

## ANCHORAGE CARBON MONOXIDE EXCEEDANCES OF THE 8-HOUR STANDARD—1996

Monitoring site	8-hour CO reading (PPM)	Date	Max 8-hour reading	Second-max 8-hour reading	Number exceedances 8-hour standard
Spenard & Benson .....	10.1	1/22/96 .....	.....	.....	.....
	9.5	12/27/96 .....	.....	.....	.....
	9.6	12/31/96 .....	.....	.....	.....
		Year—1996 .....	11.0	9.6	3
Seward Hwy & Benson .....	10.0	1/22/96 .....	.....	.....	.....
	9.5	12/27/96 .....	.....	.....	.....
	9.5	12/31/96 .....	.....	.....	.....
		Year—1996 .....	10.8	10.5	3

Because the 1996 exceedances are valid for use in determining the attainment status of the Anchorage area, EPA is proposing to find, based on the 1996 CO violations discussed above, that the area did not attain the CO NAAQS by its extension year deadline of December 31, 1996. If EPA finalizes this finding, by operation of law Anchorage will be reclassified a serious CO nonattainment area.

### III. Executive Order (EO) 12866

Under E.O. 12866, 58 FR 51735 (October 4, 1993), EPA is required to determine whether regulatory actions are significant and therefore should be subject to OMB review, economic analysis, and the requirements of the Executive Order. The Executive Order defines a "significant regulatory action" as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f), including, under paragraph (1), that the rule may "have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities." The Agency has determined that the finding of failure to attain proposed today would result in none of the effects identified in section 3(f). Under section 186(b)(2) of the CAA, findings of failure to attain and reclassification of nonattainment areas are based upon air quality considerations and must occur by operation of law in light of certain air quality conditions. They do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, findings of failure to attain and reclassification

cannot be said to impose a materially adverse impact on State, local or tribal government or communities.

### IV. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. As discussed in section III of this notice, findings of failure to attain and reclassification of nonattainment areas under section 186(b)(2) of the CAA do not in and of themselves create any new requirements. Therefore, I certify that today's proposed action does not have a significant impact on small entities.

### V. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with proposed or final regulations include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local or tribal governments in the aggregate. EPA believes, as discussed above, that the proposed finding of failure to attain and reclassification of the Anchorage nonattainment area are factual determinations based upon air quality considerations and must occur by operation of law and, hence, do not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act.

### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

**Authority:** 42 U.S.C. 7401–7671q.

**Dated:** November 12, 1997.

**Chuck Clarke,**

*Regional Administrator.*

[FR Doc. 97–30242 Filed 12–1–97; 8:45 am]

**BILLING CODE 6560–50–M**

## 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 announced the dates and location for the sixth and seventh 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 next series of meetings will be held from 9:00 a.m. to 5:00 p.m. on December 16, 17 and 18, 1997. The seventh series of meetings will be held on January 20, 21 and 22, 1998 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** Both the December and January meetings will be held at the Holiday Inn Capitol, 550 C Street, S.W., Washington, D.C. 20024.

**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]

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## 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]

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## 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