

§ 52.67 Reconsideration.

(a) Reconsideration of an application for correction of a military record shall occur if an applicant requests it and the request meets the requirements set forth in paragraph (a)(1) or (a)(2) of this section.

(1) An applicant presents evidence or information that was not previously considered by the Board that could result in a determination other than that originally made. Evidence or information may only be considered if it could not have been presented to the Board prior to its original determination if the applicant had exercised reasonable diligence; or

(2) An applicant presents evidence or information that the Board, or the Secretary as the case may be, committed legal or factual error in the original determination that could have resulted in a determination other than that originally made.

(b) The Chairman shall docket a request for reconsideration of a final decision if it meets the requirements of paragraph (a)(1) or (a)(2) of this section. If neither of these requirements is met, the Chairman shall not docket such request.

(c) The Board shall consider each application for reconsideration that has been docketed. None of the Board members who considered an applicant's original application for correction shall participate in the consideration of that applicant's application for reconsideration.

(d) Action by the Board on a docketed application for reconsideration is subject to § 52.64(b).

(e) An applicant's request for reconsideration must be filed within two years after the issuance of a final decision, except as otherwise required by law. If the Chairman docketed an applicant's request for reconsideration, the two-year requirement may be waived if the Board finds that it would be in the interest of justice to consider the request despite its untimeliness.

[FR Doc. 96-12030 Filed 5-13-96; 8:45 am]

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Coast Guard**33 CFR Part 117**

[CGD09-96-003]

RIN 2115-AE47

Drawbridge Operation Regulations; Saginaw River, MI

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is revising the regulations governing the operations of the CSX (formerly the Chessie System) railroad bridge at mile 18.0 over the Saginaw River in Saginaw, Michigan. The owners have made a request to the Coast Guard to maintain the bridge as a fixed structure with the stipulation and understanding that the bridge may be placed back into operation within six months upon notification of the Coast Guard.

DATES: This rule is effective on August 12, 1996, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before July 15, 1996. If such comments or notice are received, the Coast Guard will withdraw this direct final rule, and a timely notice of withdrawal will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Commander (obr), Ninth Coast Guard District, 1240 E. Ninth St., Cleveland, OH 44199-2060, or may be delivered to room 2083 at the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 522-3993.

The District Commander maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address during the same time.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Striffler, Project Manager, at (216) 522-3993.

SUPPLEMENTARY INFORMATION:**Request for Comments**

Any comments must identify the name and address of the person submitting the comment, specify the rulemaking docket (CGD09-96-003) and the specific section of this rule to which each comment applies, and give the reason for each specific comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because no adverse comments are anticipated. If no adverse comments or any written notices of intent to submit adverse comment are received within the specified comment period, this rule will

become effective as stated in the **DATES** section. In that case, approximately 30 days prior to the effective date, the Coast Guard will publish a notice in the Federal Register stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comment or written notice of intent to submit adverse comment, the Coast Guard will publish a notice in the final rule section of the Federal Register to announce withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

The placement of a movable bridge in a "fixed status" means that the bridge is essentially locked in the closed position and all the operating gear removed. This rule will allow the owners (CSX Railroad Corp.) of the CSX (formerly the Chessie System) railroad bridge, at mile 18.0 over the Saginaw River in Saginaw, Michigan, to maintain the bascule bridge in a "fixed status". The owners initiated this action due to the absence of any requests to open the bridge for commercial traffic since 1988. Furthermore, the bridge is unattended and subject to high maintenance costs from recurring vandalism. As part of the background for this rulemaking, the Coast Guard requested bridgetender logs for the previous five years, but CSX stated that it did not maintain records for this bridge during the period because no requests for openings were made. The Coast Guard asked for confirmation of the owner's claims from the local Coast Guard Station in Saginaw, Michigan. The Station verified that the bridge had not opened within the experience of the personnel assigned there. The Station also noted that they are not aware of any commercial traffic that has, or will have, a need to pass

through the bridge. Additionally, there are currently no loading or unloading facilities for commercial vessels above the bridge. The Coast Guard queried the Lake Carriers Association (LCA), representatives of Great Lakes commercial shipping companies, to determine what the impact of allowing the bridge to be maintained as a fixed structure may have on current and anticipated commercial marine traffic. The LCA indicated that their members would not be adversely impacted by the conversion of the bridge from a bascule to a fixed span. The owners pointed out that the Grand Trunk and Western railroad bridge, further upriver at mile 19.2, was converted from a movable to a fixed span in previous years and does not impact marine traffic in this area of the river. The CSX bridge has a vertical clearance of 13 feet, which is one foot higher than the Grand Trunk and Western bridge. The Coast Guard has stipulated, and the owners have agreed, to restore this bridge to an operable status within six months of notification by the Coast Guard if there is future commercial marine activity in the area. The Coast Guard concludes that the placement of this bridge in a fixed status would not impact commercial marine interests and does not anticipate any adverse comments to this Direct Final Rule.

Regulatory 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 costs 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 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that there has been no active commerce upriver from this bridge for many years and this situation is not expected to change in the future. Additionally, no vessel has requested that the bridge be opened since 1988. While there is some recreational marine traffic active above this bridge, the placement of a similar railroad bridge in a fixed status 1.2 miles further upriver has not caused any adverse effects for any business, recreational, or commercial vessel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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.

Therefore, for the reasons discussed above, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. Any comments submitted in response to this finding will be evaluated under the criteria described earlier in the preamble for comments.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule 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 117

Bridges.

For reasons set out in the preamble, 33 CFR part 117 is revised as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section § 117.647 is amended by revising paragraphs (a) and (d) to read as follows:

§ 117.647 Saginaw River.

(a) The draws of the Detroit and Mackinac railroad bridge, mile 2.5 at Bay City, and the Conrail railroad bridge, mile 4.4 at Bay City, shall open on signal; except that, from December 16 through March 15, the draws shall open on signal if at least 12 hours notice is given.

* * * * *

(d) The draw of the CSX railroad bridge, mile 18.0, need not be opened for the passage of vessels. The owner shall return the draw to an operable condition within a reasonable time when directed by the District Commander to do so.

* * * * *

Dated: April 26, 1996.

G.F. Woolever,

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

[FR Doc. 96-11895 Filed 5-13-96; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AH99

Medical; VA Health Professional Scholarship Program, Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: This document corrects a repayment formula for health care professionals who fail to comply with service obligation under the VA Health Professional Scholarship Program.

EFFECTIVE DATE: May 14, 1996.

FOR FURTHER INFORMATION CONTACT:

Meryl Bullard, Health Education Specialist (143), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; Telephone (202) 565-7122. (This is not a toll-free number.)

There is no Catalog of Federal Domestic Assistance number for the program affected by this proposal.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting