

through a procurement contract. However, the Circular does not apply to procurement contracts. Section ___2(e) of the Circular defines "award," and specifically excludes "contracts which are required to be entered into and administered under procurement laws and regulations."

Issued in Washington, DC, September 30, 1999.

Jacob J. Lew,
Director.

As directed by OMB's appropriation for FY 1999, contained in Public Law 105-277, OMB hereby amends Section ___36 of OMB Circular A-110 by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) to read as follows:

___36 Intangible property.

* * * * *

(c) The Federal Government has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(d)(1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under an award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency shall request, and the recipient shall provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the agency, the recipient, and applicable subrecipients. This fee is in addition to any fees the agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

(2) The following definitions apply for purposes of paragraph (d) of this section:

(i) *Research data* is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (e.g.,

laboratory samples). Research data also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

(ii) *Published* is defined as either when:

(A) Research findings are published in a peer-reviewed scientific or technical journal; or

(B) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

(iii) *Used by the Federal Government in developing an agency action that has the force and effect of law* is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

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OFFICE OF PERSONNEL MANAGEMENT

[OPM Form of 510, Applying for a Federal Job, and OPM Form of 612, Optional Application for Federal Employment]

Proposed Collection; Comment Request

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces a proposed reinstatement of the optional forms Applying for a Federal Job (OF 510) and Optional Application for Federal Employment (OF 612). The OF 510 is used to provide guidance to the general public on how to apply for Federal jobs. The form provides information on what necessary work, education, and other information applicants should provide in association with vacancy announcements and completing their application method of choice. The OF 612 is a data collection form used to collect applicant qualification information associated with vacancy announcements. The form provides necessary guidance to

applicants so that they can be considered for employment when applying for Federal jobs. Presently the OF 612 is downloadable from OPM's electronic forms page on our website at <http://www.opm.gov/forms>. This information is necessary for Federal agencies to evaluate applicants for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5 United States Code.

We estimate 245,000 applications will be completed annually. Each form takes approximately 40 minutes to read and/or complete. The annual estimated burden is 9,800 hours.

This action is being taken to continue and expand employment application options for both Federal agencies and job seekers.

Comments on this proposed reinstatement are particularly invited on:

- Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility;
- Whether our estimate of the public burden of this collection of information is accurate, and is based on valid assumptions and methodology; and
- Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of the appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on 202-606-8358 or e-mail at mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before December 7, 1999.

ADDRESSES: Send or deliver comments to: U.S. Office of Personnel Management, Washington Service Center/Employment Information Office, ATTN: Rob Timmins, 1900 E Street, NW., Room 1425, Washington, DC 20415-9820.

Office of Personnel Management.

Janice R. Lachance,
Director.

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OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Amendment to a System of Records

AGENCY: Office of Personnel Management (OPM).