

### III. Availability of the Form R and Instructions on the Internet

#### A. The Internet

Notwithstanding the delay in distribution of the printed version, the revised Form R and Instructions, currently are available on the Internet. The Form R and Instructions, which can be downloaded as portable document format (pdf) files, are available at <http://www.epa.gov/opptintr/tri/formr.htm>. The Automated Form R (AFR) and Instructions is also available on the internet. The internet address for the AFR is <http://www.epa.gov/opptintr/afr96>.

#### B. Fax on Demand

Using a faxphone call 202-401-0527 and select item 5100 for an index of available material and corresponding item numbers related to this document.

#### List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: July 18, 1997.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 97-19544 Filed 7-23-97; 8:45 am]

BILLING CODE 6560-50-F

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Office of Inspector General

#### 42 CFR Part 1001

#### Negotiated Rulemaking Committee on the Shared Risk Exception; Meetings

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Meeting of Negotiated Rulemaking Committee.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this document announces the dates and location for the third set of meetings by the Negotiated Rulemaking Committee on the Shared Risk Exception. The purpose of this committee is to negotiate the development of an interim final rule addressing the shared risk exception to the Federal health care programs' anti-kickback provisions, as statutorily-mandated by section 216 of the Health Insurance Portability and Accountability Act of 1996.

**DATES:** The third series of meetings will be held from 9:00 a.m. to 5:00 p.m. on September 9 and 10, 1997.

**ADDRESSES:** The 2-day meeting will be held in the OIG Conference Room, Room 5542, Cohen Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

#### FOR FURTHER INFORMATION CONTACT:

Inquiries regarding this meeting should be addressed to Joel Schaer, OIG Regulations Officer, Office of Counsel to the Inspector General, at the above address 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 and 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 Public Law 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.

The first series of meetings was held on June 17 and 18, 1997. A second series of meetings is scheduled for July 28 through 30, 1997 (see 62 FR 28410 for times and location of the July meetings).

During the September 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 for September 9 and 10, 1997 will be open to the public without advanced registration. Public attendance at the meeting may be limited to space available. Members of the public wishing to attend the meeting may want to notify the contact person listed above in advance to expedite access to the Cohen Building. 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 (<http://www.sba.gov/ignet/internal/hhs/hhs.html>).

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

Dated: July 14, 1997.

**June Gibbs Brown,**

*Inspector General.*

[FR Doc. 97-19500 Filed 7-23-97; 8:45 am]

BILLING CODE 4150-04-P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 97-159, RM-9122]

#### Radio Broadcasting Services; Arcadia and Fort Meade, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Hall Communications, Inc., proposing the reallocation of Channel 252C2 from Arcadia, Florida, to Fort Meade, Florida, as that community's first local broadcast service. The coordinates for Channel 252C2 at Fort Meade are 27-41-45 and 81-48-49. We shall propose to modify the license for Station WWRZ, to specify operation on Channel 252C2 at Fort Meade, Florida, in accordance with Section 1.420(i) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

**DATES:** Comments must be filed on or before September 8, 1997, and reply comments on or before September 23, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Thomas Schattenfield, Susan A. Marshall, Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue, NW, Washington, DC 20036-5339.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's notice of proposed rule making, MM Docket No. 97-159, adopted July 9, 1997, and released July 18, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 contractors,

International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (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* contact.

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. 97-19529 Filed 7-23-97; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 970703165-7165-01; I.D. 062397A]

RIN 0648-AK00

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Power Plant Operations

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

**ACTION:** Notice of receipt of a petition for regulations and an application for a small take exemption; request for comment and information.

**SUMMARY:** NMFS has received an application for a small take exemption and implementing regulations from North Atlantic Energy Service Corporation for a small take of marine mammals incidental to routine operations of the Seabrook Station nuclear power plant, Seabrook, NH. As a result of that application, NMFS is considering whether to propose regulations that would authorize the incidental taking of a small number of marine mammals. In order to promulgate these regulations, NMFS must determine that these takings will

have a negligible impact on the affected species and stocks of marine mammals. NMFS invites comment on the application and suggestions on the structure and content of regulations if the application is accepted.

**DATES:** Comments and information must be postmarked no later than August 25, 1997.

**ADDRESSES:** Comments should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226. A copy of the application may be obtained by writing to the above address, or by telephoning one of the persons below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead (301) 713-2055 or Eric Hutchins (508) 281-9313.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) (MMPA) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if the Secretary finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

##### Summary of Application

On June 16, 1997, NMFS received an application for an incidental, small take exemption under section 101(a)(5)(A) of the MMPA from the North Atlantic Energy Service Corporation (North Atlantic) to take marine mammals incidental to routine operations of its Seabrook Station nuclear power plant. Seabrook Station is a single-unit 1,150-megawatt nuclear power generating facility located in Seabrook, NH. Cooling water for plant operations is supplied by three intake structures approximately one mile offshore in 60 ft of water. About 469,000 gallons per minute are drawn through the intakes to a 19-ft diameter, 3 mile long tunnel beneath the seafloor and into large holding bays (called forebays) at the power plant. Lethal takes of seals are

known to have occurred and are expected to continue to occur as the animals enter the cooling water intake structures and apparently drown en route to the forebays.

Each of the three seawater intakes structures consists of a velocity intake cap that is connected to the subterranean intake tunnel by vertical risers. The velocity intake caps are 30 ft in diameter and rest, mushroom-like, on top of the 9-ft diameter risers. The bottom of each cap is 10 ft above the seafloor, and water enters the cap through 7-ft tall openings around its perimeter. The purpose of this design is to minimize the rate of water flow at the mouth of the intakes and thereby minimize entrainment of marine organisms. The rate of water flow at the edge of velocity intake caps during full power is about 0.5 ft per second (0.3 knots).

Because the structures are offshore and submerged, seals have not been observed entering the intakes but are discovered in the forebays. The horizontal flow rate at the intakes is not believed to be strong enough to sweep seals into the intakes. The animals probably swim into the structures, perhaps in pursuit of prey. Once inside the velocity cap, the rate of water flow increases in the risers and intake tunnel. The accelerating, downward-turning flow, and the absence of light may disorient the seals and may inhibit their escape from the intakes. For an object traveling passively with the flow, the minimum transit time from the intake structures to the forebay is approximately 80 minutes. A seal that enters the intakes and is unable to find its way out would not be able to survive the transit through the intake tunnel to the plant.

Since 1993, the remains of 27 to 33 seals have been discovered in Seabrook Station's forebays or on the device used to clean the forebays' condenser intake screens. Eighteen of the animals have been removed intact from the forebays, either manually or through screen washings. Human access to the forebays is restricted and visibility is poor. Consequently, intact animals occasionally go undetected in the forebays and pieces of hide and bones are recovered in the screen washings as the animals deteriorate, thus the uncertainty in the tally of animals taken to date. The remains are turned over to the authorized members of the Northeast Marine Mammal Stranding Network for analysis and disposal. Skull fragments from two harp seals and one hooded seal have been identified amongst the remains. Twenty of the seals have been identified as harbor