

distribution, or payment to any creditor of lesser priority, including but not limited to claims of general creditors. Any such claims are hereby determined to be worthless.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Bolt, Counsel, Legal Division, FDIC, 550 17th Street, NW., Room H-11052, Washington, DC 20429. Telephone: (202) 736-0168.

**SUPPLEMENTARY INFORMATION:** Financial Institution in Receivership Determined To Have Insufficient Assets to Satisfy All Claims, FIN 4662, Pulaski Savings Bank, Philadelphia, Pennsylvania.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E5-31 Filed 1-6-05; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL HOUSING FINANCE BOARD

[No. 2004-N-13]

### Notice of Annual Adjustments

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) has adjusted the cap on average total assets that defines a "Community Financial Institution" (CFI) and the limits on annual compensation for Federal Home Loan Bank (Bank) directors based on the annual percentage increase in the Consumer Price Index for all urban consumers (CPI-U), as published by the U.S. Department of Labor (DOL). The Finance Board also has made similar adjustments to the maximum dollar limits on certain allocations by a Bank of its annual required Affordable Housing Program (AHP) contributions.

**FOR FURTHER INFORMATION CONTACT:**

Scott L. Smith, Associate Director, by telephone at (202) 408-2991 or by electronic mail at [smiths@fhfb.gov](mailto:smiths@fhfb.gov), or Mark Edward Stover, Senior Economist, by telephone at (202) 408-2828 or by electronic mail at [stoverm@fhfb.gov](mailto:stoverm@fhfb.gov). Send regular mail to the Federal Housing Finance Board, Office of Supervision, Regulations and Research, 1777 F Street, NW., Washington, DC 20006.

**SUPPLEMENTARY INFORMATION:** The Bank Act and Finance Board regulations require publication of annual adjustments to the following dollar amounts, based on any increase in the CPI-U, as published by the DOL:

- The cap on average total assets that defines a CFI (CFI Asset Cap). See 12 U.S.C. 1422(13) and 12 CFR 925.1.

- The limits on annual compensation for Bank directors. See 12 U.S.C. 1427(i)(2) and 12 CFR 918.3(a).

- Maximum dollar limits allocations by a Bank of its annual required AHP contributions towards homeownership set-aside programs and an additional homeownership set-aside program assisting first-time homebuyers, and from its annual required AHP contribution for the subsequent year to the current year's competitive application program. See 12 CFR 951.3(a)(1)-(2).

These annual adjustments, which are effective January 1, 2005, are based on the percentage increase in the CPI-U from November 2003 to November 2004. The CPI-U increased 3.5 percent from November 2003 to November 2004.

The Finance Board uses data from November rather than waiting for the December data, which is published in mid-January, in order to provide notice to the Banks as close to the January 1st effective date as possible. This is consistent with the practice of other Federal agencies that rely on other than December data when calculating annual inflation adjustments so they can announce their adjustments prior to the effective date of January 1. The Finance Board also uses data that has not been seasonally adjusted. The DOL encourages the use of CPI-U data that has not been seasonally adjusted in "escalation agreements" because seasonal factors are updated annually and seasonally adjusted data are subject to revision for up to five years following the original release. Unadjusted data are not routinely subject to revision, and previously published unadjusted data are corrected only when significant calculation errors are discovered.

Based on the 3.5 percent increase in the CPI-U, the Finance Board has made the following adjustments, effective January 1, 2005:

- *CFI Asset Cap.* The CFI Asset Cap increased to \$567 million (2004 limit was \$548 million). The Finance Board arrived at the adjusted limit of \$567 million by rounding to the nearest million.<sup>1</sup>

- *Bank Director Compensation.* The annual compensation limits for Bank directors increased for a chairperson to \$28,364 (2004 limit was \$27,405), for a vice-chairperson to \$22,692 (2004 limit was \$21,924), and for all other board members to \$17,019 (2004 limit was \$16,443). The Finance Board arrived at these adjusted annual compensation

limits by rounding to the nearest dollar.<sup>1</sup>

- *AHP.* The limit on contributions towards homeownership set-aside programs increased to \$3.2 million (2004 limit was \$3.1 million). The limit on contributions towards an additional first-time homebuyer set-aside program remains at \$1.6 million. The limit on allocations from a Bank's annual required AHP contribution for the subsequent year to the current year's competitive application program increased to \$3.2 million (2004 limit was \$3.1 million). The limits on allocations from AHP contributions are rounded to the nearest \$100,000.<sup>1</sup>

Dated: December 30, 2004.

By the Federal Housing Finance Board.

**Ronald A. Rosenfeld,**

*Chairman.*

[FR Doc. 05-305 Filed 1-6-05; 8:45 am]

**BILLING CODE 6725-01-P**

## OFFICE OF GOVERNMENT ETHICS

### Proposed Collection; Comment Request for Unmodified Qualified Trust Model Certificates and Model Trust Documents

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

**ACTION:** Notice.

**SUMMARY:** After this first round notice and public comment period, OGE plans to submit the executive branch qualified trust model certificates and model trust documents to the Office of Management and Budget (OMB) for two-year extension of approval under the Paperwork Reduction Act. In all, a total of twelve OGE model certificates and model documents for qualified trusts are involved. OGE is proposing no changes to these forms.

**DATES:** Comments by the public and agencies on this proposed information collection extension are invited and should be received by March 23, 2005.

**ADDRESSES:** Comments should be sent to: Mary T. Donovan, Office of Administration and Information Management, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. Comments may also be sent electronically to OGE's E-mail address at [usoge@oge.gov](mailto:usoge@oge.gov) (for E-mail messages, the subject line should include the following reference—"Qualified trust

<sup>1</sup> Since the calculations are based on cumulative CPI-U changes applied to the limits as they first appeared in Finance Board regulations, the changes are not distorted over time by rounding.

model certificates and model trust documents paperwork comment”).

**FOR FURTHER INFORMATION CONTACT:** Ms. Donovan at the U.S. Office of Government Ethics; telephone: 202–482–9232; TDD: 202–482–9293; FAX: 202–482–9237. A copy of the model certificates and model documents for qualified trusts may be obtained, without charge, by contacting Ms. Donovan.

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics is planning to submit, after this first round notice and comment period, all twelve qualified trust certificates and model documents described below (all of which are included under OMB paperwork control number 3209–0007) for a two-year extension of approval by OMB under the Paperwork Reduction Act (44 U.S.C. chapter 35). At that time, OGE will publish a second paperwork notice in the **Federal Register** to inform the public and the agencies. The current paperwork approval for the model certificates and model trust documents is scheduled to expire at the end of March 2005. OGE is proposing no changes to the twelve qualified trust certificates and model documents at this time. In late 2006, OGE anticipates modifying some or all of these information collections by rewriting them in plain English in order to make them easier to understand.

OGE is the supervising ethics office for the executive branch of the Federal Government under the Ethics in Government Act of 1978 (Ethics Act). Presidential nominees to executive branch positions subject to Senate confirmation and any other executive branch officials may seek OGE approval for Ethics Act qualified blind or diversified trusts to be used to avoid conflicts of interest.

OGE is the sponsoring agency for the model certificates and model trust documents for qualified blind and diversified trusts of executive branch officials set up under section 102(f) of the Ethics Act, 5 U.S.C. app. § 102(f), and OGE’s implementing financial disclosure regulations at subpart D of 5 CFR part 2634. The various model certificates and model trust documents are utilized by OGE and settlors, trustees and other fiduciaries in establishing and administering these qualified trusts.

There are two categories of information collection requirements which OGE plans to submit, each with its own related reporting model certificates or model trust documents which are subject to paperwork review and approval by OMB. The OGE

regulatory citations for these two categories, together with identification of the forms used for their implementation, are as follows:

i. Qualified trust certifications—5 CFR 2634.401(d)(2), 2634.403(b)(11), 2634.404(c)(11), 2634.406(a)(3) & (b), 2634.408, 2634.409 and appendixes A & B to part 2634 (the two implementing forms, the Certificate of Independence and Certificate of Compliance, are codified respectively in the cited appendixes; see also the Privacy Act and Paperwork Reduction Act notices thereto in appendix C); and

ii. Qualified trust communications and model provisions and agreements—5 CFR 2634.401(c)(1)(i) & (d)(2), 2634.403(b), 2634.404(c), 2634.408 and 2634.409 (the ten implementing forms are the: (A) Blind Trust Communications (Expedited Procedure for Securing Approval of Proposed Communications); (B) Model Qualified Blind Trust Provisions; (C) Model Qualified Diversified Trust Provisions; (D) Model Qualified Blind Trust Provisions (For Use in the Case of Multiple Fiduciaries); (E) Model Qualified Blind Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust); (F) Model Qualified Diversified Trust Provisions (Hybrid Version); (G) Model Qualified Diversified Trust Provisions (For Use in the Case of Multiple Fiduciaries); (H) Model Qualified Diversified Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust); (I) Model Confidentiality Agreement Provisions (For Use in the Case of a Privately Owned Business); and (J) Model Confidentiality Agreement Provisions (For Use in the Case of Investment Management Activities)).

The communications formats and the confidentiality agreements (items ii (A), (I) and (J) above) would not be available to the public because they contain sensitive, confidential information. All the other completed model trust certificates and model trust documents (except for any trust provisions that relate to the testamentary disposition of trust assets) are publicly available based upon a proper Ethics Act request (by filling out an OGE Form 201 access form).

The total annual public reporting burden represents the time involved for completing qualified trust certificates and model trust documents which are processed by OGE. The burden is based on the amount of time imposed on private citizens. Virtually all filers/document users are private trust administrators and other private representatives who help to set up and maintain the qualified blind and

diversified trusts. The detailed paperwork estimates below for the various trust certificates and model trust documents are based on OGE’s experience with administration of the qualified trust program.

i. *Trust Certificates:*

A. *Certificate of Independence:* Total filers (executive branch): 5; Private citizen filers (100%): 5; OGE-processed certificates (private citizens): 5; private citizen burden hours (20 minutes/certificate): 2.

B. *Certificate of Compliance:* Total filers (executive branch): 10; Private citizen filers (100%): 10; OGE-processed certificates (private citizens): 10; private citizen burden hours (20 minutes/certificate): 3; and

ii. *Model Qualified Trust Documents:*

A. *Blind Trust Communications:* Total Users (executive branch): 5; Private citizen users (100%): 5; OGE-processed documents (private citizens): 25 (based on an average of five communications per user, per year); private citizen burden hours (20 minutes/communication): 8.

B. *Model Qualified Blind Trust:* Total Users (executive branch): 2; Private citizen users (100%): 2; OGE-processed models (private citizens): 2; private citizen burden hours (100 hours/model): 200.

C. *Model Qualified Diversified Trust:* Total users (executive branch): 1; Private citizen users (100%): 1; OGE-processed models (private citizens): 1; private citizen burden hours (100 hours/model): 100.

D.–H. Of the five remaining model qualified trust documents: Total users (executive branch): 2; Private citizen users (100%): 2; OGE-processed models (private citizens): 2; private citizen burden hours (100 hours/model): 200.

I.–J. Of the two model confidentiality agreements: Total users (executive branch): 1; Private citizen users (100%): 1; OGE-processed agreements (private citizens): 1; private citizen burden hours (50 hours/agreement): 50.

Based on these estimates, the total number of forms expected annually at OGE is 46, with a cumulative total of 563 burden hours. This is a decrease of 248 forms and 3,222 hours from the prior three-year period.

Public comment is invited on each aspect of the model qualified trust certificates and model trust documents, and underlying regulatory provisions, as set forth in this notice, including specific views on the need for and practical utility of this set of collections of information, the accuracy of OGE’s burden estimate, the potential for 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 extension of the OMB paperwork approval for the set of the various existing qualified trust model certificates, the model communications package, and the model trust documents. The comments will also become a matter of public record.

Approved: December 22, 2004.

**Marilyn L. Glynn,**

*Acting Director, Office of Government Ethics.*

[FR Doc. 05-308 Filed 1-6-05; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-209 and CMS-10008]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Laboratory Personnel Report (Clinical Laboratory Improvement Amendments of 1988 (CLIA)) and Supporting Regulations in 42 CFR 493.1357, 493.1363, 493.1405, 493.1406, 493.1411, 493.1417, 493.1423, 493.1443, 493.1449, 493.1455, 493.1461, 493.1462, 493.1469, 493.1483, 493.1489, and 493.1491; *Use:* This form is used by

the State agency to determine a laboratory's compliance with personnel qualifications under CLIA. This information is needed for a laboratory's certification and recertification; *Form Number:* CMS-209 (OMB#: 0938-0151); *Frequency:* Biennially; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government; *Number of Respondents:* 21,000; *Total Annual Responses:* 10,500; *Total Annual Hours:* 5,250.

2. *Type of Information Collection:* Revision of a currently approved collection; *Title of Information Collection:* Process and Information Required to Determine Eligibility of Drugs, Biologicals, and Radio-pharmaceutical Agents for Transitional Pass-Through Provisions Under the Hospital Outpatient Prospective Payment System (OPPS) and Supporting Regulations in 42 CFR, Section 419.43; *Use:* Section 1833(t)(6) of the Social Security Act provides for temporary additional payments or "transitional pass-through payments" for certain drugs and biological agents. Interested parties such as hospitals, pharmaceutical companies, and physicians can apply for transitional pass-through payment for drugs and biologicals used with services covered under the OPPS. CMS uses this information to determine if the criteria for making a transitional pass-through payment are met and if an interim HCPCS code for a new drug or biological is necessary. The revisions made to this collection include the addition of Section 303 of the MMA. This new section establishes the use of the average sales price (ASP) methodology for payments; *Form Number:* CMS-1008 (OMB# 0938-0802); *Frequency:* On occasion; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 58; *Total Annual Responses:* 58; *Total Annual Hours:* 203.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at <http://www.cms.hhs.gov/regulations/pr/>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov), or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Reduction Act Reports Clearance Officer designated at

the address below: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Melissa Musotto, Room C5-14-03, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: December 29, 2004.

**John P. Burke, III,**

*CMS Paperwork Reduction Act Reports Clearance Officer, Officer of Strategic Operations and Regulatory Affairs, Regulations Development Group.*

[FR Doc. 05-311 Filed 1-6-05; 8:45 am]

BILLING CODE 4120-03-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-R-268]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's function: (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey Tool for Medicare.gov Web site; *Form No.:* CMS-R-268 (OMB# 0938-0756); *Use:* CMS developed a survey tool using MSInteractive to obtain feedback from users accessing medicare.gov Web site to guide future improvements. The Web site was produced in concert with the administration's goal of providing better customer service to all our constituents. The underlying principle of the site is to have a single modified Internet