

**FOR FURTHER INFORMATION CONTACT:**

Inquires regarding these meetings should be addressed to Joel Schaer, OIG Regulations Officer, Office of Counsel to the Inspector General, Room 5518, Cohen Building, 330 Independence Avenue, S.W., Washington, D.C. 20201; or call (202) 619-0089.

**SUPPLEMENTARY INFORMATION:**

The Negotiated Rulemaking Committee on the Shared Risk Exception has been established to provide advice and make recommendations to the Secretary of Health and Human Services with respect to the text or content of an interim final rule that will establish standards relating to the exception to the anti-kickback statute for risk-sharing arrangements, set forth in section 1128B(b)(3)(F) of the Social Security Act. The exception was enacted by section 216 of Pub. L. 104-191, the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Section 216 of HIPAA provides that the Secretary will promulgate regulations that establish standards for the exception using an expedited negotiated rulemaking process.

During the scheduled December and January meetings, the committee will continue to discuss issues relating to the development of the interim final rule and to generate and discuss options for resolving those issues.

The meetings will be open to the public without advanced registration. A summary of all proceedings of these meetings and relevant matters and other material will also be available for public inspection at the address listed above from the hours of 8:30 a.m. to 5:00 p.m., or can be accessed through the OIG web site located at <http://www.dhhs.gov/progorg/oig>.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App. 2).

Dated: November 21, 1997.

**June Gibbs Brown,**

*Inspector General.*

[FR Doc. 97-31473 Filed 12-1-97; 8:45 am]

BILLING CODE 4150-04-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-233, RM-9162]

#### Radio Broadcasting Services; East Brewton, AL and Navarre, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of 550-AM, permittee of Station WZEW(FM), Channel 239A, East Brewton, Alabama, requesting the substitution of Channel 239C3 for Channel 239A at East Brewton, the reallocation of Channel 239C3 to Navarre, Florida, and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Petitioner is requested to provide additional information to establish Navarre's status as a community for allotment purposes. Coordinates used for requested Channel 239C3 at Navarre, Florida, are 30-26-52 and 86-51-55.

The petitioner's modification proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, we will not accept competing expressions of interest in the use of Channel 239C3 at Navarre, Florida, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before January 12, 1998, and reply comments on or before January 27, 1998.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, Jr., Esq., Post Office Box 403, Westfield, MA 01086.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-233, adopted November 12, 1997, and released November 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97-31513 Filed 12-1-97; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971112269-7269-01; I.D. 102997A]

RIN 0648-AK13

#### Fisheries of the Exclusive Economic Zone off Alaska; Revised Management Authority for Pelagic Shelf Rockfish

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement Amendment 46 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) which has been submitted by the North Pacific Fishery Management Council (Council) for Secretarial review. Amendment 46 would remove black and blue rockfish from the complex of species managed under the FMP. The State of Alaska (State) would regulate fishing for these species by vessels registered under Alaska law. This action is necessary to allow the State to implement more responsive, regionally-based, management of these species than is currently possible under the FMP. The intended effect of this action is to repeal duplicative Federal regulations, provide for more responsive State management and prevent localized overfishing of black and blue rockfish stocks.

**DATES:** Comments on the proposed rule must be received by January 16, 1998.

**ADDRESSES:** Comments should be submitted to Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to

the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the proposed Amendment 46 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) and related economic analysis prepared for the proposed action are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone: 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:**

Alan Kinsolving 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Management Background and Need for Action**

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska (GOA) are managed by NMFS under the FMP. The FMP was prepared by the Council under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the GOA appear at 50 CFR parts 600 and 679.

The Council has submitted Amendment 46 for Secretarial review and a Notice of Availability (NOA) of the FMP amendment was published on November 5, 1997 (62 FR 59844), with comments on the FMP amendment invited through January 5, 1998. All written comments received by January 5, 1998, whether specifically directed to the FMP amendment, the proposed rule, or both, will be considered in the approval/disapproval decision on the FMP amendment.

Black rockfish (*Sebastes melanops*) and blue rockfish (*S. mystinus*) currently are managed as part of the pelagic shelf rockfish assemblage (PSR) under the FMP. The Council is concerned that recent expansion of a fishery for these species in the central GOA may result in unsustainable black and blue rockfish catches.

Two problems with Federal management of black and blue rockfish have been identified by the Council. First, the total allowable catch (TAC) for all PSR species is based on a triennial trawl survey. Survey catches are dominated (93 percent to over 99 percent) by the underexploited dusky rockfish. This leads to the development of acceptable harvest levels for the PSR assemblage that are sustainable for stronger PSR stocks such as dusky rockfish, but that may be inappropriate for weaker black and blue rockfish stocks. Second, the trawl survey only samples fish on or near a smooth bottom. However, most black and blue rockfish occur in rocky nearshore reef habitats that are not sampled by this

survey. Small-area harvest guidelines, developed using more selective sampling methodologies, are necessary to prevent localized depletion of these territorial, slow-growing, long-lived species. The current management system cannot accommodate this.

Currently, both species are taken chiefly in State waters (78 percent in 1996). Under current management, the State's closure of the rockfish fishery in State waters is often followed by a reported shift in effort to PSR species in adjacent Federal waters. Transferring management of these species to the State should result in more effective conservation measures in both nearshore and offshore waters while eliminating duplicative Federal management.

At its June 1997 meeting, the Council adopted Amendment 46 to the FMP. If this amendment were approved, the State could regulate State-registered vessels fishing for black and blue rockfish. The black and blue rockfish fishery is not large, and all vessels participating in it are registered under the laws of the State. Typically, the vessels are small, and operators would be unable to land their catch outside the State. Insurance and safety concerns also make it unlikely that vessels in the fishery would not be registered with the State. Thus, it is unlikely that any vessel harvesting black or blue rockfish in Federal waters would not be subject to State regulations.

Black and blue rockfish are also taken as bycatch in other federally managed fisheries, especially the halibut Individual Fishing Quota and Pacific cod jig fisheries. By removing black and blue rockfish from the FMP, the State could impose on State registered vessels fishing in the Federal fisheries only such additional State measures, like bycatch retention limits for blue and black rockfish, as are consistent with the applicable Federal fishing regulations for the fishery in which the vessel is operating. The Council's intent is not to give the State authority to indirectly regulate other federally managed fisheries through State implementation of gear restrictions, area closures, or other bycatch control measures.

To manage directed fishing closures for FMP groundfish effectively, NMFS must know whether these species are taken in a directed groundfish fishery or as bycatch in a nongroundfish fishery. Because other groundfish are often taken at the same time as black and blue rockfish, NMFS would continue to require reporting of retained black and blue rockfish when they are landed at the same time as other FMP groundfish.

**Classification**

At this time, NMFS has not determined that Amendment 46 is consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

NMFS prepared an EA/RIR that describes the impact this proposed rule, if adopted, would have on small entities. A copy of the RIR is available from the Council (see **ADDRESSES**). Based on the economic analysis in the RIR, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce made the following certification to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities:

The Small Business Administration has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of \$3 million as small businesses. In addition, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a population of 50,000 or less are considered small entities. NMFS has determined that a "substantial number" of small entities would generally be 20 percent of the total universe of small entities affected by the regulation. A regulation would have a "significant negative impact" on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent or resulted in compliance costs for small entities by at least 10 percent compared with compliance costs as a percent of sales for large entities.

NMFS assumes that most catcher vessels participating in the Alaska groundfish fisheries are "small entities" for purposes of the Regulatory Flexibility Act. During 1996, in the GOA, 1,416 catcher vessels participated in the GOA groundfish fishery. Of those, 302 vessels, or 21 percent, landed black rockfish and would presumably be affected by the proposed action.

During 1996, vessels participating in the fishery landed 973,443 lb (441.6 mt) of black rockfish. Most of these landings were by vessels participating in the directed jig-gear fishery. Based on an average price paid of \$0.35/lb (\$771.61 mt) for Western and Central GOA landings, and \$0.40/lb (\$881.84/mt) for Eastern GOA landings, the 1996 value of these landings is estimated to be about \$344,000.

Removing black and blue rockfish from the PSR TAC should encourage the development of a small vessel fishery targeting under exploited-black and blue rockfish stocks in the Western and Eastern GOA. At the same

time, the State will be able to more effectively manage potentially overexploited stocks in the Central GOA and increase their long-term yield. Finally, elimination of duplicative Federal regulations may ease the regulatory burden on small-vessel fishermen and reduce compliance costs. Transferring management of black and blue rockfish to the State may result in short-term restrictions on jig fishermen, but because both species are predominately taken in State waters, most fishermen must already comply with State regulations. Thus, it is not anticipated that the action would meet or exceed any of the criteria for a significant economic impact.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: November 20, 1997.

David L. Evans, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et seq., 1801 et seq., and 3631 et seq.

2. In § 679.2, a definition of “rockfish” is added in alphabetical order to read as follows:

§ 679.2 Definitions.

\* \* \* \* \*

Rockfish means:

(1) For the Gulf of Alaska: Any species of *Sebastes* or *Sebastelobus* except *Sebastes melanops*, the black rockfish, and *Sebastes mystinus*, the blue rockfish.

(2) For the Bering Sea and Aleutian Islands Management Area: Any species of *Sebastes* or *Sebastelobus*.

\* \* \* \* \*

3. In § 679.21, paragraph (e)(3)(iv)(D) is revised to read as follows:

§ 679.21 Prohibited species bycatch management.

\* \* \* \* \*

(e) \* \* \*  
(3) \* \* \*  
(iv) \* \* \*

(D) *Rockfish fishery*. Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rockfish species that is greater than the retained amount of any other fishery category defined under this paragraph (e)(3)(iv).

\* \* \* \* \*

4. In § 679.23, paragraph (d)(1) is revised to read as follows:

§ 679.23 Seasons.

\* \* \* \* \*

(d) \* \* \*

(1) *Directed fishing for trawl rockfish*. Directed fishing for rockfish with trawl gear is authorized from 1200 hours, A.l.t., on the first day of the third quarterly reporting period of a fishing

year through 2400 hours, A.l.t., December 31, subject to other provisions of this part.

\* \* \* \* \*

5. In § 679.50, paragraph (c)(2)(iv) is revised to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 1997.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(iv) *Rockfish fishery*. In a retained aggregate catch of rockfish that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

\* \* \* \* \*

6. In Table 3 to part 679, the reference to footnote 1 and footnote 1 are removed, and footnotes 2 and 3 are redesignated footnotes 1 and 2 respectively.

7. In Table 10 to part 679, footnote 2 is revised to read as follows:

Table 10 to part 679—Current Gulf of Alaska Retainable Percentages

\* \* \* \* \*

<sup>2</sup> Aggregated Rockfish means any rockfish except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category.

\* \* \* \* \*

[FR Doc. 97–31583 Filed 12–1–97; 8:45 am]

BILLING CODE 3510–22–F