

and 109,500 fact sheets prepared,<sup>1</sup> 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.

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## 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.

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## 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

<sup>1</sup> 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.*

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## 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