

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.

[FR Doc. 97–8108 Filed 3–31–97; 8:45 am]

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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.

2. Section 1.929 and its authority citations are added under the undesignated center heading "STANDARDS FOR COLLECTION OF CLAIMS" to read as follows:

§ 1.929 Reduction of debt through performance of work-study services.

(a) *Scope.* (1) Subject to the provisions of this section VA may allow an individual to reduce an indebtedness to the United States through offset of benefits to which the individual becomes entitled by performance of work-study services under 38 U.S.C. 3485 and 3537 when the debt arose by virtue of the individual's participation in a benefits program provided under any of the following:

- (i) 38 U.S.C. chapter 30;
- (ii) 38 U.S.C. chapter 31;
- (iii) 38 U.S.C. chapter 32;
- (iv) 38 U.S.C. chapter 34;
- (v) 38 U.S.C. chapter 35;
- (vi) 38 U.S.C. chapter 36 (other than an education loan provided under subpart F, part 21 of this title); or
- (vii) 10 U.S.C. chapter 1606 (other than an indebtedness arising from a refund penalty imposed under 10 U.S.C. 16135).

(2) This section shall not apply in any case in which the individual has a pending request for waiver of the debt under §§ 1.950 through 1.970.

(Authority: 38 U.S.C. 3485(e)(1); Pub. L. 102-16)

(b) *Selection criteria.* (1) If there are more candidates for a work-study allowance than there are work-study positions available in the area in which the services are to be performed, VA will give priority to the candidates who are pursuing a program of education or rehabilitation.

(2) Only after all candidates in the area described in paragraph (b)(1) of this section either have been given work-study contracts or have withdrawn their request for contracts will VA offer contracts to those who are not pursuing a program of education or rehabilitation and who wish to reduce their indebtedness through performance of work-study services.

(3) VA shall not offer a contract to an individual who is receiving compensation from another source for the work-study services the individual wishes to perform.

(4) VA shall not offer a contract to an individual if VA determines that the debt can be collected through other means such as collection in a lump sum, collection in installments as provided in § 1.917 or compromise as provided in § 1.918.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102-16)

(c) *Utilization.* The work-study services to be performed under a debt-liquidation contract will be limited as follows:

(1) If the individual is concurrently receiving educational assistance in a program administered by VA, work-study services are limited to those allowed in the educational program under which the individual is receiving benefits.

(2) If the individual is not concurrently receiving educational assistance in a program administered by VA, the individual may perform only those work-study services and activities which are or were open to those students receiving a work-study allowance while pursuing a program of education pursuant to the chapter under which the debt was incurred.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102-16)

(d) *Contract to perform services.* (1) The work-study services performed to reduce indebtedness shall be performed pursuant to a contract between the individual and VA.

(2) The individual shall perform the work-study services required by the contract at the place or places designated by VA.

(3) The number of hours of services to be performed under the contract must be sufficient to enable the individual to become entitled to a sum large enough to liquidate the debt by offset.

(4) The number of weeks in the contract will not exceed the lesser of—

- (i) The number of weeks of services the individual needs to perform to liquidate his or her debt; or
- (ii) 52.

(5) In determining the number of hours per week and the number of weeks under paragraphs (d)(3) and (d)(4) of this section necessary to liquidate the debt, VA will use the amount of the account receivable, including all accrued interest, administrative costs and marshal fees outstanding on the date the contract is offered to the individual and all accrued interest, administrative costs and marshal fees VA estimates will have become outstanding on the debt on the date the debt is to be liquidated.

(6) The contract will automatically terminate after the total amount of the individual's indebtedness described in paragraph (d)(5) of this section has been recouped, waived, or otherwise liquidated. An individual performing work-study services under a contract to liquidate a debt is released from the contract if the debt is liquidated by other means.

(7) The contract to perform work-study services for the purpose of

liquidating indebtedness will be terminated if:

(i) The individual is liquidating his or her debt under this section while receiving either an educational assistance allowance for further pursuit of a program of education or a subsistence allowance for further pursuit of a program of rehabilitation;

(ii) The individual terminates or reduces the rate of pursuit of his or her program of education or rehabilitation; and

(iii) The termination or reduction causes an account receivable as a debt owed by the individual.

(8) VA may terminate the contract at any time the individual fails to perform the services required by the contract in a satisfactory manner.

(Authority: 38 U.S.C. 3485(e), 7104(a); Pub. L. 102-16)

(e) *Reduction of indebtedness.* (1) In return for the individual's agreement to perform hours of services totaling not more than 40 times the number of weeks in the contract, VA will reduce the eligible person's outstanding indebtedness by an amount equal to the higher of—

(i) The hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times the number of hours the individual works; or

(ii) The hourly minimum wage under comparable law of the State in which the services are performed times the number of hours the individual works.

(2) VA will reduce the individual's debt by the amount of the money earned for the performance of work-study services after the completion of each 50 hours of services (or in the case of any remaining hours required by the contract, the amount for those hours).

(Authority: 38 U.S.C. 3485(e); Pub. L. 102-16)

(f) *Suspension of collections by offset.* Notwithstanding the provisions of § 1.912a, during the period covered by the work-study debt-liquidation contract with the individual, VA will ordinarily suspend the collection by offset of a debt described in paragraph (a)(1) of this section. However, the individual may voluntarily permit VA to collect part of the debt through offset against other benefits payable while the individual is performing work-study services. If the contract is terminated before its scheduled completion date, and the debt has not been liquidated, collection through offset against other benefits payable will resume on the date the contract terminates.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102-16)

(g) *Payment for additional hours.* (1) If an individual, without fault on his or her part, performs work-study services for which payment may not be authorized, including services performed after termination of the contract, VA will pay the individual at the applicable hourly minimum wage for such services as the Director of the VA field station of jurisdiction determines were satisfactorily performed.

(2) The Director of the VA field station of jurisdiction shall determine whether the individual was without fault. In making this decision he or she shall consider all evidence of record and any additional evidence which the individual wishes to submit.

(Authority: 38 U.S.C. 3485(e); Pub. L. 102-16)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[W173-01-7302(b); FRL-5691-7]

Approval of Section 112(l) Program of Delegation; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving, through a "direct final" procedure, Wisconsin's request for delegation of the Federal air toxics program contained within 40 CFR Parts 61 and 63 pursuant to Section 112(l) of the Clean Air Act (CAA) as amended. The State's requested mechanism of delegation involves either the delegation of all existing and future Section 112 standards as federally promulgated, for promulgation as State standards (or rules), or to incorporate Federal standards into State air pollution control permits, reserving the right to promulgate the standards as a State rule at a later time. The actual delegation of authority will occur through a memorandum of agreement (MOA) between the Wisconsin Department of Natural Resources (WDNR) and EPA. This request for approval of the mechanism of delegation encompasses all sources not covered by the 40 CFR Part 70 operating permit program.

DATES: This action will become effective June 2, 1997, unless adverse or critical comments not previously addressed by the State or EPA are received by May 1, 1997. If the effective date is delayed,

timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois, 60604. Please contact Constantine Blathras at (312) 886-0671 to arrange a time if inspection of the submittal is desired.

Effective immediately, all notifications, reports and other correspondence required under Section 112 standards should be sent to the State of Wisconsin rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to:

Bureau of Air Management, Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, AR-18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886-0671.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 112(l) of the CAA enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program. The Federal air toxics program implements the requirements found in Section 112 of the CAA pertaining to the regulation of hazardous air pollutants. Approval of an air toxics program is granted by the EPA if the Agency finds that the State program: (1) Is "no less stringent" than the corresponding Federal program or rule, (2) the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance. Once approval is granted, the air toxics program can be implemented and enforced by State or local agencies, as well as EPA. Implementation by local agencies is dependent upon appropriate subdelegation.

On December 22, 1995, Wisconsin submitted to EPA a request for delegation of authority to implement and enforce the air toxics program under Section 112 of the CAA. On March 28, 1996, EPA found the State's submittal complete. In this document EPA is taking final action to approve the program of delegation for Wisconsin.

II. Review of State Submittal

A. Program Summary

Requirements for approval, specified in Section 112(l)(5), require that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. These requirements are also requirements for an adequate operating permits program under Part 70 (40 CFR 70.4). EPA promulgated a final interim approval under Part 70 of the State of Wisconsin's Operating Permit Program on March 6, 1995 (60 FR 12128-12137). The notice included the approval of a mechanism for delegation of all Section 112 standards for sources subject to the Part 70 program. Sources subject to the Part 70 program are those sources that are operating pursuant to a Part 70 permit issued by the State or EPA. Sources not subject to the Part 70 program are those sources that are not required to obtain a Part 70 permit from either the State or EPA. This action supplements the Part 70 rulemaking in that Wisconsin will have the authority to implement and enforce the Section 112 air toxics program regardless of a source's Part 70 applicability. The Wisconsin program of delegation for sources not subject to Part 70 will not include delegation of Section 112(r) authority nor Section 112(i)(5) Early Reductions Program authority.

As stated above, this document constitutes EPA's approval of Wisconsin's program of delegation of all existing and future air toxics standards, except for Section 112(i)(5) and Section 112(r) standards as they pertain to non-Part 70 sources. The Wisconsin program of delegation will operate as follows: For a future Section 112 standard for which WDNR intends to accept straight delegation, EPA will delegate the authority to implement a Section 112 standard to the State by letter unless WDNR notifies EPA differently within 45 days of EPA final promulgation of the standard. WDNR will as expeditiously as practicable and, if possible, within 18 months of the promulgation by EPA of a Section 112 standard which is applicable to non-Part 70 sources, adopt such standard into the State air quality regulations. Upon completion of such regulatory action, WDNR will submit to EPA proof of adoption. EPA shall respond with a letter delegating enforcement authority to the WDNR with respect to the adopted standard.

For a source category for which Wisconsin wishes to adopt its own rules, WDNR shall submit for approval to EPA State rules varying from the Federal