

writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 10, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *TIB Financial Corp.*, Key Largo, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of TIB Bank of the Keys, Key Largo, Florida.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *XIT Bancshares, Inc.*, Littlefield, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of XIT Delaware, Inc., Dover, Delaware, and thereby indirectly acquire Security State Bank, Littlefield, Texas.

In connection with this application, XIT Delaware, Inc., Dover, Delaware, also has applied to become a bank holding company by acquiring 100 percent of the voting shares of Security State Bank, Littlefield, Texas.

Board of Governors of the Federal Reserve System, May 10, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-12254 Filed 5-15-96; 8:45 am]

BILLING CODE 6210-01-F

**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 that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) 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. Once the notice has been accepted for processing, it will also 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, including whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

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 May 30, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *TB&C Bancshares, Inc. and Synovus Financial Corp.*, both of Columbus, Georgia; to acquire Canterbury Trust Company, Birmingham, Alabama, and thereby engage in trust services, pursuant to § 225.25(b)(3) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Friendship Bancorp*, Friendship, Indiana; to acquire Independent Bankers Life Insurance Company of Indiana, Phoenix, Arizona, and thereby engage in underwriting credit life, accident and health insurance directly related to extensions of credit by the banks and bank holding companies owning stock in the insurance agency, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 10, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-12255 Filed 5-15-96; 8:45 am]

BILLING CODE 6210-01-F

**OFFICE OF GOVERNMENT ETHICS**

**Submission for OMB Review; Comment Request for the Proposed Modified Form for Requesting Access to Executive Branch Public Financial Disclosure Reports and Other Covered Records**

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice.

**SUMMARY:** The Office of Government Ethics has submitted to the Office of Management and Budget (OMB) a slightly modified OGE Form 201 used by persons for requesting access to executive branch public financial disclosure reports and other covered records for three-year approval under the Paperwork Reduction Act. This modified form will replace the existing one.

**DATES:** Comments on this proposal should be received by June 17, 1996.

**ADDRESSES:** Comments should be sent to Joseph F. Lackey, Jr., Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; telephone: 202-395-7316.

**FOR FURTHER INFORMATION CONTACT:** William E. Gressman, Office of General Counsel and Legal Policy, Office of Government Ethics, 1201 New York Avenue, NW., Washington, DC 20005-3917; telephone: 202-208-8000 (ext. 1110), FAX: 202-208-8037 (please note the new OGE telephone and FAX numbers which became effective May 6, 1996). A copy of OGE's draft form, as well as the rest of OGE's paperwork submission package to OMB, may be

obtained, without charge, by contacting Mr. Gressman.

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics has submitted to OMB, for three-year approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), a proposed modified OGE Form 201 "Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record" (OMB control # 3209-0002). On January 4, 1996, OGE published an advance paperwork notice of the proposed modified OGE Form 201 (see 61 FR 357-358). No public comments were received on that advance notice, though OGE did receive three requests by persons outside OGE for copies of the proposed new form, which were provided. Therefore, OGE has determined to proceed with submission of the proposed modified form, with one revision noted below, to OMB for approval. Once finally approved by OMB and adopted by OGE, the modified version of OGE Form 201 will replace the existing version (whose paperwork clearance is scheduled to expire at the end of this coming July).

As noted in the advance FR notice, OGE, as the supervising ethics office for the executive branch of the Federal Government under the Ethics in Government Act (the "Ethics Act"), is proposing to slightly modify and update the existing access form. That form, the OGE Form 201, collects information from, and provides certain information to, persons who seek access to SF 278 reports and other covered records. The other covered records are certificates of divestiture, section 208 waiver determinations (after removal of any information exempt from disclosure under the Freedom of Information Act), other access requests and, as being expressly added in the proposed modified form, certain publicly available qualified trust documents. See sections 102 (f)(5)(D) & (f)(7)(B) and 105 (b) & (c) of the Ethics in Government Act of 1978 as amended (the "Ethics Act"), 5 U.S.C. app., secs. 102 (f)(5)(D) & (f)(7)(B) and 105 (b) & (c), 18 U.S.C. 208(d)(1), and OGE's implementing financial disclosure regulations at 5 CFR 2634.408(d), 2634.603(c), (f) & (g)(2), and 2634.1004 as well as appendixes A, B and C to part 2634.

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 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 choose, continue to use or develop their own forms (see the discussion below).

As noted, this proposed modified version of the OGE Form 201 will add express mention (in part III of the form) to another category of materials subject to public access under the Ethics Act—Ethics Act-qualified blind trust and qualified diversified trust instruments, the list of assets transferred to such trusts (& of assets sold in the case of a qualified blind trust), and the certificates of independence and compliance with respect to such trusts. The Office of Government Ethics has determined, since the advance notice was issued, to make one further change to include reference to the certificates in the listing of publicly available trust documents. See section 102 (f)(5)(D) & (f)(7)(B) of the Ethics Act and 5 CFR 2634.408(d) and 2634.603(g)(2), as well as appendixes A, B and C to part 2634. The other modification to the form would add to the part II.C public burden information block a statement required under the 1995 amendments to the paperwork law to the effect that "an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number," together with a parenthetical mention that such number is displayed in the upper right-hand corner of the front page of the OGE Form 201.

In light of OGE's experience over the past three years (1993-1995), the estimate of the total 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 up somewhat from 250 to 275 (access requests by other Federal agencies or Federal employees are not included). 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 increase from 42 hours in the current OMB paperwork inventory listing (250 forms  $\times$  10 minutes per form—number rounded off) to 46 hours

(275 forms  $\times$  10 minutes per form—number rounded off). Moreover, OGE estimates, based on the agency ethics program questionnaire responses for the past couple of years, that some 1,500 access request forms (mostly from the news media, public interest groups and other members of the public) will be filed each year at the other executive branch departments and agencies.

The Office of Government Ethics expects that the new form should be ready, after OMB clearance, for dissemination to executive branch departments and agencies this summer. The Office of Government Ethics will provide appropriate guidance and phase-in time to departments and agencies once the new form is available. The new form will be made available free-of-charge to departments and agencies on paper, on electronic disk and on OGE's electronic bulletin board entitled "The Ethics Bulletin Board System" (TEBBS). In addition, if there is sufficient interest, OGE will consider making available in the future an electronic version of the form, to allow persons the option of preparing it on a computer. The Office of Government Ethics will also 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 (following the strict duplication standards set forth in the General Services Administration Federal Information Resources Management Regulation Bulletin B-3, which applies to standard and optional forms). Finally, as noted, 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 appropriate Privacy Act and paperwork notices with the attendant clearances being obtained therefor.

Public comment is again invited on each aspect of the proposed 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). The Office of Government Ethics, in consultation with OMB, will consider all comments received, which will become a matter of public record.

Approved: May 10, 1996.  
 Stephen D. Potts,  
*Director, Office of Government Ethics.*  
 [FR Doc. 96-12222 Filed 5-15-96; 8:45 am]  
 BILLING CODE 6345-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Commission on Dietary Supplement Labels: Meeting No. 4; Opportunity To Provide Comments

**AGENCY:** Office of Disease Prevention and Health Promotion.

**ACTION:** Commission on Dietary Supplement Labels: Notice of meeting #4; Opportunity to provide comments.

**SUMMARY:** The Department of Health and Human Services (HHS) is (a) providing notice of the fourth meeting of the Commission on Dietary Supplement Labels, and (b) soliciting oral and written comments.

**DATES:** (1) The Commission will meet June 6, 1996, from 8:30 a.m. to 4:30 p.m. Eastern Daylight Time at the Clarion Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114; (2) Written comments on the scope and intent of the Commission's objectives may be submitted by 5:00 p.m. E.D.T. on June 30, 1996 to the address noted below.

**FOR FURTHER INFORMATION CONTACT:** Kenneth D. Fisher, Ph.D., Executive Director, Commission on Dietary Supplement Labels, Office of Disease Prevention and Health Promotion, Room 738G, Hubert Humphrey Building, 200 Independence Ave. S.W., Washington, D.C. 20201, (202) 690-7102.

#### SUPPLEMENTARY INFORMATION:

##### Commission's Task

Public Law 103-417, Section 12, authorized the establishment of a Commission on Dietary Supplement Labels whose seven members have been appointed by the President. The appointments to the Commission by the President and the establishment of the Commission by the Secretary of Health and Human Services reflect the commitment of the President and the Secretary to the development of a sound and consistent regulatory policy on labeling of dietary supplements.

The Commission is charged with conducting a study and providing recommendations for regulation of label claims and statements for dietary supplements, including the use of supplemental literature in connection with their sale and, in addition, procedures for evaluation of label

claims. The Commission is expected to evaluate how best to provide truthful, scientifically valid, and nonmisleading information to consumers in order that they may make informed health care choices for themselves and their families. The Commission's study report may include recommendations on legislation, if appropriate and necessary.

##### Announcement of Meeting

The Commission's fourth meeting will be June 6, 1996, 8:30 a.m. to 4:30 p.m. Eastern Daylight Time. The meeting will be held in the Salon Room at the Clarion Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114. The agenda will include (a) oral comments from interested parties and the general public, (b) identification of additional information needs, and (c) discussion of dietary supplement label information.

##### Public Participation at Meeting

The meeting is open to the public. However, space is limited. Both oral and written comments from the public will be accepted, but oral comments at the meeting will be limited to a maximum of five minutes per presenter; thus, organizations and persons wishing to make their views known to the Commission should use the time for oral presentation to summarize their written comments. Persons and organizations that have not made presentations or submitted statements previously will be given preference on the agenda. Members of the Commission may wish to question the presenters following each oral presentation. Please request the opportunity to present oral comments in writing and provide fifteen (15) copies of the written comments from which the oral presentation is abstracted to the address above by May 29, 1996. If you will require a sign language interpreter, please call Sandra Saunders (202) 690-7102 by 4:30 p.m. E.D.T. on May 29, 1996.

##### Written Comments

By this notice, the Commission is soliciting submissions of written comments, views, information, and data pertinent to the Commission's task. Comments should be sent to Kenneth D. Fisher, Ph.D., Executive Director of the Commission at the Office of Disease Prevention and Health Promotion, Room 738G, Hubert Humphrey Building, 200 Independence Ave. S.W., Washington, D.C. 20201, by 5:00 p.m. E.D.T. on June 30, 1996.

Dated: May 8, 1996.  
 Claude Earl Fox,  
*Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion), Department of Health and Human Services.*  
 [FR Doc. 96-12223 Filed 5-15-96; 8:45 am]  
 BILLING CODE 4160-17-M

## 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 final findings of scientific misconduct in the following case:  
*Michael W. Washabaugh, Ph.D., Johns Hopkins University:* Based on an investigation conducted by the institution as well as information obtained by ORI during its oversight review, ORI found that Michael W. Washabaugh, Ph.D., Associate Professor of Biochemistry, Department of Biochemistry, Johns Hopkins University School of Hygiene and Public Health, committed scientific misconduct by reporting falsified and/or fabricated research data in two grant applications submitted to the National Institutes of Health.

Specifically, Dr. Washabaugh (1) reported falsified results of experiments concerning the number of DTNB (5,5'-dithiobis [2-nitrobenzoate]) reactive thiols in native thiamin binding protein in a grant application entitled "Mechanism of a periplasmic permease," and (2) reported falsified and/or fabricated portions of data presented in two separate figures to support his hypothesis of thiamin binding to thiamin binding protein in grant applications entitled "Mechanism of a periplasmic permease" and "Mechanisms of enzymic and non-enzymic thiamin reactions."

Dr. Washabaugh has entered into a Voluntary Exclusion Agreement with ORI in which he has voluntarily agreed, for the four (4) year period beginning May 7, 1996, to exclude himself from:

(1) Any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government as defined in 45 C.F.R. Part 76 (Debarment Regulations), and

(2) Serving in any advisory capacity to the Public Health Service (PHS), including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.