

**DEPARTMENT OF LABOR****Employment Standards Administration****Proposed Collection; Comment Request****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the *Employment Standards Administration* is soliciting comments concerning the proposed collection: *Claim for Medical Reimbursement Form (OWCP-915)*. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before October 14, 2003.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, FAX (202) 693-1451, e-mail [Bell.Hazel@dol.gov](mailto:Bell.Hazel@dol.gov). Please use only one method of transmission for comments (mail, FAX, or e-mail).

**SUPPLEMENTARY INFORMATION****I. Background**

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101, *et seq.*, the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* These Acts require OWCP to pay for covered medical treatment that is provided to beneficiaries, and also to reimburse beneficiaries for any out-of-pocket covered medical expenses they have paid. Respondents under BLBA use similar Form CM-915 (approved under OMB No. 1215-0052) to seek reimbursement for out-of-pocket

medical expenses they have paid, while respondents under the EEOICPA use Form EE-915 (approved under OMB No. 1215-0197). OWCP is now seeking an extension of the approval for this collection of information for respondents under the BLBA and EEOICPA using a new form (Form OWCP-915) for all three programs. Clearance of the OWCP-915 for use by beneficiaries from all three programs is a vital step in the unification of OWCP's separate medical bill processing systems under one contractor. The OWCP-915 provides a standardized format for the beneficiary to bill OWCP for recovery of fees paid in connection with their treatment. This information collection is currently approved for use through January 31, 2004.

**II. Review Focus**

The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

**III. Current Actions**

The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to provide payment for certain covered medical services to injured employees who are covered under the Acts.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Claim for Medical Reimbursement Form.

*OMB Number:* 1215-0193.

*Agency Number:* OWCP-915.

*Affected Public:* Individual or households; Business or other for-profit; Not-for-profit institutions.

*Total Respondents:* 33,727.

*Total Responses:* 134,908.

*Time per Response:* 10 minutes.

*Frequency:* Quarterly.

*Estimated Total Burden Hours:* 22,394.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$148,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 6, 2003.

**Bruce Bohanon,**

*Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

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**BILLING CODE 4510-CR-P**

**LIBRARY OF CONGRESS****Copyright Office**

[Docket No. 2003-2 CARP CD 2001]

**Ascertainment of Controversy for the 2001 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 2001 under the 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 12, 2003.

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

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney,

Copyright Arbitration Royalty Panel (CARP), P.O. 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 television and radio 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 for 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. 2002-8 CARP CD 2000 (dated December 4, 2002), Docket No. 2001-6 CARP CD 99 (dated October 17, 2001), 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 for partial distribution from an interested party, *see, e.g.*, 67 FR 55885 (September 6, 2000), or in response to a petition requesting that the Office declare a controversy and initiate a

CARP proceeding. In this case, the Office has received a motion for a partial distribution of the 2001 cable royalty fees.

On July 31, 2003, representatives of the Phase I claimant categories to which royalties have been allocated in prior cable distribution proceedings filed a motion with the Copyright Office for a partial distribution of the 2001 cable royalty fund. The Office will consider this motion after each interested party has been identified by filing the Notice of Intention to Participate requested herein and has had an opportunity to file responses to the motion.

### 1. Comments on the Existence of Controversies

Before commencing a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the royalty fees and the extent of those controversies. 17 U.S.C. 803(d). Therefore, the Copyright Office is requesting comment on the existence and extent of any controversies, at Phase I and Phase II, as to the distribution of the 2001 cable royalty fees.

In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that has been retransmitted by cable systems. The categories have traditionally been syndicated programming and movies, sports, commercial and noncommercial broadcaster-owned programming, religious programming, music programming, and Canadian programming. The Office seeks comments as to the existence and extent of controversies between these categories for royalty distribution.

In Phase II of a cable royalty distribution, royalties are distributed to claimants within a program category. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest that has not, by the end of the comment period, been satisfied through a settlement agreement and the extent of the controversy.

The Copyright Office must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider any controversies that come to its attention after the close of that period.

### 2. Notice of Intention to Participate

Section 251.45(a) of the rules, 37 CFR, requires that a Notice of Intention to Participate be filed in order to participate in a CARP proceeding, but it

does not prescribe the contents of the Notice. In a prior proceeding, the Library was forced to address the issue of what constitutes a sufficient Notice and to whom it is applicable. See 65 FR 54077 (September 6, 2000); *see also* Orders in Docket No. 2000-2 CARP CD 93-97 (June 22, 2000, and August 1, 2000). These rulings will result in a future amendment to section 251.45(a) to specify the content of a properly filed Notice. In the meantime, the Office advises those parties filing Notices of Intention to Participate in this proceeding to comply with the following instructions.

Each claimant that has a dispute over the distribution of the 2001 cable royalty fees, either at Phase I or Phase II, shall file a Notice of Intention to Participate that contains the following: (1) The claimant's full name, address, telephone number, facsimile number (if any), and e-mail address (if any); (2) identification of whether the Notice covers a Phase I proceeding, a Phase II proceeding, or both; and (3) a statement of the claimant's intention to fully participate in a CARP proceeding.

Claimants may, in lieu of individual Notices of Intention to Participate, submit joint Notices. In lieu of the requirement that the Notice contain the claimant's name, address, telephone number, facsimile number, and e-mail address, a joint Notice shall provide the full name, address, telephone number, facsimile number (if any), and e-mail address (if any) of the person filing the Notice; and it shall contain a list identifying all the claimants that are parties to the joint Notice. In addition, if the joint Notice is filed by counsel or a representative of one or more of the claimants that are parties to the joint Notice, the joint Notice shall contain a statement from such counsel or representative certifying that, as of the date of submission of the joint Notice, such counsel or representative has the authority and consent of the claimants to represent them in the CARP proceeding.

Notices of Intention to Participate must be received in the Office of the Copyright General Counsel no later than 5 p.m. on September 12, 2003.

### 3. Motion of Phase I Claimants for Partial Distribution

A claimant who is not a party to the motion may file a response to the motion no later than the due date set forth in this Notice, provided that the respondent files a Notice of Intention to Participate in this proceeding in accordance with this Notice.

The Motion of Phase I Claimants for Partial Distribution is posted on the

Copyright Office Web site (<http://www.copyright.gov/carp/phase1motion.pdf>) and is available for copying in the Office of the Copyright General Counsel.

Dated: August 7, 2003.

**Marilyn J. Kretsinger,**  
*Associate General Counsel.*

[FR Doc. 03-20658 Filed 8-12-03; 8:45 am]

**BILLING CODE 1410-33-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Advisory Committee on Presidential Libraries Meeting

Notice is hereby given that the Advisory Committee on Presidential Libraries will meet on September 16, 2003, from 1 p.m. to 3:30 p.m., at the Hotel Lombardy in the International Room located at 2019 Pennsylvania Avenue NW., Washington, DC.

The agenda for the meeting will be the Presidential library programs and a discussion of several critical issues.

The meeting will be open to the public.

**FOR FURTHER INFORMATION CONTACT:**  
Richard L. Claypoole, (301) 837-2047.

Dated: August 6, 2003.

**Mary Ann Hadyka,**  
*Committee Management Officer.*

[FR Doc. 03-20583 Filed 8-12-03; 8:45 am]

**BILLING CODE 7515-01-U**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (P.L. 95-541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by September 12, 2003. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:**  
Nadene G. Kennedy at the above address or (703) 292-7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

#### 1. Applicant—Permit Application No. 2004-008

Patrick Shore, Department of Earth and Planetary Sciences, Washington University, One Brookings Drive, St. Louis, MO 63130.

#### *Activity for Which Permit Is Requested*

Enter Antarctic Specially Protected Area

The applicant proposes to enter the Barwick Valley Antarctic Specially Protected Area (ASP # 123) to remove seismic equipment, solar panels, and all other associated equipment. This seismic station was established in December 2001, before the boundaries of the Barwick Valley were modified to include the seismic station's location. Removal of the station will prevent further need to access the Specially Protected Area.

#### *Location*

ASP #123—Barwick Valley, Victoria Land

#### *Dates*

November 1, 2003—December 31, 2003

#### 2. Applicant—Permit Application No. 2004-009

Robert L. Pitman, NOAA/NMFS, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037.

#### *Activity for Which Permit Is Requested*

Take and Import into the U.S.A. The applicant proposes to collect up to 200 biopsy samples (tiny bits of skin—the size of a pencil eraser) from Antarctic

killer whales using a crossbow or modified rifle. The samples will be studied to determine the taxonomic status of the three different morphotypes recently observed in Antarctic waters. These biopsy techniques have been used to sample thousands of whales and dolphins over the years with little or no disturbance to the animals. The applicant will take the samples from a launch or the bow of a larger ship.

#### *Location*

At sea in Antarctic waters, continent-wide

#### *Dates*

December 15, 2003 to March 31, 2005

#### 3. Applicant—Permit Application No. 2004-010

Paul J. Ponganis, Center for Marine Biotechnology/Biomedicine, Scripps Institute of Oceanography, University of California, San Diego, La Jolla, CA 92093-0204.

#### *Activity for Which Permit Is Requested*

Take, Enter Antarctic Specially Protected Areas, and Import into the U.S.A. The applicant proposes to capture and release up to 80 adult and 20 Emperor chicks. Diving physiology studies will be conducted on birds diving at an isolated dive hole in McMurdo Sound. Blood and tissues samples will be taken to examine blood oxygen and nitrogen levels in order to understand how emperors dive so deeply, and yet avoid complications such as decompression sickness (“the bends”), hypoxemia, and shallow water blackout. In addition, antioxidant and oxygen free radical scavenging enzymes will be examined in tissue biopsy samples in order to understand the biochemical mechanisms, which may protect tissues from free radical damage during diving. Diving behavior (stroke frequency and prey capture) will be investigated at the dive hole with application of accelerometer recorders and digital cameras. Penguins will be equipped with one of a variety of microprocessor recorders (depth recorder, P<sub>02</sub> recorder, ECG recorder, accelerometer, blood sampler, or digital camera). Any electrodes or catheters are implanted under general anesthesia with techniques developed on prior projects; birds dive with the recorders for 1–2 days after which the microprocessors are removed and downloaded; for the blood sampler, it is removed once a sample is taken in order to allow analyses to be performed. Tissue samples will be obtained under