flooding along the Lower Mississippi River. Downbound barge traffic and the transiting of self-propelled vessels of 1600 or more gross tons are prohibited unless they are in compliance with this regulation.

DATES: This amended regulation is effective from 10:00 a.m. on March 21, 1997 and terminates at 12 p.m. on April 5, 1997.

FOR FURTHER INFORMATION CONTACT: CDR Harvey R. Dexter, Marine Safety Division, USCG Eighth District at New Orleans, LA (504) 589–6271.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The velocity of river currents on the Lower Mississippi River are approaching an all time high. Several recent vessel allisions with bridges and barge breakaways have been caused by strong currents and eddies resulting from flood conditions on the Lower Mississippi River. Consequently, the

Commander, Eighth Coast Guard District has identified a need to place operating restrictions in regard to tows downbound on the Mississippi River to assure adequate safe power for navigation, and additional operating requirements on self-propelled vessels of 1600 or more gross tons operating anywhere within the Regulated Navigation Area (RNA). This amended emergency Temporary Regulated Navigation Area extends from one mile above the Interstate 20 Highway Bridge at Vicksburg, Mississippi (Lower Mississippi River mile 437), to the boundary of the territorial sea at the approaches to South West Pass.

Downbound tows operating from the northern boundary of this RNA to mile 88 above Head of Passes shall be restricted as follows:

(a) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(b) Tow boats with brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp, shall be limited to a 20 barge tow.

(c) For all other tows the following minimum brake horsepower requirements apply:

1. Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

2. For all other loaded dry cargo barges and all loaded liquid barges southbound: one brake horsepower minimum for each 5 deadweight tons of cargo.

3. For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

4. For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standard applies (300 brake horsepower).

(d) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

All self-propelled vessels to which 33 Code of Federal Regulations § 164 applies, shall comply with the following:

(a) Masters shall review the requirements of 33 CFR § 164.25 pertaining to "Tests Before Entering or Getting Underway."

(b) The engine room shall be manned at all times when underway in the RNA.

(c) Prior to entering the RNA or getting underway within the RNA, the master of each vessel shall report to the ship's agent that the regulations at 33 CFR 164.25 have been reviewed, are

understood, and the vessel is in compliance with the regulation.

(d) As part of the master's report, the chief engineer shall also certify that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

1. If the vessel has an automated main propulsion plant, it will be operated in manual mode and will be prepared to answer maneuvering commands immediately.

2. The vessel shall immediately provide maximum ahead or astern power when so ordered by the bridge.

3. The main propulsion plant shall, in all respects, be ready for operations in the RNA including the main propulsion air start systems, fuel systems, lube oil systems, cooling systems, and automation systems.

4. The master shall also certify that the gyrocompass is properly operating and calibrated.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of notice of proposed rulemaking and delay of effective date would be contrary to public interest because immediate action is necessary to ensure self-propelled vessels are capable of operating safely in the increased currents present on the river and prevent downbound towing vessels from alliding with bridges and shore-side structures, and colliding with other vessels, causing danger to the public.

Regulation Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small

businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Small entities in this case would not include a significant number of company operating vessels of 1600 gross tons or greater due to the nature and cost of operating vessels of this size. However, it could include small towing companies that may be affected by this rule. Although this rule places night time restrictions for tows transiting the Baton Rouge Railroad and Highway Bridge, these restrictions are limited to tows of 20 or more barges and operators may reduce the size of their tows to transit those areas. No other restrictions on transit are imposed so long as the horsepower requirements are met. These horsepower requirements are consistent with accepted industry practice and the actions of a prudent mariner under the circumstances. This rule is deemed to *not* have a substantial economic impact.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.(g)(5) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 46 CFR 1.46.

2. § 165.T08-001 is revised to read as follows:

§ 165.T08-001. Regulated Navigation Area; Lower Mississippi River.

(a) Location: The following area is a regulated navigation area: All waters of the Mississippi River from one mile above the Interstate 20 Highway Bridge at Vicksburg, MS (Lower Mississippi River Mile 437) to the boundary of the territorial sea at the approaches to South West Pass.

(b) Regulations:

(1) In accordance with general regulations in Section § 165.11 of this part, no downbound tows may operate within the Regulated Navigation Area (RNA) contrary to this regulation.

(2) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(3) Tow boats with a brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp shall be limited to a 20 barge tow.

(4) For all other tows the following minimum brake horsepower requirements apply:

(i) Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

(ii) For other loaded dry cargo barges and all loaded liquid barges southbound: one brake horsepower minimum for each 5 deadweight tons of cargo.

(iii) For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

(iv) For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standards apply (300 brake horsepower).

(5) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

(6) All self-propelled vessels to which the regulations at 33 CFR part 164 apply, shall comply with the following:

(i) Masters shall review the requirements of 33 CFR § 164.25 pertaining to "Tests Before Entering or Getting Underway."

(ii) The engine room shall be manned at all times while underway in the RNA.

(iii) Prior to entering or getting underway in the RNA, the master of

each vessel shall report to the ship's agent that 33 CFR part 164 has been reviewed, the requirements are understood, and his vessel is in compliance with the regulation.

(iv) The master shall also report that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

(A) If the vessel has an automated main propulsion plant, it shall be operated in manual mode and will be prepared to answer maneuvering commands immediately.

(B) The vessel shall immediately provide maximum ahead or astern power when so ordered by the bridge.

(C) The main propulsion plant shall in all respects be ready for operations in the regulated navigation area including the main propulsion air start systems, fuel systems, lube oil systems, cooling systems, and automation systems.

(v) The master shall also certify that the gyrocompass is properly operating and calibrated.

(7) For vessels subject to this regulation, Commander, Eighth Coast Guard District urges that main propulsion standby systems be placed on-line or be ready to be placed on-line immediately.

(8) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) Effective dates: This section is effective at 10:00 a.m. on March 21, 1997 and terminates at 12 p.m. on April 5, 1997.

Dated: March 21, 1996.

Timothy W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AF29

Reduction of Debt Through the Performance of Work-Study Services

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule amendments to the general regulations of the Department of Veterans Affairs (VA). The amendments provide that the money payable for performance of work-study services may

be offset against an individual's outstanding debt to the United States arising from participation in educational and vocational rehabilitation programs VA administers. The adoption of this change helps veterans pay outstanding debts to the United States.

EFFECTIVE DATES: May 1, 1997.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420 (202) 273-7187.

SUPPLEMENTARY INFORMATION: On August 5, 1996, VA published in the **Federal Register** (61 FR 40589) a proposed rule to permit individuals who have an outstanding debt to the United States arising from participation in educational and vocational rehabilitation programs VA administers to liquidate that debt through the performance of work-study services. The public was given 60 days to submit comments. VA received no comments.

Accordingly, based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule. For the purposes of clarity, the organization of § 1.929(b) is slightly modified. This final rule also affirms the information in the proposed rule document concerning the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.116, 64.117, 64.120, and 64.124. This final rule also affects the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Cemeteries, Claims, Employment, Flags, Freedom of information, Government contracts, Government employees, Government property, Inventions and patents, Investigations, Privacy, Seals and insignia.

Approved: December 23, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below.

PART 1—GENERAL PROVISIONS

1. The authority citation for part 1, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.