

year on compliance with the Rule, for a total estimate of 16,213,300 burden hours.

No provisions in the Mail or Telephone Order Merchandise Rule have been amended or changed in any manner. All of the requirements relating to disclosure and notification remain the same. We have, however, reduced the 1995 total burden estimate of 16,213,300 hours for the reasons discussed below.

In the OMB regulation implementing the PRA, *burden* is defined to exclude any effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2). In past rulemaking proceedings, industry trade associations and individual witnesses have testified that compliance with the Rule is now widely regarded by direct marketers as being good business practice. The Rule's notification requirements would be followed in any event by most merchants to meet consumer expectations with respect to timely shipment, notification of delay, and prompt and full refunds. Providing consumers with notice about the status of their orders fosters consumer loyalty and encourages repeat purchases that are important to the success of direct marketers. Thus, much of the time and expense associated with Rule compliance is not properly treated as burden under the PRA.

In estimating any remaining burden, the agency has considered "the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency." 5 CFR 1320.3(b)(1). This includes "developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information." 5 CFR 1320.3(b)(1)(iv). Although not expressly stated in the regulation, it seems reasonable to infer that the definition of *burden* would include upgrading and maintaining computer systems used to comply with the Rule's requirements.

The mail order industry has been subject to the basic provisions of the Rule since 1976 and the telephone order industry since 1994. Thus, businesses have had several years (and some have had decades) to integrate compliance systems into their business procedures. Nonetheless, staff has allocated some hours, estimated at 150 hours annually per company, toward the maintenance of computer systems by the affected companies, even though maintenance and upkeep arguably would also be part of ordinary business practice in the industry.

Further, in our best judgment (more accurate data from the industry is not currently available), approximately 1,000 new companies have entered the market since 1995. Thus, the current total affected firms would consist of approximately 71,560 companies. Additionally, staff estimates that the approximately 1,000 new companies enter the covered market each year. Further, we estimate that new companies entering the market would need 230 hours per year (1995 figure of 229.78 rounded to 230) for compliance measures associated with system start-up, although again, it could be argued that such efforts would be undertaken even absent the Rule. We have therefore estimated that the total burden for compliance with the Rule would be approximately 10,964,000 hours.  $(1,000 \times 230 = 230,000) + (71,560 \times 150 = 10,734,000)$ .

To emphasize, the FTC has not amended, nor is it in the process of amending, the Mail or Telephone Order Merchandise Rule. The burden hours associated with the Rule have been recalculated because the originally-estimated hours included one-time start up tasks (i.e., implementing systems and processes to meet the Rule's requirements) that have now been completed by most of the affected companies.

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[FR Doc. 97-23311 Filed 9-2-97; 8:45 am]

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## FEDERAL TRADE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 62 F.R., Friday, August 22, 1997, Page No. 44698.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10:00 a.m., Wednesday, September 4, 1997.

**CHANGES IN THE AGENDA:** The Federal Trade Commission has canceled its previously scheduled Oral Argument meeting for September 4, 1997, at 10:00 a.m.

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 97-23385 Filed 8-28-97; 4:11 pm]

BILLING CODE 6750-01-M

## FEDERAL TRADE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 62 F.R., Friday, August 22, 1997, Page No. 44698.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 2:00 p.m., Wednesday, September 3, 1997.

**CHANGES IN THE AGENDA:** The Federal Trade Commission has cancelled its previously scheduled Oral Argument meeting for September 3, 1997, at 2:00 p.m.

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 97-23527 Filed 8-29-97; 3:28 pm]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Information Collection Requirements Contained in 42 CFR part 1004 (Revised Peer Review Organization Sanctions for Failing to Meet Statutory Obligations)—This information collection requirement is necessary to enable a Peer Review Organization (PRO) to submit a report and recommendation to the OIG if PRO-identified violations have not been resolved. In addition, an alternative sanctions notification process provides sanctioned practitioners or other persons the option of informing patients directly to the sanction action taken against them.—*Respondents:* Individuals, Business or other for-profit; Not-for-profit institutions—Burden Information for the PRO Report—*Annual Responses:* 7; *Annual Burden per Response:* 4 hours; *Annual Burden for PRO Report:* 28 hours—Burden Information for the Sanction Notification—*Annual Responses:* 5; *Annual Burden per Response:* 2 hours; *Annual Burden for Sanction Notification:* 10 hours—*Total Burden:* 38 hours.

*OMB Desk Officer:* Allison Eydt.