

Towsend, Cheryl Christine, New Mexico Highlands University, Pre-Pharmacy, Laguna Pueblo

Tracey, Cassandra Glenbah, Mesa Community College, Pre-Nurse, Navajo

Trevino, Karen Sue, Seminole Junior College, Pre-Medical Technology, Jesa Grande Diegueno

Tsingine, Georgia Lynn, Arizona State University, Pre-Medicine, Navajo

Tsinnie, Ardis Rae, Arizona State University, Pre-Nurse, Navajo

Tso, Delsey Renee, Northern Arizona University, Pre-Pharmacy, Navajo

Tso-Garcia, Jennifer Lynn, University of New Mexico, Pre-Medical Technology, Navajo

Tune, Crystal Ann C., Northeastern Oklahoma A&M College, Pre-Nurse, Cherokee

Upshaw, Bryan Michael, Phoenix College, Pre-Dentistry, Navajo Valdo, Gerald David, Santa Fe Community College, Pre-Sanitarian, Acoma Pueblo

Van Hatten, Myrna Elfrieda, University of Washington, Pre-Medicine, Alaska Native

Vander Velden, Shelly Howlett, University of Montana, Pre-Nurse, Salish & Kootenai

Vandusen, Terra Andrea, Seminole Junior College, Pre-Nurse, Cherokee

Vanness, Rhonda Lee, Salish Kootenai College, Pre-Nurse, Salish & Kootenai

Ventura, Verlena Rose, Glendale Community College, Pre-Nurse, Hopi

Viarreal, Genevieve Racheal, Northern New Mexico Community College, Pre-Pharmacy, San Juan Pueblo

Vielle, Nadine Marie, Blackfeet Community College, Pre-Nurse, Blackfeet

Villines, Nathan Clark, East Central University, Pre-Dentistry, Cherokee

Waddell, Barry Lee, University of the Pacific, Pre-Medicine, Koyuk

Wakole, Carmen Jean, Eastern Oklahoma State College, Pre-Nurse, Absentee Shawnee

Warrington, Amy Katherine, Seminole Junior College, Pre-Physical Therapy, Cherokee

Washburn, Kimberly Marie, Albuquerque Technical Vocational Institute, Pre-Nurse, Acoma Pueblo

Watson, Katie Joanne, Northeastern State University, Pre-Physical Therapy, Cherokee

Webster, Edwin Quillin, University of Montana, Pre-Pharmacy, Aleut

West, Michael Clinton, East Central University, Pre-Medicine, Choctaw

White, Denise Davidica, University of North Dakota, Pre-Nurse, Turtle Mountain Chippewa

White, Kevin-Steven, University of Arizona, Pre-Medical Technology, Navajo

Wilkett, David Matthew, Southeastern Oklahoma State University, Pre-Medicine, Choctaw

Willeto, Brenda Ann, University of New Mexico, Pre-Nurse, Navajo

Williams, Deidra, University of Arizona, Pre-Physical Therapy, Navajo

Williams, Gypsy Robyn, University of Nevada Las Vegas, Pre-Medicine, Walker River Paiute

Wilson, Sandra, University of North Dakota, Pre-Dentistry, Northern Cheyenne

Wood, Scott Edward, East Central University, Pre-Medicine, Chickasaw

Woodie, Thelma, Scottsdale Community College, Pre-Nurse, Navajo

Yazzie, Delvin, University of New Mexico, Pre-Medicine, Navajo

Yazzie, Henrietta Joan, Albuquerque Technical Vocational Institute, Pre-Nurse, Navajo

Yazzie, Sheldwin Aaron, University of New Mexico, Pre-Medicine, Navajo

Yeager, Gail Ann, Wayne State University, Pre-Medicine, Acoma Pueblo

Yellowfish, Vicki Battise, El Centro College, Pre-Nurse, Alabama Coushatta

Yellowman, Ryan, Eastern Michigan University, Pre-Medicine, Navajo

Zackar, Luke Gregory, University of Alaska, Pre-Dentistry, Alaska Native

**FOR ADDITIONAL INFORMATION CONTACT:**

Ms. Rosh Foley, Acting Chief, Scholarship Branch, Indian Health Service, Twinbrook Metro Plaza, Suite 100A, 12300 Twinbrook Parkway, Rockville, Maryland 20852, Telephone: 301/443-6197.

Dated: December 28, 1994.

**Michel Lincoln,**

*Acting Director.*

[FR Doc. 95-362 Filed 1-5-95; 8:45 am]

**BILLING CODE 4160-16-M**

**Public Health Service**

**Office of the Assistant Secretary for Health; Privacy Act of 1974; New System of Records**

**AGENCY:** Public Health Service, HHS.

**ACTION:** Notification of revised system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a revised notice of its system of records, 09-37-0021, "Public Health Service Records Related to Inquiries and Investigations of Scientific Misconduct, HHS/OASH/ORI." This system became effective on August 29, 1994 (59 FR 36776, July 19, 1994). In response to the comments received, ORI revised the system notice making changes to the purpose section and to routine uses 4, 5, 6, 7, 9, and 10.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Bullman, Esq., Division of Policy and Education, Office of Research Integrity, Rockwall II, Suite 700, 5515 Security Lane, Rockville, Maryland 20852, (301) 443-5300 (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The Office of the Assistant Secretary for Health (OASH), Office of Research Integrity (ORI), established a new system of records: 09-37-0021, "Public Health Service Records Related to Inquiries and Investigations of Scientific Misconduct, HHS/OASH/ORI." This system consists

of records related to current allegations, inquiries or investigations of scientific misconduct and/or to actions that PHS has taken in connection with such allegations, inquiries, investigations, or findings. Records in this system are retrieved by the name of the individual who is the subject of the inquiry or investigation.

ORI published the notification of the new Privacy Act system of records in the **Federal Register** on July 19, 1994. During the comment period, ORI received several responses from professional associations. In response to their concerns, ORI has revised the notice. The revisions address the comments while permitting the ORI to use the information in the system to fulfill its responsibility for responding to allegations of scientific misconduct in research supported by the PHS.

One of the commenters stated that "ORI has neither the capability nor the jurisdiction" to provide information to correct "inaccuracies or misleading research results." In response to this comment, ORI changed the "Purpose" section of the notice to state its use of the records in the system of records more clearly. The fourth purpose originally stated "to determine whether results of PHS-related research may be inaccurate \* \* \*." now reads that the system of records is to be used to "determine whether results of PHS related research are falsified, fabricated, plagiarized or misrepresented so that PHS can notify the scientific community or others who may rely on the results of those findings."

The majority of the other objections to the system notice pertain to the routine uses in the notice. Specifically, the commenters were concerned that the system, as written, would allow for "the premature release of information in the system which could seriously and irreparably undermine the careers of innocent scientists." In addition, there was concern that the new system of records may also result in inappropriate dissemination of information before there was a finding of misconduct.

In response to the above comments, ORI revised several of the routine uses. The revisions narrow the scope of the routine uses but preserve the ability of ORI to make disclosures where there is a public need while protecting the interest of those who have not yet been found to have committed scientific misconduct.

Several commenters raised concern about routine use 4 which allowed release to "other Federal Agencies who have supported, are supporting or are considering support of a research grant, fellowship, cooperative agreement or

contract with an affected individual or institution". The commenters believed that this routine use was inconsistent with the current PHS ALERT which was modified to preclude disclosure to other Agencies until there was a finding of misconduct. In response to these concerns and without compromising the ability of the ORI to conduct thorough oversight and investigation activities ORI has modified routine use 4 by adding "after there is an institutional or agency finding of misconduct."

ORI modified the fifth routine use which allows ORI to disclose information to "any person able to provide information in an inquiry, investigation or related proceeding, including the relevant PHS-supported institution(s), Federal, State and local agencies, and the person(s) making the allegation, provided however, that in each case HHS determines that such disclosure is necessary." ORI still retains the discretion to disclose information to persons making the allegations. This routine use is necessary for ORI to effectively interview witnesses in order to learn necessary information for the purpose of conducting a fair and objective inquiry and investigation. This routine use is similar to those used by other investigative units within the Federal Government. For example, routine use 5 is similar to the routine use in the National Science Foundation Privacy Act system of records, NSF-52, "Office of Inspector General Investigative Files", which allows the NSF to disclose information to nongovernmental parties where those parties may have information that the Office of the Inspector General (OIG) seeks to obtain in connection with an OIG investigation.

A commenter was concerned that there was the potential for premature disclosure of information to "State licensing boards or certifying bodies." In response to this comment, ORI revised routine use 6 by adding a phrase that limits any disclosure until after there is a final agency finding of misconduct, thereby, eliminating any premature release. In addition, ORI added "Upon request" to routine use 6 which authorizes the release of information only after there is a request from the licensing board or certifying body for the information.

In response to the general concern that ORI was able to release information prematurely, ORI revised routine use 10. Routine use 10 now allows disclosure to professional journals, news media, other publications and to the public concerning misconduct findings and the need to correct falsified, fabricated,

plagiarized, or otherwise misrepresented research results or reports only after there is a final agency finding of scientific misconduct or remedial actions have been imposed.

ORI modified routine use 7. Routine use 7 gives the ORI the discretion to disclose information to "Institutional Review Boards, research-sponsoring institutions, individuals research subjects, and the public regarding information obtained or developed through the investigation that, in the PHS's judgment, may have implications for individual's health or for their participation in a research study." In addition, for the purpose of ensuring fairness to the parties, the same information that is released to the parties named above will be disclosed to the subject of the investigation.

We revised routine use 9 to address the concern that contractors were not held to the same standard as Federal employees regarding safeguards to be afforded the records.

Finally, a routine use that allowed public disclosure of records filed with or generated by the Departmental Appeals Board (DAB), HHS has been deleted as unnecessary since DAB records are open to the public.

In addition to revising the routine uses, ORI added the following introductory statement: "Any disclosure pursuant to these routine uses will be limited to the minimum necessary to accomplish the purpose of the disclosure." This statement reinforces the ORI policy that ORI does not disclose any information that is not necessary in order to accomplish a fair and thorough inquiry and investigation or as a means to protect the public interest.

The ORI Privacy Act system notice is consistent with established ORI practice to protect the confidentiality of the ORI records where investigations are underway or individuals have been exonerated. ORI will continue to protect the privacy of individuals and defend the maintenance of confidentiality in its inquiries and investigations.

These revisions respond to the concerns about the release of information from the system while permitting the ORI to use that information to fulfill its responsibilities.

Dated: December 22, 1994.

**Ellen Wormser,**

*Director, Office of Organization and Management Systems.*

**09-37-0021**

**SYSTEM NAME:**

Public Health Service Records Related to Inquiries and Investigations of Scientific Misconduct, HHS/OASH/ORI.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION(S):**

*For Intramural and Extramural Research Programs:* Office of Research Integrity, Rockwall II, Suite 700, 5515 Security Lane, Rockville, Maryland 20852, and at offices for (1) each of the Agency Extramural Research Integrity Officers (AERIOs), (2) each of the Agency Research Integrity Liaison Officers (ARILOs), (3) each of the Agency Intramural Research Integrity Officers (AIRIOs) for those agencies covered by this notice; (4) each of the NIH Misconduct Program Offices and (5) the Federal Records Centers for inactive records.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are the subject of allegation(s) of scientific misconduct or related matters. These categories include: (1) Researchers currently or formerly employed by the Federal Government, (2) guest researchers, (3) Advisory Committee members, and (4) investigators or applicants for research grants, research training grants, fellowships, cooperative agreements or contracts. Investigators may include principal investigators, co-investigators, program directors, trainees, recipients of career awards or fellowships, or other individuals who conduct or are responsible for research or research training funded by the PHS or who are the subject of applications for PHS funding.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records related to allegations, inquiries, investigations, findings of misconduct in science, or actions that PHS has taken in connection with such allegations, inquiries, investigations or findings. Scientific misconduct is defined as fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting research. It does not include honest error or honest differences in interpretations or judgements of data.

This system consists of records concerning or collateral to pending, ongoing or completed inquiries and investigations of alleged scientific misconduct. It includes information about the individuals under investigation or under an inquiry; the other PHS agencies or other federal agencies involved; the organization responsible for conducting the inquiry or investigation; the funding mechanism identification number(s) involved; names of individual involved; names of witnesses; general nature of the allegation; and the documentation used in the inquiry or investigation, including relevant research data and reagents, proposals, publications, copies of relevant publications by persons under investigation, qualification statements and curriculum vitae of expert consultants, correspondence, memoranda of telephone calls, summaries of interviews, social security numbers, interim and final reports prepared by the institution, Office of Research Integrity (ORI), Departmental Appeals Board (DAB) and other related data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The authorities for maintaining the system are Sections 215(b), 301 and 493 of the Public Health Service Act; 42 U.S.C. 216(b), 241, and 289b; 5 U.S.C. 301, and 44 U.S.C. 3101, 42 CFR part 50, subpart A; 45 CFR part 76.

**PURPOSE(S):**

The purposes of this system are to (1) enable PHS agencies to discharge effectively their responsibilities in managing PHS intramural and extramural research programs and in the application, award, and administration of research and training awards, cooperative agreements and contracts while protecting the rights and privacy of the individuals under investigation and the confidentiality of information sources; (2) determine whether there has been scientific misconduct in PHS supported research; (3) assure the institutions applying for or receiving PHS funds have appropriate mechanisms for dealing with allegations of scientific misconduct and the protection of whistleblowers; (4) determine whether results or reports of PHS-related research are falsified, fabricated, misrepresented, or plagiarized so that PHS can notify the scientific community or others who may rely on the results; (5) serve as a working file and enable the ORI to inform PHS agency officials of the status and results of inquiries and investigations so that they may take actions appropriate to each case; (6)

investigate allegations of misconduct and take appropriate remedial and corrective actions with respect to individuals who are found to have committed misconduct; and (7) ensure that inquiries and investigations are timely, thorough, complete and objective in accordance with applicable Federal regulations and procedures.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Any disclosure pursuant to these routine uses will be limited to the information necessary to accomplish the purpose of the disclosure:

1. To the Department of Justice, or to a court or other tribunal, when (a) the Department of Health and Human Services (HHS), or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any (HHS) employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the government party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

2. To qualified expert(s) for the purpose of obtaining the expert's assistance on matters pertinent to the inquiry, investigation, or related legal proceeding.

3. To responsible officials of the awardee institutions or organizations, when in connection with an inquiry, investigation or finding of misconduct by an individual previously or currently employed by or affiliated with the institution or organization, a PHS agency makes a finding or takes an action potentially affecting research and research training awards to the institution or organization.

4. To other Federal Agencies who have supported, are supporting or are considering support of a research grant, fellowship, cooperative agreement or contract with an affected individual or institution or which have utilized or relied on the relevant research to the extent that the record is relevant and necessary to the Agency's decision on the matter after there is an initial

institutional or agency finding of misconduct.

5. To any person able to provide information in an inquiry, investigation or related proceeding, including the relevant PHS-supported institution(s), Federal, State and local agencies, and the person(s) making the allegation, provided however, that in each case HHS determines that such disclosure is necessary in order to conduct a thorough and fair investigation into allegations of scientific misconduct.

6. Upon request to a State licensing board or certifying body conducting a review of the individual to aid the board or body in meeting its responsibility to protect the health of the population in its jurisdiction or the integrity of the profession after there is an agency finding of misconduct or remedial actions have been imposed.

7. To Institutional Review Boards, research-sponsoring institutions, individual research subjects, and the public, regarding information obtained or developed through the investigation that, in PHS's judgement, may have implications for individuals' health or for their participation in a research study. The subject of the investigation will be provided with a copy of the information that is released.

8. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local, or tribal, or other public authority responsible for enforcing investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.

9. To agency contractors who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974.

10. To notify professional journals, news media, other publications and the public concerning misconduct findings and the need to correct falsified, fabricated, plagiarized or otherwise misrepresented research results or reports after there is a final agency finding of scientific misconduct or

remedial actions have been imposed. No information will be released that would reveal a confidential source.

11. To the General Services Administration (GSA), after there is a final agency action to debar, for the purpose of distributing and publishing that decision to debar.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in file folders and on computer discs.

**RETRIEVABILITY:**

Records are retrieved by name of the individual who is the subject of an allegation, inquiry or investigation.

**SAFEGUARDS:**

1. *Authorized users:* Extramural and intramural records in ORI are available to the system manager, to the Director, ORI, and to other appropriate ORI staff when they have a need to know.

Records are available to the system manager, to the Deputy Director for Intramural Research, and to other appropriate HHS officials, including the Agency Research Integrity Liaison Officer (ARILOs), the Agency Intramural Research Integrity Officer (AIRIOs), and the Misconduct Program Officers (MPOs) located in the Bureaus, Centers, and Divisions of the NIH that are associated with the allegation, inquiry or investigation when there is a need to know in the performance of their duties.

2. *Procedural safeguards:* For records located in the ORI, access is strictly controlled by the system manager and the Director, ORI. For records located at the other sites, access is strictly controlled by the PHS Agency Heads, Deputy Director for Intramural Research, the ARILOs, the AIRIOs, AERIO, and MPOs and other appropriate PHS officials in their respective offices. HHS employees who receive disclosures from this system are informed that the information is confidential. All questions and inquiries from any party should be addressed to the system manager.

3. *Physical safeguards:* ORI records are kept in locked file cabinet in a room that is locked during non-working hours. Access to this room is restricted to specific personnel. The ORI office is

protected by access and intrusion alarms at the front and emergency entrances. Access to computer files are protected through passwords and user-invisible encryption. Special measures commensurate with the sensitivity of the record are taken to prevent unauthorized copying or disclosure of the records. Records at other locations are protected from unauthorized access by PHS Agency heads, the Deputy Director Intramural Research, the AERIO's ARILOs, MPOs, or AIRIOs.

**RETENTION AND DISPOSAL:**

Allegation, inquiry and investigative files are retained and disposed of in accordance with the OASH Record Control Schedule.

**SYSTEM MANAGER AND ADDRESS:**

Director, Division of Research Investigations, Office of Research Integrity, Rockwall II, Suite 700, 5515 Security Lane, Rockville, Maryland 20852.

**NOTIFICATION PROCEDURES:**

This system is exempt from access; however, consideration will be given to requests addressed to the system manager. For general inquiries, state your name, the name of the institution, and the date of the award.

**RECORD ACCESS PROCEDURE:**

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

**CONTESTING RECORD PROCEDURES:**

Exempt. However, consideration will be given requests addressed to the system manager. Requests for corrections should reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the corrections with supporting justification.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained: (1) Directly from the individual, (2) derived from materials supplied by the individual, (3) from information supplied by the institutions, informants, witnesses, and others, and (4) from existing government files.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempted under subsections (k)(2) and (k)(5) of the Privacy Act from access, notification, correction, and amendment provisions of the Privacy Act (5 U.S.C. 552a (c)(3), (d)(1)-(4), (e)(4)(G)-(H), and (f)).

[FR Doc. 95-329 Filed 1-5-95; 8:45 am]

BILLING CODE 4160-17-M

**Agency Forms Submitted to the Office of Management and Budget for Clearance**

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, December, 9, 1994.

(Call PHS Reports Clearance Officer on 202-690-7100 for copies of request).

1. *Protection and Advocacy for Individuals with Mental Illness—45 CFR Part 51—NPRM—New—*This proposed rule provides guidance to States regarding submission of annual reports on the activities of protection and advocacy programs, as required under section 10824 of the Protection and Advocacy of Individuals with Mental Illness Act. Annual reporting requirements and associated burden are currently approved under OMB control number 0930-0169. Respondents: State, local and tribal government, Not-for-profit institutions; Number of Responses per Respondent: 1; Average Burden per Response: 1 hour; Estimated Annual Burden: 1 hour.

2. *Data Collection and Reporting Requirements for Healthy Schools, Healthy Communities Program—New—*Grantees funded under the Healthy Schools, Healthy Communities program will be required to report information on students who receive services, types of services, services utilization and health status. This information will be used to evaluate the impact of the program on program goals such as improving access to care. Respondents: Not-for-profit institutions.

Title	Number of respondents	Number of responses per respondent	Average burden per response (hours)
Data collection .....	27	477	.2 hr.