

consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

*MMS Information Collection Clearance Officer:* Jo Ann Lauterbach, (202) 208-7744.

Dated: April 10, 2003.

**Cathy J. Hamilton,**

*Acting Associate Director for Minerals Revenue Management.*

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

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

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of extension of a currently approved information collection (OMB Control Number 1010-0154).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements under the Endangered Species Act Biological Opinions, issued by the Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) and is titled: "Notices to Lessees and Operators Numbers 2002-G07, 2003-G06, and 2003-G07."

**DATE:** Submit written comments by July 14, 2003.

**ADDRESSES:** Mail or hand carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. If you wish to e-mail comments, the address is: [rules.comments@mms.gov](mailto:rules.comments@mms.gov). Reference "Information Collection 1010-0154" in your e-mail subject line and mark your message for return receipt. Include your name and return address in your message.

**FOR FURTHER INFORMATION CONTACT:** Arlene Bajusz, Rules Processing Team (703) 787-1600. You may also contact Arlene Bajusz to obtain a copy, at no

cost, of the Notices to Lessees that require the subject collection of information.

#### SUPPLEMENTARY INFORMATION:

*Title:* Notices to Lessees and Operators Numbers 2002-G07, 2003-G06, and 2003-G07.

*OMB Control Number:* 1010-0154.

*Abstract:* The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

The Department of the Interior, MMS, as a Federal agency, has a continuing affirmative duty to comply with the Endangered Species Act (ESA). This includes a substantive duty to carry out any agency action in a manner that is not likely to jeopardize protected species as well as a procedural duty to consult with the FWS and NOAA Fisheries before engaging in a discretionary action that may affect a protected species.

The MMS follows these procedural requirements by conducting formal consultations with FWS and NOAA Fisheries prior to lease sales. Consultations on OCS lease sales 181, 184, and the 5-year multisale (2002-2007) program in the Central and Western Planning Areas of the Gulf of Mexico resulted in no-jeopardy biological opinions from the FWS and NOAA Fisheries. In their biological opinions, NOAA Fisheries determined that some activities associated with the proposed action (lease sale and related exploration, development, and production activities) may adversely affect (harm) sperm whales and sea turtles in the action area and that certain reasonable and prudent measures are necessary to minimize the potential for incidental take of these animals. To be exempt from the prohibitions of Section 9 of the ESA (which prohibits taking listed species), MMS must implement and enforce nondiscretionary terms and conditions. The ESA also requires monitoring and reporting. Monitoring

programs resulting from ESA interagency consultations are designed to (1) detect adverse effects resulting from a proposed action, (2) assess the actual level of incidental take in comparison with the level of anticipated incidental take documented in the biological opinion, (3) detect when the level of anticipated take is exceeded, and (4) determine the effectiveness of reasonable and prudent alternatives and their implementing terms and conditions.

To provide supplementary guidance and procedures, MMS issues Notices to Lessees and Operators (NTLs) on a regional or national basis. Regulation 30 CFR 250.103 allows MMS to issue NTLs to clarify, supplement, or provide more detail about certain requirements. To implement the nondiscretionary terms and conditions of these biological opinions, the MMS issued three NTLs:

- NTL 2002-G07 (Addendum 1)—Implementation of Seismic Survey Mitigation Measures
- NTL 2003-G06—Marine Trash and Debris Awareness and Elimination
- NTL 2003-G07—Vessel Strike Avoidance and Injured/Dead Protected Species Reporting

The MMS will use the information collected to report annually to NOAA Fisheries the effectiveness of mitigation, any adverse effects of the proposed action, and any incidental take, in accordance with 50 CFR 402.14(i)(3). The MMS engineers, geologists, geophysicists, environmental scientists, and other Federal agencies (FWS, NOAA Fisheries, etc.) also will analyze the information and data collected under these NTLs to better evaluate the potential impacts to listed species and to plan operations in a manner that will further reduce and/or avoid adverse impacts to protected species in the OCS.

On March 26, 2003, the OMB approved our request under emergency processing procedures to collect the information required by these NTLs and assigned OMB Control Number 1010-0154. Emergency processing permits the collection of information for 180 days. This notice announces our intention to request a 3-year extension for this information collection. As the programs in these NTLs develop further, MMS acknowledges there may be some revisions to the collection of information. MMS is now more fully developing the observer training and reporting programs associated with NTL 2002-G07 (Addendum 1), Implementation of Seismic Survey Mitigation Measures, and with NTL 2003-G07, Vessel Strike Avoidance and Injured/Dead Protected Species Reporting. MMS is currently working

with NOAA Fisheries to develop a training and network reporting program indicated in NTL 2003–G07. Therefore, with this submission, we are requesting an extension of the approved collections and noting that we are revising details of the observer training programs and we are adding an experimental (voluntary) passive acoustic monitoring program. Consequently, these NTLs may be reissued.

We will protect information from respondents considered proprietary

under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR parts 250, 251, and 252. No items of a sensitive nature are collected. Responses are mandatory or required to obtain or retain a benefit.

*Frequency:* On occasion and on the 1st and 15th of each month for the marine mammal observation reports.

*Estimated Number and Description of Respondents:* Approximately 130 Federal OCS lessees and operators.

*Estimated Reporting and Recordkeeping “Hour” Burden:* The currently approved annual reporting burden for this collection is 310 hours. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

NTL number and name	Reporting, posting, and recordkeeping requirement	Hour burden
2002–G07 (Addendum 1) Seismic Survey Mitigation Measures.	Marine mammal observation/reports (including observer, survey, sighting, shut-down, and passive acoustic monitoring reports).	1 hour/report.
2003–G06 Marine Trash and Debris .....	<i>Training certification recordkeeping</i> ..... Post placards on vessels and structures. (Exempt from information collection burden because MMS is providing exact language for the trash and debris warning, similar to the “Surgeon General’s Warning” exemption.).	½ hour/record. 0.
2003–G07 Vessel Strikes .....	Injured/dead protected species report .....	½ hour/report.

*Estimated Reporting and Recordkeeping “Non-Hour Cost”*

*Burden:* We have identified no cost burdens for this collection.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

*Comments:* Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency “\* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \*”.

Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the “non-hour cost” burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You

should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

*Public Comment Policy:* Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent’s identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from

organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

*MMS Information Collection Clearance Officer:* Jo Ann Lauterbach, (202) 208–7744.

Dated: May 5, 2003.

**E.P. Danenberger,**  
*Chief, Engineering and Operations Division.*  
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**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Noticed Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association (“DVD CCA”)**

Notice is hereby given that, on April 4, 2003, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), DVD Copy Control Association (“DVD CCA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Foryou General Electronics Co., Ltd., Guangdong, People’s Republic of China; Futic Electronics Ltd., Hong Kong, Hong Kong-China; GZ Digital Media, A.S., Lodenice, Czech Republic; Jiangsu