

be held at the same location as the appeals workshop.

In order to accomplish a broad based fact finding on how the requirements of RSFA affect our customers and stakeholders, comments from the public are encouraged. In addition to attendance at this meeting, comments can be made in writing and sent directly to MMS using instructions in the ADDRESSES part of this notice.

Dated: December 29, 1997.

**Lucy Querques Denett,**

*Associate Director for Royalty Management.*

[FR Doc. 98-121 Filed 1-2-98; 8:45 am]

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## PANAMA CANAL COMMISSION

### 35 CFR Parts 133 and 135

RIN 3207-AA45

#### Tolls for Use of Canal; Rules for Measurement of Vessels

**AGENCY:** Panama Canal Commission.

**ACTION:** Notice of proposed rulemaking; request for comments; notice of hearing.

**SUMMARY:** The Panama Canal Commission (Commission) proposes to set a fixed, minimum toll rate for certain small vessels transiting the Panama Canal. The Commission has determined an efficient use of existing Canal capacity and resources requires a change in the method of calculating tolls used to meet the transit needs of certain small vessels. A minimum toll for small vessels will ensure the Commission can recover at least part of the resources it expends on this type of transits.

The proposed increase complies with the statutory requirement tolls be set at rates which produce revenues sufficient to cover Canal costs of operation and maintenance, including capital for plant replacement, expansion and improvements, and working capital.

This notice of proposed rulemaking also announces the availability from the Commission of an analysis showing the basis and justification for the proposed change, solicits written data, views or arguments from interested parties, and sets the time and place for a public hearing.

**DATES:** The agency must receive written comments and requests to present oral testimony on or before February 6, 1998. A public hearing will be held at 9 a.m., February 13, 1998, in the Republic of Panama.

**ADDRESSES:** Mail comments and requests to testify at the hearing to: John A. Mills, Secretary, Panama Canal

Commission, 1825 I Street NW., Suite 1050, Washington, DC 20006-5402; or Department of Financial Management, Panama Canal Commission, Balboa, Ancon, Republic of Panama.

The hearing location is at the Miraflores Visitors Pavilion Theater, Building 6-A, Miraflores Locks, Republic of Panama (accessible from Gaillard Highway).

**FOR FURTHER INFORMATION CONTACT:** John A. Mills, Telephone: (202) 634-6441, Facsimile: (202) 634-6439, E-mail: pancanalwo@aol.com; or Department of Financial Management, Telephone: 011 (507) 272-3137, Facsimile: 011 (507) 272-3040, E-mail: fmfpp@pancanal.com.

**SUPPLEMENTARY INFORMATION:** Section 1604 of the Panama Canal Act of 1979, as amended, 22 U.S.C. 3794, establishes procedures for proposing toll rate increases and changes in the rules for measurement of vessels. Those procedures have been supplemented by regulations in 35 CFR part 70, which also provides interested parties with instructions for participating in the process governing changes in toll rates and measurement rules. The Commission strongly encourages all interested parties to present in writing, or orally at the hearing, pertinent data, views or arguments, along with other relevant information. Oral presentations should be limited to 20 minutes. Further information governing the content of the notice of appearance or intention to present supplementary data at the hearing appear at 35 CFR 70.8 and 70.10.

Section 1602(b) of the Panama Canal Act of 1979, as amended, 22 U.S.C. 3792(b), requires Canal tolls be prescribed at rates calculated to produce revenues to cover as nearly as practicable all costs of maintaining and operating the Panama Canal and the facilities and appurtenances related thereto. In analyzing the issue of tolls for certain small vessels, it is recognized the primary purpose of the Commission is to provide a safe and efficient transit service to the oceangoing vessels of the world, primarily those engaged in commerce. The waterway, however, also attracts a considerable number of small vessels, such as yachts, fishing craft, and tugboats. Such small vessel transits are incidental to the primary mission of the Canal. They also consume a disproportionately large share of available Canal capacity and resources, creating costly inefficiencies in Canal operations. In addition, and perhaps more importantly, small vessels (especially yachts), impose administrative costs and logistical problems which currently are not offset

by the tolls they pay. Consequently, last November, Congress amended section 1602(a) of the Panama Canal Act of 1979, 22 U.S.C. 3792(a) by Pub. L. 105-85 to allow the Commission to set tolls for yachts and other small vessels transiting the Canal based on other than net vessel tons of earning capacity.

The Commission is attempting to reduce the administrative costs and logistical requirements of small vessel transits. It is also trying to improve the scheduling options available for these vessels with the goal of minimizing the negative impact on the Commission's resources and capacity, and, wherever possible, reduce the expenses associated with the transit of these small vessels. All of these steps are taken in order to maintain the transit service offered to these vessels. Even with these measures, however, the Commission's analysis of small vessel transits indicates the cost of providing the service far exceeds the toll charged for the service. To address this issue, the Commission's Board of Directors approved a recommendation to set a fixed, minimum toll for certain small vessels to recover these expenses in a proportionate manner.

The Commission will consider all submissions before publishing the final rule in the **Federal Register**. The final rule, as approved and published by the Commission, will be effective no earlier than 30 days after the date of its publication as final in the **Federal Register**.

The Commission is exempt from Executive Order 12866. Accordingly, provisions of that directive do not apply to this rule. Even if the Order were applicable, this change would not constitute a "rule" as that term is defined in the Regulatory Flexibility Act [5 U.S.C. 601(2)] because it concerns "rates" and "practices relating" thereto.

Furthermore, the Commission has determined implementation of this rule will have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign based enterprises in domestic or export markets.

The Secretary of the Commission certifies these proposed regulatory changes meet the applicable standards of sections 3(a) and 3(b)(2) of Executive Order No. 12988 of February 7, 1996.

#### List of Subjects

##### 35 CFR Part 133

Navigation, Panama Canal, Tolls, Vessels.

##### 35 CFR Part 135

Measurement, Vessels.

For the reasons stated in the preamble, the Panama Canal Commission proposes to amend 35 CFR parts 133 and 135 as follows:

#### **PART 133—TOLLS FOR USE OF CANAL**

1. The authority citation for part 133 is revised to read as follows:

**Authority:** 22 U.S.C. 3791–3792.

2. Section 133.1 is revised to read as follows:

##### **§ 133.1 Rates of toll.**

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On vessels over 38.10 meters (125.00 feet) in length overall:

(1) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo (laden), \$2.57 per PC/UMS Net Ton—that is, the Net Tonnage determined in accordance with part 135 of this chapter.

(2) On vessels in ballast without passengers or cargo, \$2.04 per PC/UMS Net Ton.

(3) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, \$1.43 per ton of displacement.

(4) All vessels whose PC/UMS Net Tonnage (laden or ballast) or displacement tonnage would result in a toll of less than \$1,500 shall pay the fixed, minimum toll provided in paragraph (b) of this section.

(b) On vessels less than or equal to 38.10 meters (125.00 feet) in length overall:

(1) Vessels with or without passengers or cargo shall pay a fixed, minimum toll of \$1,500.

(2) Vessels whose constructional features are such as to render the application of this provision unreasonable or impractical, as determined by the Panama Canal Commission, shall have a PC/UMS Net or displacement tonnage determined and shall have the toll assessed in accordance with paragraph (a) of this section; however, in no case shall the toll be less than \$1,500.

#### **PART 135—RULES FOR MEASUREMENT OF VESSELS**

1. The authority citation for part 135 is revised to read as follows:

**Authority:** 22 U.S.C. 3791–3792.

1. Section 135.1 is amended by adding at the end thereof two new sentences to read as follows:

##### **§ 135.1 Scope.**

\* \* \* Vessels less than or equal to 38.10 meters (125.00 feet) in length

overall are not required to be measured, except as provided for in § 133.1(b)(2) of this chapter. Vessels greater than 38.10 meters (125.00 feet) in length overall may not be assigned a PC/UMS Net Tonnage if it is determined by the Panama Canal Commission the fixed, minimum toll provided for in § 133.1(b)(1) will apply.

Dated: December 29, 1997.

**John A. Mills,**

*Secretary, Panama Canal Commission.*

[FR Doc. 98–099 Filed 1–2–98; 8:45 am]

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#### **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:** This document announces the revised dates for the seventh set of meetings of 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 on January 21 and 22, 1998 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The January sessions will be held at the Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024, as previously announced.

**FOR FURTHER INFORMATION CONTACT:** Inquiries regarding these sessions should be addressed to Joel Schaer, OIG Regulations Officer, Office of Counsel to the Inspector General, Room 5518, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201; or call (202) 619–0089.

**SUPPLEMENTARY INFORMATION:** The dates for the next series of meetings for the Negotiated Rulemaking Committee on the Shared Risk Exception, originally scheduled for January 20 through 22, 1998 (62 FR 63689, December 2, 1997), have been revised. The Committee will now plan to meet only on January 21 and 22, 1998.

The Negotiated Rulemaking Committee on the Shared Risk Exception 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 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. In the January meeting, the Committee will conclude discussion of issues relating to the development of the interim final rule and the options for resolving those issues.

Both the January 21 and 22, 1998 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 December 19, 1997.

**D. McCarty Thornton,**

*Chief Counsel to the Inspector General.*

[FR Doc. 98–30 Filed 1–2–98; 8:45 am]

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#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Administration for Children and Families**

##### **45 CFR Parts 302, 303, and 304**

**RIN 0970–AB69**

##### **Child Support Enforcement Program; State Plan Requirements, Standards for Program Operations, and Federal Financial Participation**

**AGENCY:** Office of Child Support Enforcement (OCSE), HHS.

**ACTION:** Notice of proposed rulemaking

**SUMMARY:** This proposed rule would implement part of the paternity establishment provisions contained in section 331 of the Personal Responsibility and Work Opportunity