

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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