

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 27, 1997.

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 97-23423 Filed 9-3-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD08-97-004]

RIN 2115-AE47

Drawbridge Operation Regulation for the Minnesota River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard proposes removing the 24 hour advance notice requirement from the regulation governing operation of drawbridges over the Minnesota River between the mouth and LeSueur, MN. This action is being taken to update the regulation to reflect existing conditions and to ensure the reasonable needs of navigation are met. The change will require drawbridges on that reach of the river to open on demand in accordance with the general drawbridge operating regulations under 33 CFR 117 Subpart A.

DATES: Comments must be received on or before November 3, 1997.

ADDRESSES: Comments may be mailed to Director, Western Rivers Operations (ob), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, Attention: Bridge Administrator. Comments may also be delivered to Room 2.107f at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (314) 539-3900, extension 378.

The Bridge Branch, Director Western Rivers Operations, maintains the public docket for this rulemaking. Comments will become part of the public docket and the docket will be available for inspection or copying in room 2.107f at the above address.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, Director Western Rivers Operations, 314-539-3900, extension 378.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourage interested persons to participate in this rulemaking by submitting written data, views, or arguments. The Coast Guard is soliciting comments on the regulation change until November 3, 1997. The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Bridge Administrator at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at the time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The proposed change will ensure the regulation reflects favorable existing drawbridge operating practices. Coordination between the Coast Guard, waterway users and owners of the only affected drawbridge at Savage, MN, Mile 14.3 on the Minnesota River, have resulted in the bridge being operated in a manner that meets the needs of both navigation and the railroad. (All written correspondence regarding this coordination is available in the public docket). Operation of the Savage Drawbridge will revert to the existing general drawbridge regulations found in 33 CFR, 117 Subpart A, i.e. it will open on demand. Approval of this proposal will eliminate an obsolete and undesirable drawbridge regulation and ensure continued favorable drawbridge operation practices.

Discussion of Change

This proposed rule will remove the requirement in 33 CFR 117.663, paragraph (a), that currently requires river traffic to provide 24 hours advance notice for drawbridge operation. All bridges below (downstream of) LeSueur, MN will now operate under the general bridge requirements found in 33 CFR 117 Subpart A, i.e. will have to open upon demand. The only bridge that will be affected is the railroad drawbridge at Savage, MN. The proposed rule will maintain the existing language in the second paragraph of 33 CFR 117.663 stating that the draws of bridges above LeSueur, MN need not be opened for the passage of vessels.

Regulatory Evaluation

This rule is not a significant regulatory action under 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 been exempted from review 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. The proposed rule affects one drawbridge and is not expected to significantly alter the day-to-day activities of any businesses.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this change, 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. Because the proposed rule affects only one drawbridge and requires the bridge to open upon demand, the Coast Guard expects the impact of this change to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this change, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (See **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (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 change does not have sufficient federalism

implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard has reviewed the environmental impact of this proposed rule and concluded that under section 2.B.2e(32) of COMDTINST M16475.1B, this proposed change is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have significant effect on the environment. A "Categorical Exclusion Determination" is available for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

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

Authority: 33 U.S.C. § 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.663 is revised to read as follows:

§ 117.663 Minnesota River.

The draws of bridges above LeSueur, MN need not be opened for the passage of vessels.

Dated: August 21, 1997.

T.W. Josiah,

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

[FR Doc. 97-23442 Filed 9-3-97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 416

[BPD-831-P]

RIN 0938-AH15

Medicare Program; Adjustment in Payment Amounts for New Technology Intraocular Lenses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish in regulations a process under which interested parties may request, with respect to a class of new technology intraocular lenses (IOLs), a

review of the appropriateness of the current payment amount for IOLs furnished by Medicare-participating ambulatory surgical centers.

The rule implements section 141(b) of the Social Security Act Amendments of 1994, which requires us to develop and implement this process.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on November 3, 1997.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, *Attention:* BPD-831-P, P.O. Box 26688, Baltimore, MD 21207-0488.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-09-26, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Comments may also be submitted electronically to the following e-mail address: BPD831P@hcfa.gov. E-mail comments must include the full name and address of the sender and must be submitted to the referenced address to be considered. All comments must be incorporated in the e-mail message because we may not be able to access attachments. Electronically submitted comments will be available for public inspection at the Independence Avenue address below.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD-831-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

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FOR FURTHER INFORMATION CONTACT: Cathleen Ahern, (410) 786-4515.

SUPPLEMENTARY INFORMATION:

I. Background

A. Payment for Ambulatory Surgical Center Facility Services

Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) provides that benefits under the Medicare supplementary medical insurance program (Part B) include services furnished in connection with surgical procedures that, under section 1833(i)(1)(A) of the Act, are specified by us and are performed on an inpatient basis in a hospital but that also can be performed safely on an ambulatory basis in an ambulatory surgical center (ASC) or in a hospital outpatient department. To participate in the Medicare program as an ASC, a facility must meet the standards specified under section 1832(a)(2)(F)(i) of the Act and 42 CFR 416.25 ("Basic requirements"). Our regulations at 42 CFR part 416 contain the coverage and payment rules for services furnished by Medicare-participating ASCs.

Section 1833(i)(2)(A) of the Act authorizes us to pay ASCs a prospectively-determined rate for facility services. "Facility services" means services that are furnished in conjunction with covered surgical procedures performed in an ASC, or in a hospital on an outpatient basis. Section 416.61 sets forth included and excluded facility services. ASC facility services payment rates represent our