health regulation at § 424.22(d)(3)(ii), as it applies to indirect salaried employment or contractual arrangements, may have on rural areas where the hospital or other entity is so pervasive a presence in the community that, in addition to owning the home health agency, it also employs the majority of the physicians.

We have asked the Medicare fiscal intermediaries to cooperate with the Office of Inspector General to look into the referral patterns of hospitals that own facilities providing ancillary services, including home health services.

III. Other Required Information

A. Executive Order 12866 Review

In accordance with provisions of Executive Order 12866, this notice with comment period was received by the Office of Management and Budget.

B. Collection of Information Requirements

This notice with comment period does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

C. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this notice, and, if we proceed with a subsequent document, we will respond to the comments in that document.

(Authority: Secs. 1102, 1814(a), 1835(a), 1871, and 1877 of the Social Security Act (42 U.S.C. 1302, 1395f(a), 1395(a), 1395hh, and 1395nn))

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospitals Insurance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 17, 1997.

Nancy-Ann Min DeParle,

Deputy Administrator, Health Care Financing Administration.

Dated: October 23, 1997.

Donna E. Shalala,

Secretary.

[FR Doc. 97–29071 Filed 11–4–97; 8:45 am]

BILLING CODE 4120–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1860

[WO–350–1220–00–24 1A]

RIN 1004–AC–88

Patent Preparation and Issuance

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rule amends part 1860 of Title 43 of the Code of Federal Regulations (CFR) to completely remove subpart 1862, which contains internal instructions on preparing and issuing patents. The Bureau of Land Management (BLM) plans to place these procedures in an existing BLM Manual/Handbook, a more appropriate location than the CFR. The public will have access to the material.

EFFECTIVE DATE: December 5, 1997.

FOR FURTHER INFORMATION CONTACT: Vanessa Engle, Lands and Realty Group, Bureau of Land Management, 1849 C Street, N.W., Washington, DC 20240; Telephone (202) 452–7776 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Background
II. Response to Comments
III. Discussion of Final Rule
IV. Procedural Matters

I. Background

The existing regulation at 43 CFR part 1862 has no requirements with which the public must comply. Instead, it contains internal instructions on preparing and issuing patents, which properly should be in manuals and handbooks. For this reason, BLM published a Notice of Proposed Rulemaking in the August 16, 1996, **Federal Register** (61 FR 42579), to advise the public of its plans to completely remove subpart 1862 from 43 CFR and place the material in the BLM Manual/Handbook. We invited public comments for 30 days and received comments from a mining association. We have considered the association's comments in preparing the final rule.

II. Response to Comments

The commenter opposed the proposed rule because it neither indicated where in BLM's policy manuals and handbooks the regulation would reside nor whether the instructions would remain the same or change.

Changes to the proposed rule, based on this comment, are not necessary. BLM will not make any substantive alterations to the instructions but will update them before they are placed in the existing BLM Manual/Handbook, which currently is being updated to ensure continuity of the subpart 1862 instructions. Under the heading of subpart 1862, the manual/handbook will go into considerable detail on the requirements for preparing and issuing patents. In addition to the information previously contained in subpart 1862, the manual will include sections on different types of patents, specific language to be included in patents, directions on how to correctly format and number patents and other particulars. BLM will not remove any of the requirements previously found in 43 CFR part 1862.

III. Discussion of Final Rule

This final rule completely removes Subpart 1862 of Title 43 CFR, which provides internal instructions on preparing and issuing patents. BLM is issuing the rule without change from the August 16, 1996, Notice of Proposed Rulemaking. This action meets one of the objectives of President Clinton's Government-wide regulatory reform initiative—to eliminate unnecessary regulations from the CFR.

IV. Procedural Matters

National Environmental Policy Act of 1969

BLM has prepared an environmental assessment (EA), and has found that the final rule would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 432(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record, 1620 L Street, NW, Room 401, Washington, DC, during regular business hours, 7:45 a.m. to 4:15 p.m. Monday through Friday.

Paperwork Reduction Act

This final rule does not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501.

Regulatory Flexibility Act

BLM has determined that the final rule, which merely removes unnecessary regulations, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

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Unfunded Mandates Reform Act of 1995

This final rule does not include any Federal mandate that may result in increased expenditures of $100 million in any one year by State, local, or tribal governments, or by the private sector. Therefore, a Section 202 statement under the Unfunded Mandates Reform Act is not required.

Executive Order 12612

BLM has analyzed this final rule under the principles and criteria in Executive Order 12612 and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12630

This final rule does not represent a government action that interferes with constitutionally protected property rights. Thus, a Taking Implication Assessment need not be prepared under Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

Executive Order 12866

This final rule does not meet the criteria for a significant rule requiring review by the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review.

Executive Order 12988

The Department has determined that this final rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Report to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, BLM submitted a report containing this rule and other required information to the U.S. Senate, U.S. House of Representatives, and the Comptroller General of the General Accounting Office before publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Author: The principal author of this final rule is Frances Watson, Regulatory Affairs Group, Bureau of Land Management, 1849 C Street, NW, Room 401 LS, Washington, D.C. 20240; Telephone 202/452–5006 (Commercial or FTS).

List of Subjects in 43 CFR Part 1860

Administrative practice and procedure, Public lands.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 1860 of Title 43 of the Code of Federal Regulations is amended as set forth below:

PART 1860—[AMENDED]

1. The authority citation for part 1860 continues to read as follows:

Authority: R.S. 2450, as amended; 43 U.S.C. 1161.

Subpart 1862—[Removed and Reserved]

2. Subpart 1862 is removed and reserved.

Dated: October 28, 1997.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 97–29273 Filed 11–4–97; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3710

[WO–320–4130–02–24 1A]

RIN 1004–AC39

Use and Occupancy Under the Mining Laws

AGENCY: Bureau of Land Management, Interior.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations published in the **Federal Register** on Tuesday, July 16, 1996 (61 FR 37116). The regulations addressed the unlawful use and occupancy of unpatented mining claims for non-mining purposes.

DATES: The corrections are effective on November 5, 1997.

FOR FURTHER INFORMATION CONTACT: Richard E. Deery, (202) 452-0353.

SUPPLEMENTARY INFORMATION: On July 16, 1996, BLM published a final rule addressing the unlawful use and occupancy of unpatented mining claims for non-mining purposes. The definitions section of the final rule and its accompanying preamble contain the undefined phrases "hardrock mining" and "hardrock mineral development." Another section of the final rule and its accompanying preamble contain an erroneous cross reference. BLM must clarify the undefined phrases and correct the cross-referencing errors to avoid confusing those people whose activities are subject to the regulations.

Final § 3715.0–5 defines the term "mining laws" to mean, in pertinent part, "all laws that apply to *hardrock mining* on public lands and which make public lands available for *hardrock mineral development.* This includes, but is not limited to, the general authorities relating to *hardrock mining* or to the public lands on which this rule is based and case law which interprets those authorities." (Emphasis added.) Since the final rule became effective, BLM has learned from its field staff that use of the undefined terms, "hardrock mining" and "hardrock mineral development" in the definition of "mining laws" is causing confusion among some people whose activities are subject to the regulations. These people are arguing that BLM used these terms to exclude activities associated with mining of placer claims from the scope of these regulations. BLM does not agree with this position. Final § 3715.0–1 states in pertinent part that, "The purpose of this subpart is to manage the use and occupancy of the public lands for the development of *locatable mineral deposits* by limiting such use or occupancy to that which is reasonably incident. (Emphasis added.) It is well settled that the framework for locating valuable mineral deposits set up by the mining laws applies to claims both to minerals in veins or lodes (hardrock) and to minerals in alluvial, glacial, or marine deposits (placer). See 30 U.S.C. 23 and 35 respectively. However, to alleviate any possible confusion, both now and in the future, BLM is removing the undefined "hardrock" phrases and replacing them with phrases incorporating the concept of locatable minerals. This action will ensure consistency between the purpose and definitions sections and eliminate any confusion over the scope of the regulations.

The final rule also contains a provision that describes the four kinds of enforcement actions BLM can take if an occupant of an unpatented mining

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