

filed with the Department of Labor (DOL) under 49 U.S.C. 42121. OSHA will promptly provide FAA with a copy of the complaint, findings and preliminary orders, investigation reports, and orders associated with any hearing or administrative appeal related to the complaint. OSHA will also keep FAA currently informed of the status of any administrative or judicial proceeding seeking review of an order of DOL issued under 49 U.S.C. 42121.

When an individual directly notifies FAA of alleged discrimination that involves air carrier safety, FAA will investigate the safety complaint and will provide OSHA with a copy of the individual's allegations. FAA will inform the individual that a personal remedy for discrimination is available only through DOL and that the individual should personally contact DOL. FAA will provide the individual with the local address and telephone number of the nearest OSHA office and advise the individual that the law requires that complaints be filed with OSHA within ninety (90) days of the alleged discrimination.

FAA and OSHA agree to cooperate with each other to the fullest extent possible in every case of alleged discrimination involving an employee of air carrier or air carrier contractor or subcontractor of an air carrier. Each agency agrees to share all information it obtains relating to each complaint of discrimination and will adopt mutually agreeable procedures for the protection of information that either agency deems confidential.

Each agency shall designate and maintain points of contact within its national headquarters and regional offices for purposes of implementation of this MOU and continued program oversight. A national headquarters Aviation Whistleblower Protection Program point of contact will be established and identified by each agency within ten (10) days after the effective date of this agreement. Regional office points of contact for each agency will be identified within six (6) months after the effective date of this agreement. Matters affecting program procedures and policy issues will be handled by the respective national headquarters office of each agency.

#### IV. Implementation

The FAA official responsible for implementation of this Agreement is the FAA Administrator; the DOL official responsible for implementation of this Agreement is the OSHA Assistant Secretary.

#### V. Amendment and Termination

This Agreement may be amended or modified upon written agreement by both parties to the Agreement. The Agreement may be terminated upon ninety (90) days written notice by either party.

#### VI. Legal Effect

Nothing in this MOU is intended to diminish or otherwise affect the authority of either agency to implement its respective statutory functions, including the OSHA authority under the Occupational Safety and Health Act, 29 U.S.C. 651 *et seq.*, nor is it intended to create any right or benefit, substantive or procedural, enforceable at law

by a party against the United States, its agencies, its officers, or any other person. This MOU is effective upon signature by both parties.

Dated: March 11, 2002.

**Jane F. Garvey,**

*Administraton, Federal Aviation Administration, U.S. Department of Transportation.*

Dated: March 22, 2002.

**John L. Henshaw,**

*Assistant Secretary, Occupational Safety and Health, U.S. Department of Labor.*

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**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. GE2002-1]

#### Request for Comments on Ergonomics for the Prevention of Musculoskeletal Disorders: Guidelines for Nursing Homes

**AGENCY:** Occupational Safety and Health Administration (OSHA); Department of Labor.

**ACTION:** Request for comments.

**SUMMARY:** The Department of Labor is inviting comments on its draft Ergonomics for the Prevention of Musculoskeletal Disorders: Guidelines for Nursing Homes (draft guidelines). The draft guidelines are available on OSHA's Web site and through its publications office. Interested persons may submit written comments on the draft guidelines. The Department will also hold a stakeholder meeting where the public will be invited to express its views on the draft guidelines.

**DATES: Written Comments:** Comments must be submitted by the following dates: *Hard Copy.* Your comments must be submitted (postmarked or sent) by September 30, 2002.

*Facsimile and electronic transmission:* Your comments must be sent by September 30, 2002.

(Please see the **SUPPLEMENTARY INFORMATION** below for additional information on submitting comments.)

*Stakeholder meeting.* A one-day stakeholder meeting will be held in the Washington, DC metropolitan area to discuss the draft guidelines. The exact location and date of the stakeholder meeting will be announced following the close of the comment period. OSHA requests that interested parties submit their intention to participate in the stakeholder meeting through express delivery, hand delivery, messenger

service, fax or electronic means by September 19, 2002.

#### ADDRESSES:

#### I. Submission of Comments and Intention To Participate in Stakeholder Meeting

*Regular mail, express delivery, hand-delivery, and messenger service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. GE2002-1, Room N-2625, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-2350. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., EST. You must submit one copy of your intent to participate in the meeting by express deliver, hand deliver, or messenger service to the above address.

*Facsimile:* If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693-1648. You must include the docket number of this document, Docket No. GE2002-1, in your comments. Intention to participate in the stakeholder meeting may also be faxed.

*Electronic:* You may submit comments (but not attachments) and your intention to participate in the stakeholder meeting through the Internet at <http://ecomments.osha.gov/>. (Please see the **SUPPLEMENTARY INFORMATION** below for additional information on submitting comments.)

#### II. Obtaining Copies of the Draft Guidelines

The draft guidelines for the nursing home industry are available for downloading from OSHA's Web site at [www.osha.gov](http://www.osha.gov). A printed copy of the draft guidelines is available from the OSHA Publications Office, Room N-3101, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, or by telephone at (800) 321-OSHA (6742). You may fax your request for a copy of the draft guidelines to (202) 693-2498.

**FOR FURTHER INFORMATION CONTACT:** Steven F. Witt, OSHA Directorate of Standards and Guidance, Room N-3718, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-1950.

#### SUPPLEMENTARY INFORMATION:

#### I. Submission of Comments on This Notice and Internet Access to Comments

You may submit comments in response to this document by (1) hard copy, (2) fax transmission (facsimile), or

(3) electronically through the OSHA webpage. Please note that you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security-related problems there may be a significant delay in the receipt of comments and intentions to participate in stakeholder meetings by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions will be posted on OSHA's Web site at [www.osha.gov](http://www.osha.gov). OSHA cautions you about submitting personal information such as social security numbers and birth dates. Contact the OSHA Docket Office at (202) 693-2350 for information about materials not available through the OSHA webpage and for assistance in using the webpage to locate docket submissions.

## II. Background

On April 5, 2002, the Department of Labor announced a four-pronged comprehensive approach for addressing musculoskeletal disorders (MSDs). One of those prongs called for OSHA to develop industry or task-specific guidelines. OSHA's first industry-specific guidelines will address MSD hazards in the nursing home industry.

The draft guidelines contain an introduction and three main sections. The introduction provides an overview of the nature and scope of the problem of MSDs in nursing homes. It also explains the role of ergonomics in reducing the incidence of these injuries. The three main sections set out the major components of an effective ergonomics process:

- *Management Practices*—Includes a discussion of management commitment and employee participation, ergonomics training, occupational health management, and methods for evaluating a nursing home's ergonomics program.

- *Worksite Analysis*—Describes methods of identifying and evaluating ergonomic stressors.

- *Control Methods*—Presents 49 methods that can be used to control

exposure to ergonomic stressors in nursing homes. The control methods are presented with drawings showing proper use, and with recommendations for when to use a specific control method.

OSHA encourages interested parties to comment on all aspects of the draft guidelines.

### III. Stakeholder Meeting

Following the close of the comment period, OSHA will be holding a stakeholder meeting in the Washington, DC metropolitan area. In a future **Federal Register** notice, the Department will announce the date and precise location of the stakeholder meeting.

This notice was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health. It is issued under sections 4 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 657).

Issued at Washington, DC, this 27th day of August, 2002.

**John L. Henshaw,**  
*Assistant Secretary of Labor.*

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**BILLING CODE 4510-26-M**

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2002-8 CARP CD 2000]

#### Ascertainment of Controversy for the 2000 Cable Royalty Funds

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice with request for comments and notices of intention to participate.

**SUMMARY:** The Copyright Office of the Library of Congress directs all claimants to royalty fees collected for calendar year 2000 under the section 111 cable statutory license to submit comments as to whether a Phase I or Phase II controversy exists as to the distribution of those fees, and a Notice of Intention to Participate in a royalty distribution proceeding.

**DATES:** Comments and Notices of Intention to Participate are due on September 30, 2002.

**ADDRESSES:** If sent by mail, an original and five copies of written comments and a Notice of Intention to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies should be brought to the Office of the

General Counsel, James Madison Memorial Building, Room 403, First and Independence Ave., SE., Washington, DC 20540.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panels, PO Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** Each year cable systems submit royalties to the Copyright Office for the retransmission to their subscribers of over-the-air broadcast signals. These royalties are, in turn, distributed in one of two ways to copyright owners whose works were included in a retransmission of an over-the-air broadcast signal and who timely filed a claim for royalties with the Copyright Office. The copyright owners may either negotiate the terms of a settlement as to the division of the royalty funds, or the Librarian of Congress may convene a Copyright Arbitration Royalty Panel ("CARP") to determine the distribution of the royalty fees that remain in controversy. *See* 17 U.S.C. chapter 8.

During the pendency of any proceeding, the Librarian of Congress may distribute any amounts that are not in controversy, provided that sufficient funds are withheld to cover reasonable administrative costs and to satisfy all claims with respect to which a controversy exists under his authority set forth in section 111(d)(4) of the Copyright Act, title 17 of the United States Code. *See, e.g.,* Orders, Docket No. 2000-6 CARP CD 98 (dated October 12, 2000) and Docket No. 99-5 CARP CD 97 (dated October 18, 1999). However, the Copyright Office must, prior to any distribution of the royalty fees, ascertain who the claimants are and the extent of any controversy over the distribution of the royalty fees.

The CARP rules provide that:

In the case of a royalty fee distribution proceeding, the Librarian of Congress shall, after the time period for filing claims, publish in the **Federal Register** a notice requesting each claimant on the claimant list to negotiate with each other a settlement of their differences, and to comment by a date certain as to the existence of controversies with respect to the royalty funds described in the notice. Such notice shall also establish a date certain by which parties wishing to participate in the proceeding must file with the Librarian a notice of intention to participate.

37 CFR 251.45(a). The Copyright Office may publish this notice on its own initiative, *see, e.g.,* 64 FR 23875 (May 4, 1999); in response to a motion from an