

before March 18, 2005, as published in Parts II, III, and IV of the "2005 ACH Rules: A Complete Guide to Rules & Regulations Governing the ACH Network":

- (1) ACH Rule 1.1 (limiting the applicability of the ACH Rules to members of an ACH association);
- (2) ACH Rule 1.2.2 (governing claims for compensation);
- (3) ACH Rule 1.2.4; 2.2.1.12; Appendix Eight and Appendix Eleven (governing the enforcement of the ACH Rules, including self-audit requirements);
- (4) ACH Rules 2.2.1.10; 2.6; and 4.8 (governing the reclamation of benefit payments);
- (5) ACH Rule 9.3 and Appendix Two (requiring that a credit entry be originated no more than two banking days before the settlement date of the entry—see definition of "Effective Entry Date" in Appendix Two);
- (6) ACH Rule 2.10.2.3 (requiring that originating depository financial institutions (ODFIs) establish exposure limits for Originators of Internet-initiated debit entries); and
- (7) ACH Rule 2.11.3 (requiring reporting regarding unauthorized Telephone-initiated entries).

\* \* \* \* \*

- 3. Revise § 210.3(b) to read as follows:

\* \* \* \* \*

(b) *Incorporation by reference—applicable ACH Rules.*

(1) This part incorporates by reference the applicable ACH Rules, including rule changes with an effective date on or before March 18, 2005, as published in Parts II, III, and IV of the "2005 ACH Rules: A Complete Guide to Rules & Regulations Governing the ACH Network." The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the "2005 ACH Rules" are available from NACHA—The Electronic Payments Association, 13665 Dulles Technology Drive, Suite 300, Herndon, Virginia 20171. Copies also are available for public inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC 20002; and the Financial Management Service, 401 14th Street, SW., Room 401, Washington, DC 20227.

(2) Any amendment to the applicable ACH Rules that takes effect after March 18, 2005, shall not apply to Government entries unless the Service expressly accepts such amendment by publishing notice of acceptance of the amendment to this part in the **Federal Register**. An amendment to the ACH Rules that is accepted by the Service shall apply to

Government entries on the effective date of the rulemaking specified by the Service in the **Federal Register** notice expressly accepting such amendment.

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#### § 210.6 [Amended]

- 4. Amend § 210.6 as follows:
- a. Amend the first sentence of § 210.6 by deleting "7.7.2" and inserting "8.7.2."
- b. Amend paragraph (g) by deleting "3.4" and "3.10" and inserting "3.5" and "3.12," respectively.
- c. Amend paragraph (h)(1) by deleting "3.6.1" and inserting "3.7.1."
- d. Amend paragraph (h)(2) by deleting "3.10" and inserting "3.12."
- e. Amend paragraph (i) by deleting "3.4" and "3.10" and inserting "3.5" and "3.12," respectively.

#### § 210.8 [Amended]

- 5. Amend paragraph (b) introductory text of § 210.8 by deleting "7.7.2" and inserting "8.7.2."

Richard L. Gregg,

Commissioner.

[FR Doc. 05-22064 Filed 11-4-05; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 581

RIN 0702-AA51

#### Personnel Review Board

**AGENCY:** Assistant Secretary of the Army for Manpower and Reserve Affairs, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Army amends its regulation on Army Board for Correction of Military Records to be in compliance with the United States District Court for the District of Columbia decision (*Daniel J. Lipsman v. Secretary of the Army*—Civil Action No. 02-0151 (RMU), Document Nos. 18, 20, decided September 7, 2004, 2004 U.S. Dist. LEXIS 17866).

**DATES:** *Effective Date:* December 7, 2005.

**ADDRESSES:** The Army Review Boards Agency, ATTN: SFMR-RBR, 1901 South Bell Street, 2nd Floor, Arlington, Virginia 22202-4508.

**FOR FURTHER INFORMATION CONTACT:** Hubert S. Shaw, 703-607-1779.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This rule has previously been published. Section 581.3 contained in

32 CFR part 581 provides Department of the Army policy, criteria and administrative instructions regarding an applicant's request for the correction of a military record. The Administrative Procedure Act, as amended by the Freedom of Information Act, requires that certain policies and procedures and other information concerning the Department of the Army be published in the **Federal Register**. The policies and procedures covered by this part fall into that category. The Department of the Army received no responses to its notice of proposed rule change published on August 3, 2005; therefore, no substantive changes were made to the proposed rule.

##### B. Regulatory Flexibility Act

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the rule change does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

##### C. Unfunded Mandates Reform Act

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the rule change does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of \$100 million or more.

##### D. National Environmental Policy Act

The Department of the Army has determined that the National Environmental Policy Act does not apply because the rule change does not have an adverse impact on the environment.

##### E. Paperwork Reduction Act

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the rule change does not involve collection of information from the public.

##### F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)

The Department of the Army has determined that Executive Order 12630 does not apply because the rule change does not impair private property rights.

##### G. Executive Order 12866 (Regulatory Planning and Review)

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 this

rule change is not a significant regulatory action.

**H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13045 that Executive Order does not apply.

**I. Executive Order 13132 (Federalism)**

The Department of the Army has determined that according to the criteria defined in Executive Order 13132 that Executive Order does not apply because the rule change 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.

**Carl W.S. Chun,**

*Director, Army Board for Correction of Military Records.*

**List of Subjects in 32 CFR Part 581**

Administrative practice and procedure, Archives and Records, Military Personnel.

■ For reasons stated in the preamble the Department of the Army amends part 581 to read as follows:

**PART 581—PERSONNEL REVIEW BOARD**

■ 1. The authority citation for part 581 continues to read as follows:

**Authority:** 10 U.S.C. 1552, 1553, 1554, 3013, 3014, 3016; 38 U.S.C. 3103(a).

■ 2. Amend § 581.3 by revising paragraphs (g)(4)(i) and (ii) to read as follows:

**§ 581.3 Army Board for Correction of Military Records.**

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(i) If the ABCMR receives the request for reconsideration within 1 year of the ABCMR's original decision and if the ABCMR has not previously reconsidered the matter, the ABCMR staff will review the request to determine if it contains evidence (including, but not limited to, any facts or arguments as to why relief should be granted) that was not in the record at the time of the ABCMR's prior consideration. If new evidence has been submitted, the request will be submitted to the ABCMR for its determination of whether the new evidence is sufficient to demonstrate material error or injustice. If no new evidence is found,

the ABCMR staff will return the application to the applicant without action.

(ii) If the ABCMR receives a request for reconsideration more than 1 year after the ABCMR's original decision or after the ABCMR has already considered one request for reconsideration, then the case will be returned without action and the applicant will be advised the next remedy is appeal to a court of appropriate jurisdiction.

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[FR Doc. 05-22094 Filed 11-4-05; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

**[USCG-2005-22853]**

**RIN 1625-AA09**

**Drawbridge Operation Regulations; Upper Mississippi River, Ft. Madison, Burlington, and Dubuque, IA, and Rock Island Arsenal, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary Final rule.

**SUMMARY:** The Coast Guard is temporarily revising the operating regulations for the Ft. Madison Drawbridge, mile 383.9, the Burlington RR Drawbridge, mile 403.1, the Illinois Central Railroad Drawbridge, mile 579.9, and the Rock Island Arsenal Drawbridge, mile 482.9, all located along the Upper Mississippi River. The temporary revision established the winter operating schedules for these four drawbridges while still providing for the reasonable needs of navigation.

**DATES:** This rule is effective from December 15, 2005 through March 15, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [USCG-2005-22853] and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539-3900, extension 2378. If you have questions

on viewing the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM, which would incorporate a comment period before a final rule could be issued, is unnecessary. The closure of lock 19 (mile 364) by the Army Corps of Engineers will reduce the level of navigation on the waterway, making the opening of these drawbridges largely unnecessary.

**Background and Purpose**

The Rock Island Drawbridge is owned by the U.S. Government (U.S. Army, Rock Island Arsenal); the Ft. Madison and Burlington Railroad Drawbridges are owned by Burlington Northern Santa Fe Railway; the Illinois Central Railroad Drawbridge is owned by the Chicago, Central and Pacific Railroad. Each bridge owner wrote to the Coast Guard and requested the proposed revisions in order to conduct necessary maintenance work. These are typical requests that occur each winter. During the winter months, the Army Corps of Engineers will usually close one or more locks for repair and when the locks are closed, navigation ceases. The lock closures go from mid-Dec until early to mid-March. This lock closure presents bridge owners with an opportunity for conducting bridge repairs that would render the bridges inoperable. The Coast Guard generally requires the bridges to return to operation by the date when the Corps' locks reopen.

**Discussion of Rule**

This rule temporarily amends section 117.671, allowing the Ft. Madison Drawbridge, mile 383.9, the Burlington RR Drawbridge, mile 403.1, and the Illinois Central Railroad Drawbridge, mile 579.9, to change from an open on demand schedule to one requiring at least 2 hours advance notice. It also allows the Rock Island Arsenal Drawbridge, mile 482.9, to remain in the closed-to-navigation position. It also adds temporary cross-references to section 117.671 under the listings for drawbridge regulations for Iowa and Illinois.

**Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not