Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the MGE, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on October 31, 1997.

John R. Mielke,

Acting Director.

[FR Doc. 97–29355 Filed 11–5–97; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DOD.

ACTION: Notice.

In accordance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 5, 1998.

ADDRESSES: Written comments and recommendations on the information collection should be sent to TRICARE Support Office, Program Development Branch, U.S. Army Garrison, Fitzsimons, ATTN: Tariq Shahid, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address or call TRICARE Support Office, Program Development Branch, at (303) 361–1401.

Title; Associated Form; and OMB Number: Reimbursement Information, Psychiatric Residential Treatment Centers Serving Children and Adolescents, TRICARE Form 771, OMB Number 0704–0295.

Needs and Uses: The information collection requirement is necessary to obtain individual residential treatment center (RTC) data that will be used in calculating the prospective per diem rates for new RTCs seeking certifications under the TRICARE program.

Affected Public: Business or other for-profit; non-profit institutions.

Annual Burden Hours: 240.

Number of Respondents: 20.

Responses per Respondents: 1.

Average Burden per Response: 12 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are psychiatric residential treatment centers (RTCs) seeking certification under the TRICARE program to provide needed services to eligible children and adolescents. The data collection instrument, i.e., TRICARE Form 771, will collect the necessary reimbursement information that will be used in calculating prospective all-inclusive per diem rates for new RTCs under the TRICARE program. Based on current trends, it is estimated that about 20 forms will be completed and submitted to the TRICARE program per fiscal year for RTCs seeking certification under the program.

The TRICARE Support Office (TSO), formerly known as OCHAMPUS, published a proposed rule on 4 December 1987, (52 FR 46098), and final rule on 1 August 1988, (53 FR 28873), in the **Federal Register** clarifying participation requirements and establishing a new reimbursement system for payment of RTCs. These amendments outlined the methodology used in calculating the individual RTC rates along with the capped amount. The amendments also described the data collection elements and responded to 23 distinct categories of comments.

The TRICARE program will be responsible for: (1) sending out the data collection instrument (TRICARE Form 771) to all RTCs seeking certification under the TRICARE program; (2) answering all inquiries regarding the data collection; (3) compiling and analyzing the submitted data; (4) following up on missing or incomplete data; (5) calculating the individual prospective all-inclusive per diem rates; and (6) sending out RTC participation agreements with the calculated rates.

The TRICARE's failure to collect the information will jeopardize fulfillment of the program requirements and would result in the agency's inability to collect the necessary data for establishment of RTC rates. The agency's inability to establish prospective per diem rates could also result in a reduction in availability of RTCs for TRICARE beneficiaries.

The prospective payment methodology: (1) provides the potential for control over rapidly increasing costs for mental health care within the Department of Defense; (2) ensures that TRICARE beneficiaries are not subject to exaggerated or unjustified costs for RTC care solely because of the TRICARE entitlement; and (3) provides for a rate of reimbursement for all participating RTCs which reflects a reasonable amount consistent with rates charged by their peers nationally and with reimbursement they are accepting from other third-party payers.

The use of improved information technology has been a consideration in capturing RTC charge data necessary to calculate new rates; however, this would create an excessive administrative burden on the agency for the relatively small number of providers affected by the request. RTCs represent less than 0.13 percent of TRICARE institutional providers and less than 0.04 percent of TRICARE individual professional providers. The agency would have to make major modifications to its payment records and data files in order to retrieve this information.

In the data collection form design, we have made every effort to eliminate any duplication. The form consists of two major categories of data collection: (1) institutional per diem rates; and (2) additional ancillary or professional charges not included in the per diem rates. All data information systems have been queried to determine if there was any duplication of data collection elements. None of the routine data collection reports maintained by the agency have the information formatted in a way that can be used to calculate the new RTC rates.

While TSO generates RTC reports, these reports do not include professional claims which are billed separately from the institutional component. Since the professional charges arenot married up with institutional charges, an all-inclusive rate cannot be determined under the existing reporting system. The marrying up of claims would require extensive reprogramming of the current payment system reports and would probably result in questionable data. Even if TSO could modify its current reporting system, it would only provide one of the data components necessary for establishing the RTC rates. The rates for other third-party payers would remain inaccessible under the TSO reporting system. Other third-party information is critical in establishing the most favorable rate for the RTC. The RTC is the only one that can provide other third-party information.

The data collection form is simplistic in design to minimize administrative burden on the RTCs. The requested information should already be maintained by the facility for normal operation. It is anticipated that it should take one person 8 to 10 hours to prepare the data, and an additional 2 to 4 hours if TRICARE should have follow-up inquiries regarding their data submission. TSO or the TRICARE contractor staff will be available to answer any questions that the RTCs may have regarding completion of the form.

The issue of confidentiality has been considered. The data submitted by RTCs will be kept in strict confidence and will not be accessible to competitors. The only information accessible to the general public will be the TRICARE all-inclusive rates calculated for each RTC. These rates will appear in the TRICARE/CHAMPUS Policy Manual and may be released under the Freedom of Information Act.

The information requested is financial in nature and may be considered private or confidential in a business sense. Specific knowledge of a RTC's financial position may create an unfair advantage for its competitors. However, the information requested is necessary for calculating the individual prospective all-inclusive per diem rates. The RTCs are only being asked to provide those data (financial) elements used directly in the reimbursement formula. They have also been assured that facility specific information will be kept confidential. The instruction sheet and cover letter will justify collection of the information and give a detailed explanation of the data element requirements.

The number of one-time respondents is 20. It is estimated that a maximum of 12 hours will be required to complete the form since the requested information should already be maintained by the facility for normal operation. Most of the administrative burden will be associated with the reformatting of existing financial information. The burden of collecting the data will be dependent on the type of reporting system in use. Facilities which maintain their financial records on computers will be able to retrieve the requested information faster than those with manual systems. The use of computerized data may cut the reporting time in half (6 hours). Larger RTCs are more likely to have sophisticated reporting systems than smaller facilities. However, this is probably more the exception than the rule with the advent of more reasonably priced ADP systems for small businesses. The total one-time reporting burden is estimated to be 240 hours.

Dated: October 31, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–29309 Filed 11–5–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 98–04]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Assistance Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSAA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 98–04, with attached transmittal and policy justification pages.

Dated: October 31, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–M