

would be more initial out-of-pocket expenses for the beneficiary if the assignment rate is reduced.

#### B. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless we certify that a notice would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, all suppliers are considered to be small entities. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a notice may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

In determining whether to adjust payment rates under section 1842(b)(8)(A) and (9)(A) of the Act, we are required to consider the potential impacts on quality, access, and beneficiary liability of the adjustment, including the likely effects on assignment rates, reasonable charge reductions on unassigned claims, and participation rates of suppliers.

This proposed reduction in Medicare payment would affect suppliers of home oxygen. These suppliers would have their payment allowances for Medicare home oxygen patients reduced. Suppliers can choose to accept assignment, which means they agree to accept Medicare's approved amount as payment in full. It is possible that, as a consequence of our reducing payments for home oxygen, the number of suppliers accepting assignment of a beneficiary's claim for Medicare payment for these services may decrease if suppliers choose instead to charge beneficiaries the full difference between the amount charged and the lower Medicare payment. Also, the number of suppliers who elect to become or remain "participating suppliers" may decrease as a result of reduced payments for home oxygen. Under the Medicare participation program, a supplier that decides to become a "participating supplier" must agree to accept assignment for all covered services furnished to Medicare beneficiaries. Participating suppliers benefit by being listed in the Medicare Participating Physician/Supplier Directories, known

as Medpards, which are compiled by the Medicare carriers and furnished to various senior citizen groups. A Medicare beneficiary can obtain the Medpard for his or her State from the Medicare carrier.

Suppliers who do not accept assignment and charge more than the Medicare approved amount can collect the balance; that is, the actual charge minus Medicare payment, from the beneficiary. Therefore, beneficiaries who receive services from suppliers who do not accept assignment are exposed to greater financial liability than those who receive services from a supplier taking assignment. As a result, Medicare beneficiaries may choose to deal with suppliers who accept assignment in order to reduce their financial liability. We expect that this special payment limit would have minimal effects on the quality of home oxygen services furnished to beneficiaries since we do not expect suppliers to reduce the quality or the type of services provided. Also, we expect only minimal effects on beneficiary access to home oxygen, even in rural areas, since we do not expect many suppliers to discontinue supplying oxygen.

Although a payment reduction of 40.11 percent for home oxygen appears large, it is a result of Medicare's grossly excessive payment allowances that have resulted in windfall profits. We would expect suppliers to adjust to the elimination of this windfall accordingly.

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

#### IV. Paperwork Reduction Act

This notice does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3511).

#### V. 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 preamble, and, if we proceed with a subsequent document, we will respond to the comments in the preamble to that document. Moreover, we may elect to engage in further consultation with industry

representatives if comments we receive make such further consultation necessary or appropriate.

**Authority:** Sections 1834(a) and 1842(b) of the Social Security Act (42 U.S.C. 1395m and 1395u).

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

Dated: April 14, 1997.

**Bruce C. Vladeck,**

*Administrator, Health Care Financing Administration.*

Dated: May 6, 1997.

**Donna E. Shalala,**

*Secretary.*

[FR Doc. 97-18716 Filed 7-11-97; 1:30 pm]

BILLING CODE 4120-03-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4200-N-85]

### Submission for OMB Review: Comment Request

**AGENCY:** Office of Administration, HUD.  
**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** Comments due date: August 15, 1997.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of

an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995. 44 U.S.C. 35, as amended.

Dated: July 8, 1997.

**David S. Cristy,**

*Acting Director, Information Resources Management Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

*Title of Proposal:* Single Family Monthly Default Monitoring System.

*Office:* Housing.

*OMB Approval Number:* 2502-0060.

*Description of the Need for the Information and Its Proposed Use:* The form is needed for reporting default information to HUD. The data is compiled for various reports used to monitor mortgagee's default and foreclosure performance. Additionally, HUD uses the data to monitor and evaluate mortgagee's servicing practices and to measure potential risk to HUD's Insurance Fund.

*Form Number:* HUD-92068-A.

*Respondents:* Business or Other For-Profit.

*Frequency of Submission:* Monthly.

*Reporting Burden:*

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-92068-A .....	4,000		12		0.5		24,000

*Total Estimated Burden Hours:* 24,000.

*Status:* Reinstatement, without changes.

*Contact:* Leslie Bromer, HUD, (202) 708-1719 and, Joseph F. Lackey, Jr., OMB, (202) 395-7316.

Dated: July 8, 1997.

[FR Doc. 97-18640 Filed 7-15-97; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4200-N-86]

**Submission for OMB Review: Comment Request**

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** Comments due date: August 15, 1997.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or

OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequently of response, and hours of response; (9) whether the proposal is new, an

extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 8, 1997.

**David S. Cristy,**

*Acting Director, Information Resources Management Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

*Title of Proposal:* Insurance Information.

*Office:* Public and Indian Housing.

*OMB Approval Number:* 2577-0045.

*Description of the Need for the Information and Its Proposed Use:* The Annual Contributions Contract requires public housing agencies and Indian housing authorities to obtain adequate fire insurance, extended coverage insurance, and boiler insurance to protect the Federal interest. Form HUD-5460 provides the format for determining the initial amount of insurance required for each project.

*Form Number:* HUD-5460.

*Respondents:* State, Local, or Tribal Government.

*Frequency of Submission:* On occasion and recordkeeping.

*Reporting Burden:*