

**B. Federal Reserve Bank of San Francisco** (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Sumitomo Mitsui Financial Group, Inc.*, Tokyo, Japan; to become a bank holding company by acquiring 100 percent of the voting shares of Manufacturers Bank, Los Angeles, California.

In connection with this application, applicant also has applied to acquire SMBC Capital Markets, Inc., New York, New York, and thereby engage in lending activities, pursuant to § 225.28(b)(1) of Regulation Y; acting as a financial or investment advisor, pursuant to § 225.28(b)(6) of Regulation Y; engaging in transactional services for customers, pursuant to § 225.28(b)(7)(v) of Regulation Y; and engaging in investing and trading activities, pursuant to §§ 225.28(b)(8)(ii)(A), (b)(8)(ii)(B); and (b)(8)(ii)(C) of Regulation Y; SMBC Leasing and Finance, Inc., New York, New York, and thereby engage in leasing activities, pursuant to § 225.28(b)(3) of Regulation Y; SMBC Securities, Inc., New York, New York, and thereby engage in agency transactional services for customers, pursuant to §§ 225.28(b)(7)(i), (b)(7)(ii), (b)(7)(iii), and (b)(7)(v) of Regulation Y; Daiwa SB Investments (USA), Ltd., New York, New York, and thereby engage in lending and related activities; financial advisory activities; and investment activities as principal, pursuant to §§ 225.28(b)(2)(vi), (b)(6)(i), and (b)(8)(i) of Regulation Y; and JRI America, Inc., New York, New York, and thereby engage in data processing activities, pursuant to §§ 225.28(b)(14)(i) and (b)(14)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, August 26, 2002.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 02-22203 Filed 8-29-02; 8:45 am]

**BILLING CODE 6210-01-S**

## 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. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

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 September 13, 2002.

**A. Federal Reserve Bank of Atlanta** (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309-4470:

1. *LandMark Financial Holding Company*, Sarasota, Florida; to engage *de novo* through LandMark Mortgage of Florida, LP, Sarasota, Florida, and thereby engage in originating, processing, and closing residential mortgage loans for sale in the secondary market, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, August 26, 2002.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 02-22202 Filed 8-29-02; 8:45 am]

**BILLING CODE 6210-01-S**

## OFFICE OF GOVERNMENT ETHICS

### Issuance and Revocation of Temporary Post-Employment Waiver

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

**ACTION:** Notice; revocation of waiver.

**SUMMARY:** The Office of Government Ethics is giving notice of the termination, effective in 90 days, of a short-term post-Government employment waiver of certain "senior employee" restrictions, which OGE is granting today to a class of employee positions at the Securities and Exchange Commission (SEC).

**EFFECTIVE DATE:** October 29, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Richard M. Thomas, Associate General Counsel, Office of Government Ethics,

Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917; telephone: 202-208-8000, extension 1152; TDD: 202-208-8025; FAX: 202-208-8037.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authority under 18 U.S.C. 207(c)(2)(C), the Office of Government Ethics today is granting a temporary waiver, effective until November 29, 2002, from the senior employee" post-Government employment restrictions of 18 U.S.C. 207(c), and consequently also section 207(f), with respect to a class of positions at the SEC. Under 5 CFR 2641.201(d) of OGE's executive branch post-employment regulations, the waiver determination is not required to be published in the **Federal Register**. However, § 2641.201(d)(4) of OGE's regulations does require that OGE publish a notice of revocation in the **Federal Register** at least 90 days prior to the effective date of the termination of any such waiver, which is the purpose of this notice.

The waiver was requested by the designated agency ethics official of the SEC. The waiver pertains to all positions at the Securities and Exchange Commission for which the rate of basic pay, immediately prior to May 19, 2002, had been less than the rate of basic pay payable for level 5 of the Senior Executive Service (SES). On May 19, 2002, the SEC instituted a new "pay parity plan." Such a plan was authorized by Congress in January of 2002, pursuant to Pub. L. 107-123, but was not funded by appropriations until some time later. The new pay plan eliminated the SES at SEC and placed all former SES employees, including many who were below level 5 of the SES, in new pay grades all of which have rates of basic pay greater than that payable for SES level 5. Consequently, a number of employees who had not been "senior employees" under section 207(c) immediately became subject to the restrictions of that provision, pursuant to 18 U.S.C. 207(c)(2)(ii). According to information provided by the SEC, this change in rate of basic pay occurred without any change in the duties of the affected employees. Furthermore, the SEC indicated that notice of many of the most important details of the new plan (e.g., amounts of pay) was not provided to affected employees until May 17, 2002, so that employees were not able to plan for any post-employment consequences.

The Securities and Exchange Commission requested a temporary waiver to allow a fair amount of time for new senior employees to make plans and to allow the agency the time to

identify any specific positions for which it may believe that a permanent waiver would be appropriate in the future. The Securities and Exchange Commission cited as precedent the decision of OGE in 1996 to grant a temporary waiver under 18 U.S.C. 207(c)(2)(C) covering all SES level 4 employees in the executive branch who were unexpectedly placed in "senior employee" status, without any change in the duties of their positions, under the version of section 207(c)(2)(A)(ii) as then worded, as a result of a pay raise under Executive Order 12984. See DO-96-001 (January 4, 1996) (original six month waiver); 61 FR 14326-14328 (April 1, 1996) (notice of forthcoming termination of original six month waiver); DO-96-030 (June 6, 1996) (three month extension of waiver); 61 FR 28908-28910 (June 6, 1996) (notice of extension and revocation of waiver after period of extension); all of which are available on OGE's Web site at <http://www.usoge.gov>.

The Office of Government Ethics agreed that the information provided by the SEC satisfied the two-part test for granting waivers under section 207(c)(2)(C). In order to grant a waiver, the Director of OGE must determine both that the imposition of the restrictions of section 207(c) "would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions" and that "granting the waiver would not create the potential for use of undue influence or unfair advantage." 18 U.S.C. 207(c)(2)(C)(i) and (ii). The Office of Government Ethics found the hardship requirement to be satisfied because the information provided by the SEC indicated that the very purpose of the new Congressionally authorized pay plan was to reverse that agency's historical difficulties in recruiting and retaining qualified experts in fields related to the mission of the agency. As OGE provides in its implementing regulations, hardship may be shown by the "payment of a special rate of pay to the incumbent of the position pursuant to specific statutory authority." 5 CFR 2641.201(d)(5)(ii)(A). The Office of Government Ethics also found that the granting of a waiver would not create the potential for undue influence or unfair advantage: the new increase in pay is not accompanied by "any accretion of duties or responsibilities," DO-96-001, and there is no reason to expect that the incumbents at the present time would have any more potential for influence or advantage than they had immediately prior to the pay increase.

Pursuant to 5 CFR 2641.201(d)(4), the effective date of the waiver is the "date of the Director's written response to the designated agency ethics official indicating that the request for exemption has been granted." 5 CFR 2641.201(d)(4). That written response is being issued today. The regulations also specifically state that any waiver "shall not benefit individuals who terminated senior service prior to the effective date of the exemption." *Id.* Consequently, the benefit of the waiver does not extend to any individuals who terminated senior service prior to the date of waiver.

Finally, although the SEC requested that the waiver be effective only until November 19, 2002, OGE is granting a waiver that will extend until November 29, 2002. Under 5 CFR 2641.201(d)(4), the revocation of a waiver cannot be effective until 90 days after the publication in the **Federal Register** of a notice of revocation.

Therefore, pursuant to 5 CFR 2641.201(d)(4), OGE hereby gives notice that the above-referenced post-employment waiver, granted on August 30, 2002, will expire and is revoked effective on November 29, 2002.

Approved: August 26, 2002.

**Amy L. Comstock,**

*Director, Office of Government Ethics.*

[FR Doc. 02-22204 Filed 8-29-02; 8:45 am]

**BILLING CODE 6345-02-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Meeting of the President's Council on Bioethics on September 12-13, 2002

**AGENCY:** The President's Council on Bioethics, HHS.

**ACTION:** Notice.

**SUMMARY:** The President's Council on Bioethics will hold its sixth meeting, at which it will discuss, among other things, stem cells, cloning, the patentability of human organisms, commerce in the human body and its parts, genetic enhancement of human beings, and/or international models of regulation of the new biotechnologies (Europe).

**DATES:** The meeting will take place Thursday, September 12, 2002, from 8:30 a.m. to 4:45 p.m. ET; and Friday, September 13, 2002, from 8:30 a.m. to 12:15 p.m. ET.

**ADDRESSES:** Hotel Monaco, 700 F Street, NW., Washington, DC 20004

**PUBLIC COMMENTS:** The meeting agenda will be posted at <http://www.bioethics.gov>. Members of the

public may submit written statements for the Council's records. Please submit statements to Ms. Diane Gianelli, Director of Communications (tel. 202/296-4669 or e-mail [info@bioethics.gov](mailto:info@bioethics.gov)). The public may also express comments during the hour set aside for this purpose, beginning at 4:30 p.m. ET, on Thursday, September 12, 2002. Comments will be limited to no more than five minutes per speaker or organization. Please give advance notice of such statements to Ms. Gianelli at the phone number given above, and be sure to include name, affiliation, and a brief description of the topic or nature of the statement.

**FOR FURTHER INFORMATION CONTACT:**

Diane Gianelli, 202/296-4669, or visit <http://www.bioethics.gov>.

Dated: August 26, 2002.

**Dean Clancy,**

*Executive Director, The President's Council on Bioethics.*

[FR Doc. 02-22283 Filed 8-29-02; 8:45 am]

**BILLING CODE 4150-24-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Program Announcement 02129]

### Public Health Disease Surveillance Initiative; Notice of Award of Funds

#### A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the award of fiscal year (FY) 2002 funds for a grant program for the Delaware Department of Health and Social Services for Public Health Disease Surveillance Initiative.

The purpose of this program is to build an integrated data management system that will allow the sharing of core data elements needed by the State of Delaware to effectively fulfill its responsibilities for the surveillance and reporting of communicable diseases. This program addresses the "Healthy People 2010" focus area of Immunization and Infectious Diseases.

#### B. Eligible Applicant

Assistance is provided only to the Delaware Department of Health and Social Services. No other applications were solicited. Eligibility was limited to the Delaware Department of Health and Social Services because fiscal year 2002 federal appropriations specially directs the CDC to award funds to continue the development of the Delaware Electronic Reporting System (DEERS) to track diseases.