

success on the merits that claim 34 of the '310 patent is invalid as obvious, and to vacate the ALJ's finding that the public interest does not favor the issuance of temporary relief to complainant Tilia. The Commission also determined to deny complainant Tilia's request for oral argument on the temporary relief ID.

This action is taken under the authority of section 337(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1337(e)), and section 210.66 of the Commission's Rules of Practice and Procedure, 19 CFR 210.66.

By order of the Commission.

Issued: January 15, 2004.

**Marilyn R. Abbott,**

Secretary.

[FR Doc. 04-1294 Filed 1-21-04; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

January 13, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation, contact Ira Mills on 202-693-4122 (this is not a toll-free number) or e-mail: [mills.ira@dol.gov](mailto:mills.ira@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Agency:* Employment and Training Administration.

*Type of Review:* Extension of a currently approved collection.

*Title:* Preliminary Estimates of Average Employer Contribution Rates.  
*OMB Number:* 1205-0228.

*Affected Public:* State, local, or tribal government.

*Type of Response:* Reporting.

*Frequency:* Annual.

*Number of Respondents:* 53.

*Annual Responses:* 1.

*Total Burden:* 14.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The average tax rates collected from States are used to compute an average rate for the Untied States, and along with the current tax rate schedules, are used to certify that the States are complying with the law.

**Ira L. Mills,**

Departmental Clearance Officer.

[FR Doc. 04-1311 Filed 1-21-04; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

January 13, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation, contact Ira Mills on 202-693-4122 (this is not a toll-free number) or e-mail: [mills.ira@dol.gov](mailto:mills.ira@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training

Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Agency:* Employment and Training Administration.

*Type of Review:* Extension of a currently approved collection.

*Title:* Worker Profiling and Reemployment Services Activity and Worker Profiling and Reemployment Services Outcomes.

*OMB Number:* 1205-0353.

*Affected Public:* State, local, or tribal Government.

*Type of Response:* Reporting.

*Frequency:* Quarterly.

*Number of Respondents:* 53.

*Annual Responses:* 424.

*Total Burden:* 106.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The Secretary has interpreted applicable sections of Federal law to require States to identify claimants who are most likely to exhaust their UI benefits and to provide reemployment services to expedite their return to suitable work. The ETA 9048 report provides a count of the claimants who were referred to Worker Profiling and Reemployment Services (WPRS) and a count of those who completed the services. A second report (ETA 9049) provides the subsequent collection of wage records which is a useful management tool for monitoring the

success of the WPRS program in the state.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 04-1312 Filed 1-21-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Senior Executive Service; Appointment of a Member to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to a three-year term on the Department's Performance Review Board:

Steven Law,  
Catherine Murphy.

**FOR FURTHER INFORMATION CONTACT:** Mr. David LeDoux, Director, Office of Executive Resources and Personnel Security, Room C5508, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-7605.

Signed at Washington, DC., this 14th day of January, 2004.

**Elaine L. Chao,**

*Secretary of Labor.*

[FR Doc. 04-1313 Filed 1-21-04; 8:45 am]

**BILLING CODE 4510-23-M**

## 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: Energy Employees Occupational Illness Compensation Program Act Forms (EE-1, EE-2, EE-3, EE-4, EE-7, EE-8, EE-9, EE-20). 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 March 22, 2004.

**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, Email *bell.hazel@dol.gov*. Please use only one method of transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION

##### I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* The Act provides for the timely, uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred in the performance of duty for the Department of Energy and certain of its contractors and subcontractors. The Act sets forth eligibility criteria for covered employees for compensation under the program and outlines the elements of compensation payable from the Fund. The information collected is used to obtain demographic, factual and medical information necessary to determine entitlement to benefits under the EEOICPA. The eight forms listed below are reporting requirements under the Act and are required to determine a claimant's eligibility for compensation and to receive benefits under the EEOICPA. The forms reporting requirements are: EE-1, Claim for Benefits Under Energy Employees Occupational Illness Compensation Program Act is used to file notice of claim under the EEOICPA, and is to be completed by the living current or former employer; EE-2, Claim for Survivor Benefits Under Energy Employees Occupational Illness Compensation Program Act is used by the survivor of a covered employee to file notice of claim under the EEOICPA; EE-3, Employment History for Claim Under Energy Employees Occupational

Illness Compensation Program Act is used to gather information regarding the employee's work history; EE-4, Employment History Affidavit for Claim Under the Energy Employees Occupational Illness Compensation Program Act is used to support the claimant's employment history by affidavit; EE-7, Medical Requirements Under the Energy Employees Occupational Illness Compensation Program Act informs an employee, survivor or physician of the medical evidence needed to establish a diagnosis of a covered condition; EE-8, Letter to Claimant is sent with enclosure EN-8 to obtain information on the employee's smoking history when lung cancer is claimed; EE-9, Letter to Claimant is sent with enclosure EN-9 to obtain information concerning the race or ethnicity of the employee when skin cancer is claimed; and EE-20, Letter to Claimant is sent with enclosure EN-20 to verify acceptance of payment on approved claims. This information collection is currently approved for use through July 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 in order to carry out its responsibility to determine a claimant's eligibility for compensation under the EEOICPA.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Energy Employee Occupational Illness Compensation Act Forms (various).