



March 18, 1999
DO-99-011

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Stephen D. Potts, Director

SUBJECT: Recent OGE Forms Renewal Matters

Certain of the ethics forms that the Office of Government Ethics (OGE) sponsors for executive branchwide use require periodic (usually three year) renewal of approval from the Office of Management and Budget (OMB) under the Paperwork Reduction Act or from the General Services Administration (GSA) under the interagency reports program. These renewals also present an opportunity to update the forms as needed. Over the past year, OGE has been working to secure such forms renewal clearances from both OMB and GSA, as explained in this memorandum.

Separate DAEOgrams will be issued upon the final clearance of the more significant updated individual forms, such as the SF 278 and the OGE Forms 450 and 201. In addition to distribution of the revised forms to departments and agencies by DAEOgram, OGE will continue its practice of providing electronic copies of these forms (as modified) in Adobe Acrobat Portable Document Format (PDF) file format on the Ethics Resource Library section of our Internet Web site (address: <http://www.usoge.gov>) and in future editions of The Ethics CD-ROM. In the near future, OGE also plans to provide electronically fillable copies of these forms on both our Web site and CD-ROM. Although these fillable electronic versions will still require that the forms be printed and manually signed by the filers, the data will be capable of being saved and updated in subsequent filings.

Proposed Slightly Revised OGE Form 450

OGE recently issued its second round paperwork renewal notice for a proposed slightly revised OGE Form 450 Executive Branch Confidential Financial Disclosure Report. Any comments on this notice are due by April 1, 1999. See the attached copy of 64 Federal Register 10151-10153 (March 2, 1999). The changes proposed to the OGE Form 450 are minor, mostly stylistic in nature (including adding a block to indicate page numbers on the report). One substantive update is noted for the future. The reporting thresholds for gifts and travel reimbursements, currently set at \$250 per source overall with a \$100 de minimis threshold for aggregation purposes, will have to be adjusted if, as expected later this year, GSA raises the "minimal value" under the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342, to over \$250 for the period 1999-2001. Section 102(a)(2)(A) and (B) of the Ethics in Government Act as amended (the Ethics Act), 5 U.S.C. appendix, § 102(a)(2)(A) and (B), requires that the gifts/reimbursements reporting thresholds be

so adjusted. The adjustment would be modest, but would need to be reflected on both the OGE Form 450 and the SF 278 (see below). Departments and agencies can obtain a mark-up copy of the form as proposed for revision from their respective OGE desk officers. See also the first round paperwork notice, as published at 63 Federal Register 56189-56191 (October 21, 1998).

Proposed Slightly Revised OGE Form 201

OGE has issued its first round paperwork renewal notice for a proposed slightly revised version of the OGE Form 201, "Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record." Any comments are due by April 20, 1999. See the attached copy of 64 Federal Register 5657-5658 (February 4, 1999). The proposed minor revisions include a reference to a few types of additional qualified trust materials available upon request. Moreover, OGE will adjust the referenced civil monetary penalty under section 104 of the Ethics in Government Act for misuse of an SF 278 report to which access has been granted from \$10,000 to \$11,000 once future rulemakings by OGE and the Department of Justice take effect in accordance with inflation adjustments provided for under the 1996 Debt Collection Improvement Act, 28 U.S.C. § 2461 note. Finally, OGE would make certain minor changes to the privacy and paperwork statements on the form. Departments and agencies can obtain a mark-up copy of the OGE Form 201 showing all the proposed changes from their OGE desk officers.

Standard Form 278

OGE will soon publish its first round paperwork renewal notice for the Standard Form (SF) 278 Executive Branch Personnel Public Financial Disclosure Report, for three-year renewal. The proposed updated SF 278 will propose modest changes, not any major revisions to the form's substance or design. These changes would incorporate on the form and its instructions the new higher-value categories of reporting for various items. A required paperwork statement regarding the necessity of a valid OMB control number on the form would also be included. For the past three years, agencies have been asked to notify their filers by memorandum of these matters. See particularly OGE DAEOgrams DO-96-038 (October 16, 1996) and DO- 96-006 (January 29, 1996). OGE would also adjust the references to the civil money penalty for misuse of a report and the reporting thresholds for gifts and travel reimbursements, as explained above for the OGE Forms 450 and 201, respectively. Furthermore, OGE would add to the form a new continuation page for transactions. Finally, OGE would propose to make a few other minor, stylistic changes, such as updating the dates of examples on the form.

Due to the importance of the SF 278 report form, OGE will issue separate DAEOgrams for the various stages of its upcoming paperwork and standard form revision and renewal. Once the updated SF 278 is approved by OMB (for paperwork renewal) and GSA (for standard form revision) sometime this fall, the new edition of the form will be available for purchase nationwide from GSA's Federal Supply Service Customer Supply Centers and will be posted on the OGE Web site and ethics CD-ROM.

These forthcoming changes will not affect the annual SF 278 reports for calendar year 1998 which are due to be filed by May 15, 1999. Agencies should continue to use the existing 6/94

edition of the SF 278 report form (or its immediate predecessor the 1/91 edition) for those forthcoming annual reports.

Other Forms

Last year, OGE secured renewed three-year paperwork clearance from OMB, until October 31, 2001, for somewhat revised and updated model Ethics Act-qualified blind and qualified diversified trust certificates and model drafts. This set of twelve model qualified trust certificates and drafts is used in the qualified trust program OGE oversees. See 63 Federal Register 20411-20412 (April 24, 1998), 63 Federal Register 45817-45819 (August 27, 1998) and 63 Federal Register 58619-58620 (November 2, 1998).

Last summer and fall, OGE obtained three-year renewals from the General Services Administration of the interagency reports clearance for two of its forms used by departments and agencies throughout the executive branch to report covered information to OGE. The two forms, which OGE also somewhat modified and updated at the time, are the OGE Form 202 "Notification of Conflict of Interest Referral" (clearance now extended to August 31, 2001), and the annual Agency Ethics Program Questionnaire form (clearance now extended to October 31, 2001). See OGE DAEOgrams DO-98-027 (September 8, 1998) and DO-98-028 (November 4, 1998).

Finally, last year OGE also obtained three-year paperwork approval, until October 31, 2001, from OMB for a new Public Financial Disclosure Access Customer Service Survey form. This survey form will be used at OGE only and will be mailed to members of the public who request access to SF 278 reports in order to assess the quality of OGE's service in this important area and to identify any suggestions for improvement. See 63 Federal Register 33668 (June 19, 1998) and 63 Federal Register 49697-49698 (September 17, 1998).

Attachments

and 109,500 fact sheets prepared,¹ at an average cost of seven cents for each label or fact sheet, the total (rounded) labeling cost is \$3,125,000.

Debra A. Valentine,
General Counsel.

[FR Doc. 99-5095 Filed 3-1-99; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Governmentwide Policy Advisory Board

AGENCY: General Services
Administration.

ACTION: Advisory Committee Renewal
Notice.

Renewal of Advisory Board. This notice is published in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the renewal of the GSA Governmentwide Policy Advisory Board. The Administrator of the General Services Administration has determined that the renewal of the Board is in the public interest.

Purpose of the Advisory Board. The Board provides advice and recommendations on a broad range of policy issues dealing with the acquisition, management and disposal of Governmentwide assets within GSA's areas of responsibility. Such assets include motor vehicles, aircraft, real property, and personal property. The Board also provides advice regarding policies and guidance on such issues as the deployment of smart card technologies, electronic commerce, information technology, public participation, and intergovernmental coordination.

In addition, the Board will provide advice and recommendation on such other matters as may be assigned or delegated to GSA or the Office of Governmentwide Policy.

FOR FURTHER INFORMATION CONTACT: The Office of Governmentwide Policy is the

organization within GSA that is sponsoring this board. For additional information, contact Michael Neff, Committee Management Secretariat (MC), 1800 F Street, NW., Washington, DC 20405. The telephone number is (202) 273-3564.

David J. Barram,
Administrator.

[FR Doc. 99-5063 Filed 3-1-99; 8:45 am]

BILLING CODE 6820-34-M

OFFICE OF GOVERNMENT ETHICS

Submission for OMB Review; Comment Request: Proposed Slightly Revised OGE Form 450 Executive Branch Confidential Financial Disclosure Report

AGENCY: Office of Government Ethics
(OGE).

ACTION: Notice.

SUMMARY: The Office of Government Ethics has submitted a slightly revised version of its OGE Form 450 for confidential financial disclosure reporting under its existing executive branch regulations for review and three-year approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

DATES: Comments by the agencies and the public on this proposal are invited and should be received by April 1, 1999.

ADDRESSES: Comments should be sent to Mr. Joseph F. Lackey, Jr., Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Gressman at the Office of Government Ethics, telephone: 202-208-8000, ext. 1110; TDD: 202-208-8025; FAX: 202-208-8037. A copy of the proposed slightly revised OGE Form 450 and the rest of the OGE submission package to OMB may be obtained, without charge, by contacting Mr. Gressman.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics has submitted a proposed slightly revised version of the OGE Form 450 Executive Branch Confidential Financial Disclosure Report for three-year approval (reclearance) by OMB under the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35. The OGE Form 450 (OMB control # 3209-0006) collects information from covered department and agency officials as required under OGE's executive branchwide regulatory provisions in subpart I of 5 CFR part 2634, which underlying provisions are

also the subject of this request for paperwork approval (reclearance). The revised OGE Form 450 will serve as the uniform report form for collection, on a confidential basis, of financial information required by the OGE regulation from certain new entrant and incumbent regular and special Government employees of the Federal Government executive branch departments and agencies in order to allow ethics officials to conduct conflict of interest reviews and to resolve any actual or potential conflicts found.

The basis for the OGE regulation and the report form is two-fold. First, section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990) makes OGE responsible for the establishment of a system of nonpublic (confidential) financial disclosure by executive branch employees to complement the system of public financial disclosure under the Ethics in Government Act of 1978 (the "Ethics Act"), as amended, 5 U.S.C. appendix. Second, section 107(a) of the Ethics Act, 5 U.S.C. appendix, § 107(a), further provides authority for OGE as the supervising ethics office for the executive branch of the Federal Government to require that appropriate executive agency employees file confidential financial disclosure reports, "in such form as the supervising ethics office may prescribe." The current OGE Form 450, adopted in early 1996, together with the underlying OGE 5 CFR part 2634 regulation issued in 1992 and modified since, constitute the basic format OGE has prescribed for such confidential financial disclosure in the executive branch.

The relatively minor updating revisions OGE now proposes to make to the OGE Form 450 will bring it up-to-date and will not require any rule changes to accomplish. First, OGE proposes to make a couple of revisions to the Privacy Act and public burden information statements on page 3 of the instructions to the form. The proposed revisions include addition to the Privacy Act statement of a reference to the underlying executive branchwide Privacy Act system of records, OGE/GOVT-2, for confidential disclosure reports that OGE issued in 1990 upon its separation from the Office of Personnel Management. See 55 FR 6327-6331 (February 22, 1990). Also, the indication of routine use six for such reports in judicial or administrative proceedings would be revised to more closely track the wording of the underlying routine use "f" in the OGE/GOVT-2 records system notice. Under the public burden information statement, OGE proposes to

¹ The units shipped total is based on combined actual or estimated industry figures for 1997 across all of the product categories, except for fluorescent lamp ballasts, lamp products, and plumbing fixtures. Staff has determined that, for those product categories, there are little or no costs associated with the labeling requirements. The fact sheet estimation is based on the previously noted assumption that five percent of HVAC manufacturers produce fact sheets on their own. Based on total HVAC units shipped (8,759,907), five percent amounts to 437,995 HVAC units. Because manufacturers generally list more than one unit on a fact sheet, staff have estimated that manufacturers independently preparing them will use one sheet for every four of these 437,995 units. Thus, staff estimate that HVAC manufacturers produce approximately 109,500 fact sheets.

add express mention of the OMB control number (3209-0006) and remove the reference to OMB as an additional point of contact for information collection comments on the OGE Form 450. In accordance with current procedures, OGE will henceforth be indicated as the sole contact point for such comments, on which OGE will coordinate with OMB if need be. The Office of Government Ethics is also correcting a few minor typographical errors on the form (including the instructions) and is proposing a couple of minor stylistic edits as well. Since publication of the first round paperwork notice last October (see below), OGE has decided to make a few additional proposed editorial changes. Thus, the form will provide for a block for numbering each page. In addition, OGE is proposing to revise the caption of Part IV of the report form to read "Agreements or Arrangements", as opposed to "Agreements and Arrangements" and to make all the references on the form and instructions thereto consistent. The mark-up copy of the form as proposed for slight revision, available from OGE (see the **FOR FURTHER INFORMATION CONTACT** section above), shows all of the changes that would be made.

No substantive changes to the OGE Form 450 are being proposed at this time, though OGE does note (as also referenced on the mark-up copy of the form) that the thresholds for reporting of gifts and reimbursements in Part V of the OGE Form 450, currently \$250 from any one source with a \$100 de minimis amount, may have to be adjusted sometime later this year if the General Services Administration raises "minimal value" under the Foreign Gifts and Decorations Act, 5 U.S.C. 7342(a)(5), to more than \$250. (Currently, the minimal value is set at \$245 pursuant to 41 CFR 101-49.001-5 of GSA's regulations.) Under section 102(a)(2)(A) and (B) of the Ethics Act as amended, 5 U.S.C. appendix, § 102(a)(2)(A) and (B), the public financial disclosure reporting thresholds are pegged to any such minimal value increase. The Office of Government Ethics has, in 5 CFR 2634.304 and 2634.907(a)(3), extended the statutory thresholds to confidential financial disclosure reporting for the executive branch. If the thresholds do need to be increased, OGE will revise the OGE Form 450, and the underlying part 2634 financial disclosure regulation. (Public financial disclosure reporting would also be affected.) Moreover, OGE has requested permission from OMB to make that ministerial change to the OGE Form 450 without a further paperwork

submission, with notice to OMB. In that case, OGE will also coordinate with OMB on the amendments needed to the part 2634 regulation. In addition, OGE will advise the departments and agencies of any such change and distribute the revised form with the modified gifts/reimbursements reporting thresholds.

The Office of Government Ethics expects that the currently anticipated slightly revised form should be ready, after OMB clearance, for dissemination to executive branch departments and agencies sometime in the spring of this year. Once finally cleared, OGE will make the newly revised form available to departments and agencies in paper, on OGE's ethics CD-ROM and in the Ethics Resource Library section of the OGE Internet World Wide Web site (Uniform Resource Locator (URL) address: <http://www.usoge.gov>). In addition, when time and resources permit, OGE will endeavor to make an updated electronic version of its software for the OGE Form 450 available on the OGE Web site. This will allow employees the option of preparing their forms on a computer, although a printout and manual signature of the form are still required unless specifically approved otherwise by OGE. Moreover, OGE also permits departments and agencies to develop or utilize on their own electronic versions of the OGE Form 450, provided they precisely duplicate the paper original to the extent technically possible.

Since 1992 various agencies have developed, with OGE review/approval, alternative reporting formats, such as certificates of no conflict, for certain classes of employees. Other agencies provide for additional disclosures pursuant to independent organic statutes and in certain other circumstances when authorized by OGE. In 1997, OGE itself developed the new OGE Optional Form 450-A Confidential Certificate of No New Interests for possible agency and employee use in certain years, if applicable. However, the OGE Form 450 remains the uniform executive branch report form for most of those executive branch employees who are required by their agencies to report confidentially on their financial interests. The OGE Form 450 is to be filed by each reporting individual with the designated agency ethics official at the executive department or agency where he or she is or will be employed.

Reporting individuals are regular employees whose positions have been designated by their agency under 5 CFR 2634.904 as requiring confidential financial disclosure in order to help avoid conflicts with their assigned

responsibilities; additionally, all special Government employees (SGE) are generally required to file. Agencies may, if appropriate under the OGE regulation, exclude certain regular employees or SGEs as provided in 5 CFR 2634.905. Reports are normally required to be filed within 30 days of entering a covered position (or earlier if required by the agency concerned), and again annually in the fall if the employee serves for more than 60 days in the position. As indicated in § 2634.907 of the OGE regulation, the information required to be collected includes assets and sources of income, liabilities, outside positions, employment agreements and arrangements, and (for regular incumbent filers only) gifts and travel reimbursements, subject to certain thresholds and exclusions.

Most of the persons who file this report form are current executive branch Government employees at the time they complete the forms. However, some filers are private citizens who are asked by their prospective agency to file a new entrant report prior to entering Government service in order to permit advance checking for any potential conflicts of interest and resolution thereof by agreement to recuse or divest, obtaining of a waiver, etc.

Based on OGE's annual agency ethics program questionnaire responses for 1996 and 1997, OGE estimates that an average of approximately 281,500 OGE 450 report forms will be filed each year for the next three years throughout the executive branch. This estimate is based on the average number of forms filed branchwide for the past two years, some 286,450 in 1996 and 276,444 in 1997, for a total of 562,894, with that number then divided in half and rounded. With increased use of the recent OGE Optional Form 450-A, the number of OGE Form 450 reports filed throughout the executive branch may decrease further in the years ahead; if so, OGE will adjust the branchwide estimate in three years when it again seeks paperwork renewal of the OGE Form 450.

Of the OGE Form 450 reports filed, OGE estimates that no more than between 5% and 10%, or some 14,075 to 28,150 per year at most, will be filed by private citizens, those potential (incoming) regular employees whose positions are designated for confidential disclosure filing as well as potential special Government employees whose agencies require that they file their new entrant reports prior to assuming Government responsibilities. No termination reports are required.

Each filing is estimated to take an average of one and one-half hours. The

number of private citizens whose reports are filed each year with OGE is less than 10, but pursuant to 5 CFR 1320.3(c)(4)(i), the lower limit for this general regulatory-based requirement is set at 10 private persons (OGE-processed reports). This yields an annual reporting burden of 15 hours, the same as in OGE's current OMB inventory for this information collection. The remainder of the private citizen reports are filed with other departments and agencies throughout the executive branch.

On October 21 1998, OGE published its first round notice of the forthcoming request for paperwork clearance for the proposed revised OGE Form 450. See 63 FR 56189-56191. The Office of Government Ethics received a few outside requests, from a couple of departments and an agency, for copies of the proposed revised OGE Form 450. In addition, OGE received one comment from one of the departments regarding the Privacy Act statement of routine uses in the instructions to the OGE Form 450.

In response to the comment, OGE notes that the routine uses are, under exemption (b)(3) of the Privacy Act, 5 U.S.C. 552a(b)(3), and OGE's OGE/GOVT-2 system of records, permissible situations in which the form may be divulged without the advance written consent or pursuant to the written request of the individual filer concerned. In addition, exemption (b)(1) of the Privacy Act, 5 U.S.C. 552a(b)(1), allows access to OGE Form 450 reports by officers and employees of the agency that maintains the report files (including OGE) who have a need for the records in the performance of their official duties. These uses and other permitted releases under the other Privacy Act exemptions do not themselves require the divulging of the OGE Form 450 reports. To determine whether to make a routine use or other permitted Privacy Act release of an OGE Form 450 report, a department or agency should look at all the circumstances, including other pertinent authorities, in order to determine whether release is authorized and otherwise appropriate.

In that regard, OGE emphasizes that, under section 107 of the Ethics Act, section 201(d) of E.O. 12674 (as modified by E.O. 12731) and 5 CFR 2634.604 and 2634.901(d) of OGE's implementing regulations, the OGE Form 450 is a confidential report form which is not to be disclosed to the public. However, as noted, the Government can make certain uses, including limited permitted releases, of the reports in accordance with the Privacy Act and other pertinent laws

and regulations. In some cases, release may be required by some other authority, such as pursuant to an order of a court of competent jurisdiction. If so, the agency should still examine the Privacy Act exemptions, including the published routine uses, to determine if release is authorized under that law. Thus, in the case of such a court order, exemption (b)(11) of the Privacy Act, 5 U.S.C. 552a(b)(11), authorizes the release, though a protective order may be sought.

In this second notice, public comment is again invited on the proposed slightly revised OGE Form 450 as set forth in this notice, including specifically views on: the need for and practical utility of this proposed modified collection of information; the accuracy of OGE's burden estimate; the enhancement of quality, utility and clarity of the information collected; and the minimization of burden (including the use of information technology). The Office of Government Ethics, in consultation with OMB, will consider all comments received, which will become a matter of public record.

Approved: February 24, 1999.

Marilyn L. Glynn,

General Counsel, Office of Government Ethics.

[FR Doc. 99-5045 Filed 3-1-99; 8:45 am]

BILLING CODE 6345-01-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99037]

Economic Analyses of Engineering Control Interventions for Drywall Sanding Construction Activities Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1999 funds for a cooperative agreement program to conduct an analyses of economic variables associated with the implementation of known engineering control interventions designed for drywall sanding construction activities. This program addresses the Healthy People 2000 priority area of Occupational Safety and Health.

The purpose of the program is to identify and evaluate the universe of financial variables which are affected by implementing known drywall sanding engineering controls designed to reduce exposures to airborne particulate.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Note: Public Law 104-65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately \$95,000 is available in FY 1999 to fund one award. It is expected that the award will begin on or about September 1, 1999, with a 12-month budget period within a project period of up to three years. The funding estimate is subject to change.

Continuation award within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Recipient will allocate funds for at least one annual meeting directed by the CDC/NIOSH project advisor.

D. Cooperative Activities

In conducting activities to achieve the purpose of this program, the recipient will be responsible for activities under 1. (Recipient Activities), and CDC/NIOSH will be responsible for the activities listed under 2. (CDC/NIOSH Activities).

1. Recipient Activities

- a. Develop, implement, and evaluate a study protocol.
- b. Analyze data and interpret findings.
- c. Disseminate study results to the construction safety and health community.

2. CDC/NIOSH Activities

- a. Provide scientific and technical collaboration in the development of the study design, protocol, and data analysis.
- b. Collaborate with awardee(s) on data analysis, and interpretation of findings.

E. Application Content

Use the information in the Cooperative Activities, Other Requirements, and Evaluation Criteria

North Pearl Street, Dallas, Texas 75201-2272:

1. *Central Texas Bankshare Holdings, Inc.*, Columbus, Texas, and Colorado County Investment Holdings, Inc., Wilmington, Delaware; to acquire 35 percent of the voting shares of Hill Bancshares Holdings, Inc., Weimar, Texas, and thereby indirectly acquire Hill Bank & Trust Company, Weimar, Texas.

Board of Governors of the Federal Reserve System, January 29, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-2588 Filed 2-3-99; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 1, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *Cumberland Bancorp, Inc.*, Carthage, Tennessee; to engage *de novo* through its subsidiary, The Murray Bank, Murray, Kentucky (in organization), in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, January 29, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-2587 Filed 2-3-99; 8:45 am]

BILLING CODE 6210-01-F

OFFICE OF GOVERNMENT ETHICS

Proposed Collection; Comment Request: Proposed Slightly Revised OGE Form 201 Ethics Act Access Form

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: After this first round notice and public comment period, OGE plans to submit a slightly modified OGE Form 201, which is used by persons for requesting access to executive branch public financial disclosure reports and other covered records, to the Office of Management and Budget (OMB) for three-year approval under the Paperwork Reduction Act. This modified form will replace the existing one.

DATES: Comments by the agencies and the public on this proposal are invited and should be received by April 20, 1999.

ADDRESSES: Comments should be sent to William E. Gressman, Senior Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917. Comments may also be sent electronically to OGE's Internet E-mail address at usoge@oge.gov. For E-mail messages, the subject line should include the following reference—“Paperwork comment on the proposed slightly revised OGE Form 201.”

FOR FURTHER INFORMATION CONTACT: Mr. Gressman at the Office of Government Ethics; telephone: 202-208-8000, ext. 1110; FAX: 202-208-8037. A copy of the proposed slightly revised OGE Form 201 may be obtained, without charge, by contacting Mr. Gressman.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics is planning to submit, after this notice and comment period (with any modifications that may appear warranted), a proposed slightly modified OGE Form 201 “Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record” for three-year approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Once finally approved by OMB and adopted by OGE, the modified version of this OGE form will replace

the existing version (whose paperwork clearance is scheduled to expire at the end of next June).

The Office of Government Ethics, as the supervising ethics office for the executive branch of the Federal Government under the Ethics in Government Act (the Ethics Act), 5 U.S.C. appendix, is planning to modify and update the existing access form. That form, the OGE Form 201 (OMB control # 3209-0002), collects information from, and provides certain information to, persons who seek access to SF 278 reports and other covered records. The form reflects the requirements of the Ethics Act and OGE's implementing regulations that must be met by a person before access can be granted. These requirements relate to information about the identity of the requester, as well as any other person on whose behalf a record is sought, and a notification of prohibited uses of SF 278 reports. See section 105(b) and (c) of the Ethics Act, 5 U.S.C. appendix, section 105(b) and (c), and 5 CFR 2634.603(c) and (f). For many years, OGE has disseminated to executive branch departments and agencies a locally reproducible uniform form to serve as the statutorily required written application to inspect or receive copies of SF 278 reports and other covered records. Departments and agencies are encouraged to utilize the OGE Form 201, but they can, if they so choose, continue to use or develop their own forms. See the discussion below.

This proposed slightly modified version of the OGE Form 201 will add express mention (in part III of the form) in the reference to those Ethics Act-qualified blind trust and diversified trust materials that are publicly available to any trust dissolution report (and the list of trust assets at that time) and the qualification that any trust instrument provisions relating to testamentary disposition of trust assets are not publicly available. See 5 CFR 2634.408(a)(1)(i), (a)(3) and (d). Also, OGE proposes to clarify somewhat the wording regarding the sixth numbered routine use under the Privacy Act statement on the reverse side of the form. The modified wording would more closely track the wording of the underlying routine use (h) in the OGE/GOVT-1 executive branchwide system of records. See 55 FR 6327-6331 (February 22, 1990). Further, in the form's public burden statement, OGE proposes to drop the reference to OMB as a further point of contact for information collection comments on the OGE Form 201. Pursuant to current procedures, OGE will be indicated from now on as the sole contact point for

such comments for the form, on which OGE will coordinate with OMB if necessary.

Moreover, as noted on the mark-up copy of the form as proposed to be revised, OGE will adjust the referenced civil monetary penalty at the bottom of the first page for prohibited uses of an SF 278 to which access has been gained. The penalty, under section 104(a) of the Ethics Act, 5 U.S.C. appendix, section 104(a), will be raised from \$10,000 to \$11,000 once OGE and the Department of Justice issue their respective inflation adjustment rulemakings under the 1996 Debt Collection Improvement Act revisions to the 1990 Federal Civil Penalties Inflation Adjustment Act. See 28 U.S.C. 2461 note. The OGE rulemaking will, in pertinent part, revise 5 CFR 2634.703 of the executive branch financial disclosure regulation. The Office of Government Ethics will request permission from OMB to adjust the OGE Form 201 reference once that adjustment takes effect without further paperwork clearance, even if the adjustment occurs after reclearance of the slightly revised form (with notice to OMB at that time). Moreover, any periodic future adjustments to that civil monetary penalty, pursuant to further rulemakings by OGE and the Justice Department under the inflation adjustment laws, will also be reflected in future editions of the form.

Finally, OGE would also make a couple of minor stylistic changes to the form and show the 1999 edition date. The mark-up copy of the OGE Form 201 as proposed for slight revision, which is available from OGE (see the **FOR FURTHER INFORMATION CONTACT** section above), shows all the changes that would be made.

In light of OGE's experience over the past three years (1996-1998, with a total of 517 non-Federal access requests received), the estimate of the average number of access forms expected to be filed annually at OGE by members of the public (primarily by news media, public interest groups and private citizens) is proposed to be adjusted down from the current estimate of 275 to 172 (not counting access requests by other Federal agencies or Federal employees). The estimated average amount of time to complete the form, including review of the instructions, remains at ten minutes. Thus, the overall estimated annual public burden for the OGE Form 201 for forms filed at the Office of Government Ethics will decrease from 46 hours in the current OMB paperwork inventory listing (275 forms X 10 minutes per form—number rounded off) to 29 hours (172 forms X 10 minutes per form—number rounded off). Moreover,

although OGE no longer asks executive branch departments and agencies on the annual ethics program questionnaire for their numbers of access requests, OGE estimates that the annual branchwide total is probably around 1,500 as in years past.

The Office of Government Ethics expects that the slightly revised form should be ready, after OMB clearance, for dissemination to executive branch departments and agencies next summer. The OGE Form 201 as revised will be made available free-of-charge to departments and agencies in paper form, on the ethics CD-ROM and on OGE's Internet Web site (Uniform Resource Locator address: <http://www.usoge.gov>). The Office of Government Ethics also will permit departments and agencies to photocopy or have copies printed of the form as well as to develop or utilize, on their own, electronic versions of the form, provided that they precisely duplicate the paper original to the extent possible. As noted above, agencies can also develop their own access forms, provided all the information required by the Ethics Act and OGE regulations is placed on the form, along with the appropriate Privacy Act and paperwork notices with any attendant clearances being obtained therefor.

Public comment is invited on each aspect of the proposed slightly modified OGE Form 201 as set forth in this notice, including specifically views on the need for and practical utility of this proposed modified collection of information, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology).

Comments received in response to this notice will be summarized for, and may be included with, the OGE request for OMB paperwork approval for this modified information collection. The comments will also become a matter of public record.

Approved: January 29, 1999.

Stephen D. Potts,

Director, Office of Government Ethics.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made a final finding of scientific misconduct in the following case:

Mr. Thomas Philpot, R.N., B.S.N., Rush-Presbyterian-St. Luke's Medical Center and Northwestern University: Based on the report of an investigation conducted by Rush-Presbyterian-St. Luke's Medical Center (RPMC), a report of an inquiry conducted by Northwestern University, and information obtained by ORI during its oversight review, ORI finds that Mr. Philpot, former data manager for the National Surgical Adjuvant Breast and Bowel Project (NSABP) at RPMC and McNeal Cancer Center, formerly an NSABP affiliate of Northwestern University, engaged in scientific misconduct in clinical research supported by two National Cancer Institute (NCI), National Institutes of Health (NIH) cooperative agreements.

Specifically, Mr. Philpot intentionally falsified and/or fabricated follow-up data on seven separate reports related to three patients enrolled in NSABP clinical trials for breast cancer (B-09, B-12, and B-22). The falsified and/or fabricated data were submitted to the NSABP Biostatistical Center on NSABP reporting forms and were recorded in the NSABP research records maintained at the clinical sites.

ORI has implemented the following administrative actions for the three (3) year period beginning January 19, 1999:

(1) Mr. Philpot is prohibited from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(2) any institution that submits an application for PHS support for a research project on which Mr. Philpot's participation is proposed or which uses him in any capacity on PHS supported research, or that submits a report of PHS-funded research in which he is involved, must concurrently submit a plan for supervision of his duties to the funding agency for approval. The supervisory plan must be designed to ensure the scientific integrity of Mr. Philpot's research contribution. The institution also must submit a copy of the supervisory plan to ORI.

FOR FURTHER INFORMATION CONTACT:

Acting Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443-5330.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

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