

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

[CGD09-97-014]

RIN 2115-AE47

**Drawbridge Operation Regulations;  
Manistee River, MI**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is revising the regulation governing the operations of the Maple Street bridge and U.S. Route 31 bridge, miles 1.1 and 1.4, respectively, over the Manistee River in Manistee, MI. This revision was made at the behest of recreational vessel owners on Manistee River to provide for better bridge operating hours during navigation season.

**DATES:** This regulation is effective September 17, 1997.

**ADDRESSES:** Documents concerning this regulation are available for inspection and copying at 1240 East Ninth Street, Room 2019, Cleveland, OH 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902-6084.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scot M. Striffler, Project Manager, Bridge Branch at (216) 902-6084.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

The Coast Guard published a notice of proposed rulemaking (NPRM) and temporary deviation from regulations which appeared in the **Federal Register** on Thursday, May 22, 1997 (62 FR 27962 and 27990). The proposed schedule was submitted by the city of Manistee, MI at the request of recreational vessel users to provide later bridge operating hours. Under current regulations, between May 1 and October 31 each year, the bridge is required to open on signal for recreational vessels between 6 a.m. and 10 p.m. The revised regulation will require the bridge to open on signal between the hours of 7 a.m. and 11 p.m. No comments were received in response to either of the notices. A public hearing was not requested and, therefore, was not held.

The Coast Guard determined that the revised schedule fulfills the needs of recreational boating traffic on Manistee River without adversely impacting regular commercial users. Therefore, the final rule is unchanged from the NPRM.

**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 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.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. *Small entities* include independently owned and operated small businesses that are not dominant in their field and otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The revised operating hours were requested by the City of Manistee on behalf of recreational boaters and the businesses that serve them on Manistee River. This rule was designed to enhance the economic potential of businesses on Manistee River while still providing for the reasonable needs of commercial navigation.

By virtue of the preceding, the Coast Guard certifies under 5 U.S.C. 605(b) that this rulemaking will not have a significant impact on a substantial number of small entities.

**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 section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures

for drawbridges is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 117**

Bridges.

For reasons set out in the preamble, part 117 of Title 33, Code of Federal Regulations, is amended 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 1.05-1(g); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.637 is amended by revising paragraph (a)(1) to read as follows:

**§ 117.637 Manistee River.**

(a) \* \* \*

(1) From May 1 through October 31, between 7 a.m. to 11 p.m., the bridges shall open on signal. From 11 p.m. to 7 a.m., the bridges need not open unless notice is given at least two hours in advance of a vessel's time of intended passage through the draws.

\* \* \* \* \*

Dated: August 8, 1997.

**J.F. McGowan,**Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District.

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**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Health Care Financing Administration****42 CFR Parts 431, 442, 488, 489, and  
498**

[HSQ-139-F]

RIN 0938-AC88

**Medicare and Medicaid Programs:  
Effective Dates of Provider  
Agreements and Supplier Approvals**AGENCY: Health Care Financing  
Administration (HCFA), HHS.

ACTION: Final rule.

**SUMMARY:** This rule establishes uniform criteria for determining the effective dates of Medicare and Medicaid provider agreements and of the approval of Medicare suppliers when the provider or supplier is subject to survey and certification as a basis for determining participation in those programs. It also establishes appeal