

promotional materials, and telemarketing scripts; information regarding prize recipients and prizes; sales information; information regarding employees directly involved in telephone sales; and written notices, disclosures and acknowledgements required under the proposed rule. These records would be available for inspection by Commission staff, by other government law enforcement personnel, and by private litigants to determine compliance with the rule.

Absent the recordkeeping requirements, Commission staff believes that this is the type of information that would be retained by these entities in any event during the normal course of business because this information would be useful in resolving private, non-governmental inquiries and disputes. The definition of "burden" for OMB purposes excludes any effort that would be expended regardless of a regulatory requirement. 5 C.F.R. § 1320.7(b)(1). Thus, the only burden would be for retaining the records for an additional period of time.

Currently, staff is estimating that 40,000 entities will be affected and that it will take each affected entity one hour per year to retain these documents for an additional period of time. Thus, the total burden for the proposed rule is estimated at 40,000 hours (1 hour per year times 40,000 industry members). However, staff is seeking comments, particularly quantitative estimates, about the amount of time it would take to comply with these requirements, and the comments may result in a change in the estimated burden hours. The basis for this estimate is described in more detail in the Supporting Statement submitted with the Request for OMB Review.

**DATES:** Comments on this application must be submitted on or before March 31, 1995.

**ADDRESSES:** Send comments both to Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, ATN: Desk Officer for the Federal Trade Commission, and to the Office of the Secretary, Room 159, Federal Trade Commission, Washington, DC 20580. Copies of the submission to OMB may be obtained from the Public Reference Section, Room 130, Federal Trade Commission, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** David M. Torok, Attorney, Bureau of Consumer Protection, Division of Marketing Practices, Federal Trade

Commission, Washington, DC 20580, (202) 326-3140.

**Donald S. Clark,**

*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[BPD-793-NC]

RIN 0938-AG54

#### Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Notice with comment period.

**SUMMARY:** This notice with comment period sets forth a revised schedule of limits on home health agency costs that may be paid under the Medicare program for cost reporting periods beginning on or after July 1, 1993. These limits replace the per-visit limits that were set forth in our July 8, 1993 notice with comment period (58 FR 36748). This notice also provides, in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA '93), that there will be no changes in the home health agency (HHA) cost limits for cost reporting periods beginning on or after July 1, 1994, and before July 1, 1996. In addition, this notice responds to public comments on the July 8, 1993 notice with comment period, which originally set forth the HHA cost limits for cost reporting periods beginning on or after July 1, 1993, and on the January 6, 1994 notice with comment period (59 FR 760), which announced the elimination of the hospital based add-on effective for cost reporting periods beginning on or after October 1, 1993.

**DATES: Effective date:** The revised schedule of limits on HHA costs set forth in this notice is effective for cost reporting periods beginning on or after July 1, 1993.

The OBRA '93 provision providing that there be no changes in the HHA cost limits for cost reporting periods beginning on or after July 1, 1994, and before July 1, 1996, as set forth in this notice, is effective for cost reporting periods beginning on or after July 1, 1994.

**Comment date:** Written comments will be considered if we receive them at the appropriate address, as provided

below, no later than 5:00 p.m. on April 17, 1995.

**ADDRESSES:** Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD-793-NC, P.O. Box 7571, Baltimore Maryland 21207-0517.

If you prefer, you may deliver your comments (1 original and 3 copies) to one of the following addresses: Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington DC 20201, or Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore Maryland 21207.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD-793-NC. Comments received timely will be available for public inspection as they are received, beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW, Washington DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

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**FOR FURTHER INFORMATION CONTACT:** Michael Bussacca, (410) 966-4602.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. History

Section 1861(v)(1)(A) of the Social Security Act (the Act) authorizes the Secretary to set limits on allowable costs incurred by a provider of services for which payment may be made under the Medicare program. These limits are based on estimates of the costs necessary for the efficient delivery of needed health services. Under this