and managers who would be or are involved with the performance of the Medicare integrity program contract:

(i) The information required under paragraphs (a)(1), (a)(7)(iii), and (a)(7)(iv) of this section.

(ii) If required by the solicitation, the information specified in paragraphs (a)(7)(i) and (a)(7)(ii) of this section.

(b) *When disclosure is made.* The Organizational Conflicts of Interest Certificate is submitted—

(1) With the offeror's proposal;

(2) When the HCFA Contracting Officer requests a revision in the Certificate;

(3) As part of a compliance audit by an independent auditor; and

(4) 45 days before any change in the information submitted in accordance with paragraph (a) or paragraph (b) of this section. Only changed information must be submitted.

(c) *Evaluation.* HCFA evaluates organizational conflicts of interest and potential conflicts, using the information provided in the Organizational Conflicts of Interest Certificate, in order to promote the effective and efficient administration of the Medicare program.

(d) *Protection of proprietary information disclosed.* (1) HCFA protects disclosed proprietary information as allowed under the Freedom of Information Act (5 U.S.C. 552).

(2) HCFA requires signed statements from HCFA personnel with access to proprietary information that prohibit personal use during the procurement process and term of the contract.

**§ 421.314 Conflict of interest resolution.**

(a) *Review Board.* HCFA establishes a Conflicts of Interest Review Board to resolve organizational conflicts of interest and determines when the Board is convened.

(b) *Resolution.* Resolution of an organizational conflict of interest is a determination that—

(1) The conflict has been mitigated;

(2) The conflict precludes award of a contract to the offeror;

(3) The conflict requires that HCFA modify an existing contract;

(4) The conflict requires that HCFA terminate an existing contract; or

(5) It is in the best interest of the Government to contract with the offeror or contractor even though the conflict exists.

**§ 421.316 Limitation on Medicare integrity program contractor liability.**

(a) None of the following will be held by reason of the performance of any duty, function, or activity required or authorized under this subpart or under a valid contract entered into under this subpart to have violated any criminal law or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in that performance:

(1) An entity having a contract with HCFA under this subpart (that is, a contractor under this subpart).

(2) A person employed by or who has a fiduciary relationship with or who furnishes professional services to a contractor under this subpart.

(b) HCFA makes payment, to a contractor under this subpart, or to a member or employee of the contractor, or to any person who furnishes legal counsel or services to the contractor, of an amount equal to the reasonable amount of the expenses incurred in connection with the defense of a suit, action, or proceeding, as determined by HCFA, if—

(1) The suit, action, or proceeding was brought against the contractor, or a member or employee of the contractor, by a third party and relates to the performance by the contractor, member, or employee of any duty, function, or activity under a contract entered into with HCFA under this subpart;

(2) The funds are available; and

(3) The expenses are otherwise allowable under the terms of the contract.

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

Dated: March 5, 1998.

**Nancy-Ann Min DeParle,**

*Administrator, Health Care Financing Administration.*

Approved: March 16, 1998.

**Donna E. Shalala,**

*Secretary.*

[FR Doc. 98–7190 Filed 3–16–98; 5:00 pm]

BILLING CODE 4120–01–P

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## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Part 4200

**[WO–130–1820–00–24 1A]**

**RIN 1004–AC70**

## Grazing Administration: Alaska; Livestock

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to remove the regulations which implement the livestock grazing program on BLM lands in Alaska because they are obsolete. There are currently no livestock grazing operations under BLM's program, and we do not anticipate receiving any more applications. Due to Native and State of Alaska land selections, the amount of BLM lands suitable for livestock grazing has decreased dramatically. If applicants wish to apply to graze livestock other than reindeer, BLM may still issue special use permits.

**DATES:** BLM must receive your comments at the address below on or before May 19, 1998. BLM will not necessarily consider any comments received after the above date during its decision on the proposed rule.

**ADDRESSES:** If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, D.C. 20240. You may also comment via the Internet to WOComment@wo.blm.gov. Please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''attn: AC70'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452–5030. Finally, you may hand-deliver comments to BLM at 1620 L Street, N.W., Room 401, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Peggy Fox, Alaska State Office, Bureau of Land Management, U.S. Department of the Interior, 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7599; Telephone: 907–271–3346 (Commercial or FTS).

**SUPPLEMENTARY INFORMATION:**

I. Public Comment Procedures
II. Background
III. Discussion of Proposed Rule
IV. Procedural Matters

### I. Public Comment Procedures

*Written Comments*

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the commenter is addressing. BLM may not necessarily consider or include in the

Administrative Record for the final rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at this address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality, which BLM will consider on a case-by-case basis. If you wish to request that BLM consider withholding your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

## II. Background

The current part 4200 regulations were written in order to carry into effect the provisions of the Act of March 4, 1927 (the Alaska Livestock Grazing Act, or the Act). The Alaska Livestock Grazing Act declared that it is Congressional policy to:

- Promote the conservation of the natural resources of Alaska;
- Provide for the protection and development of forage plants; and
- Provide for the beneficial use of the land for grazing by livestock.

The Act authorized the Secretary of the Interior to lease the grazing privileges on the grazing districts established to qualified applicants. The Act states that the use of Federal lands in Alaska for grazing must be subordinated to the following uses:

- Development of the mineral resources;
- Protection, development and use of forests;
- Protection, development, and use of water resources;
- Agriculture; and
- Protection, development and use of other resources that may be of greater benefit to the public.

There are currently no lease holders under BLM's livestock grazing program in Alaska, and BLM does not anticipate receiving more applications. Due to Native and State of Alaska land selections, the amount of BLM lands suitable for livestock grazing has decreased dramatically. The regulations at part 4200 are therefore unnecessary. Any new applicants who wish to graze livestock may apply to BLM, and BLM could issue special use permits. The part 4200 regulations are specific to Alaska. Their removal would have no effect on any grazing regulations elsewhere in the United States.

## III. Discussion of Proposed Rule

The proposed rule would remove the current regulations, but BLM's authorization to issue grazing leases would remain. If, for some reason, new applicants wanted to apply for a lease, the Act still authorizes BLM to issue leases at its discretion. Even more unlikely, if BLM were to acquire more land and needed regulations to administer the program, it could promulgate new regulations.

The proposed rule would remove the present regulations at part 4200, and replace them with the following:

The Bureau of Land Management (BLM) is authorized under the Alaska Livestock Grazing Act (The Act of March 4, 1927, 43 U.S.C. 316, 316a–316o) to lease the grazing privileges on the grazing districts established in Alaska to qualified applicants. BLM previously had regulations governing this program [See Code of Federal Regulations (CFR) for 43 CFR Part 4200, revised as of October 1, 1996]. Due to a lack of interest in the program, BLM removed these regulations. For applicants wishing to apply for permits to graze livestock other than reindeer, BLM may issue special use permits.

## IV. Procedural Matters

*National Environmental Policy Act*

BLM has determined that the action of removing the Alaska livestock grazing regulations will have no measurable effect on the human environment. As explained above, there are currently no lease holders under BLM's livestock grazing program. BLM considers the proposed rule an administrative action to remove unnecessary regulations for a program that is no longer used. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, the proposed rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

*Paperwork Reduction Act*

This rule contains no information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

*Regulatory Flexibility Act*

Congress enacted The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. Based on the discussion contained in this preamble above, the rule will not affect the public, because there are no lease holders at present. Any new applicants would have an opportunity to graze livestock under BLM-issued special use permits. Therefore, BLM has determined under the RFA that this proposed rule would not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Reform Act*

Removal of 43 CFR part 4200 will not result in any unfunded mandate to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year.

*Executive Order 12612*

The proposed rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

*Executive Order 12630*

The proposed rule does not represent a government action capable of interfering with constitutionally protected property rights. The rule would not cause a taking of private property or require further discussion of

takings implications under this Executive Order.

*Executive Order 12866*

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the proposed rule is not a significant regulatory action. As such, the proposed rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

*Executive Order 12988*

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

*Author*

The principal author of this rule is Frank Burno, Bureau of Land Management, Regulatory Affairs Group, Room 401LS, 1849 C. Street, N.W., Washington, D.C. 20240; Telephone: 202–452–0352 (Commercial or FTS).

**List of Subjects in 43 CFR Part 4200**

Administrative practice and procedure, Alaska, Grazing lands, Livestock, Range management.

Dated: February 18, 1998.

**Sylvia V. Baca,**

*Deputy Assistant Secretary, Land and Minerals Management.*

For the reasons set forth above, and under the authority of 43 U.S.C. 316n, BLM proposes to revise part 4200, Group 4200, Subchapter D, Chapter II of Title 43 of the Code of Federal Regulations to read as follows:

## PART 4200—GRAZING ADMINISTRATION; ALASKA; LIVESTOCK

**Authority:** 43 U.S.C. 316, 316a–316o; 43 U.S.C. 1701 *et seq.*

§ 4200.1 The Bureau of Land Management (BLM) is authorized under the Alaska Livestock Grazing Act (The Act of March 4, 1927, 43 U.S.C. 316, 316a–316o) to lease the grazing privileges on the grazing districts established in Alaska to qualified applicants. BLM previously had regulations governing this program [See Code of Federal Regulations (CFR), 43 CFR Parts 1000 to End, revised as of October 1, 1997]. Due to a lack of interest in the program, BLM removed these regulations. For applicants wishing to apply for permits to graze livestock other than reindeer, BLM may issue special use permits.

[FR Doc. 98–7328 Filed 3–19–98; 8:45 am]

BILLING CODE 4310–84–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 1

**[MM Docket 97–182; DA No. 98–458]**

## Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Transmission Facilities

**AGENCY:** Federal Communications Commission.

**ACTION:** Supplemental proposed rule.

**SUMMARY:** The Commission has received a petition from the National Audubon Society (''Audubon'') requesting the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act, in connection with the Commission's *Notice of Proposed Rule Making* in the Matter of Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities. By this Public Notice, interested parties are invited to file comments as to whether the rule proposed would have a significant environmental impact and what that impact would be.

**DATES:** Comments must be filed on or before April 14, 1998, Reply Comments must be filed on or before April 29, 1998.

**ADDRESSES:** All comments should be addressed to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Amy Nathan or Susanna Zwerling, Policy and Rules Division, Mass Media Bureau (202) 418–2130.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Mass Media Bureau's Public Notice. Also included in this notice is the Initial Regulatory Flexibility Analysis for the NPRM. The full text of this Notice is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street N.W., Washington, D.C. The complete text of this Notice may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

**Synopsis of Notice**

The Commission has received a petition from Audubon requesting the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act (''NEPA''), 42 U.S.C. 4332, in connection with the Commission's *Notice of Proposed Rule Making* In the Matter of Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities (FCC No. 97–296, MM Docket No. 97–182) (''NPRM''). Pursuant to 47 CFR 1.1307(c), Audubon is entitled to file such petition, and the Mass Media Bureau is required to ''review the petition and consider the environmental concerns that have been raised.'' This Public Notice addresses only the environmental issues raised by Audubon's petition, and represents just one part of the Commission's ongoing proceeding in MM Docket No. 97–182.

The NPRM requested comment on whether and in what circumstances the Commission should preempt certain state and local actions on zoning and land use ordinances which present an obstacle to the rapid implementation of digital television service. The Commission released the NPRM on August 19, 1997 published September 2, 1997 (62 FR 46241), comments were due October 30, 1997, and reply comments were due December 1, 1997.

Audubon filed its petition on December 1, 1997, requesting that the Commission prepare an Environmental Impact Statement (''EIS'') and solicit public comment on that EIS. Audubon alleges that the rule proposed by the NPRM constitutes a major federal action affecting the environment, and therefore requiring the preparation of an EIS pursuant to NEPA. In addition, Audubon alleges that the Commission's regulations require an environmental analysis of any action that may affect a listed species or may lead to construction in wetlands. 47 CFR 1.1307(c)

By this Public Notice, we seek comment as to first, whether the proposal contained in the NPRM would have a significant environmental effect such that an EIS should be prepared; and second, what would be the environmental effect of the proposal.

The initiation of this proceeding is not intended to affect in any way the expeditious processing of digital television construction permit applications. This proceeding also will not affect the current requirement that licensees represent that their applications meet the requirements of NEPA. The Mass Media Bureau takes very seriously the responsibilities conferred by NEPA to evaluate the effects of its actions on the quality of the environment. The Bureau continues to review applicants' representations of