

**Federal Register** notice, we calculated that established businesses would need 150 hours annually toward maintenance of associated computer programs. We have now reduced that figure further after determining that most maintenance and upkeep of computer systems would be part of ordinary business practice in the industry. The OMB regulation that implements the PRA defines "burden" to exclude any effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2).

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

Most of the 1995 estimated burden hours were associated with one-time start up tasks associated with establishing implementing standard systems and processes. This is because the Rule had recently been amended (in 1994) to include the telephone order industry. The mail order industry, in contrast, had been subject to the basic provisions of the Rule since 1976. Thus, most of the 230 burden hours that we estimated per firm related to the development and installation of computer systems to handle telephone ordering, and not to the maintenance of such systems.

As noted above, the OMB regulation that implements the PRA defines "burden" 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 encourages repeat purchase behavior that is essential to the survival of direct mail or telephone order businesses.

Also, the industry is highly automated; notices are produced mechanically and little labor is involved. Nonetheless, even for established businesses, there may be some burden attributable strictly to the existence of the rule. For example, some merchants rely on contractors to handle orders and must therefore monitor how the contractor complies with the Rule.

This entails reviewing consumer complaints to determine whether appropriate delay notification is being provided. The Rule allows merchants to use as much or as little time as necessary to assure that notification and disclosure requirements are being met. Companies employ a broad range of energy, time, and resources for performing these tasks. Also, while established companies spend some time maintaining existing compliance systems, their expenditures are only a fraction of those by new businesses required to establish entirely new systems. An exact figure is difficult to quantify; however, based on staff's familiarity with the industry, we have determined that the average among the industry is unlikely to be more than 50 hours per year.

Staff responsible for the Rule have also estimated that approximately 1,000 additional companies have entered the market since 1995 (for a total of 71,560 incumbent firms) and that, due to escalating sales, approximately 1,000 new companies will enter the market during the coming year. We estimate that these 1,000 new companies will each expend 230 hours per year (the 1995 figure of 229.78 rounded to 230) to establish compliance measures associated with system start-up, although it could be argued once again that most of these efforts would be undertaken even absent the Rule. Nonetheless, we have estimated the total burden imposed by the disclosure and notification requirements at approximately 3,808,000 hours (1,000×230=230,000)+(71,560×50+3,578,000).

**Debra A. Valentine,**

*General Counsel.*

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## GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0221]

### Proposed Collection; GSA Board of Contract Appeals Rules Procedure

**AGENCY:** GSA Board of Contract Appeals (GSBCA), GSA.

**ACTION:** Notice of request for public comments regarding reinstatement of a previously approved OMB clearance (3090-0221).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget

(OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning GSA Board of Contract Appeals Rules Procedure. A request for public comments was published at 62 FR 49518, September 22, 1997. No comments were received.

**DATES:** Comment Due Date: January 2, 1998.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Margaret Pfunder, Deputy Chief Counsel, GSA Board of Contract Appeals, (202) 501-0272.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to reinstate information collection, 3090-0221, concerning the GSA Board of Contract Appeals Rules Procedure. The GSBCA requires the information collected in order to conduct proceedings in contract appeals and petitions, and cost applications. Parties include those persons or entities filing appeals, petitions, and cost applications, and government agencies.

##### B. Annual Reporting Burden

*Respondents:* 86; *annual responses:* 86; *average hours per response:* .20; *burden hours:* 10.2.

*Copy of Proposal:* A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501-3822, or by faxing your request to (202) 501-3341.

Dated: November 24, 1997.

**Ida M. Ustad,**

*Deputy Associate Administrator, Office of Acquisition Policy.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Notice of a Meeting of the Genetics Subcommittee, National Bioethics Advisory Commission (NBAC)

**SUMMARY:** Pursuant to Section 10(d) of the Federal Advisory Committee Act, as