

- 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 the approval of the extension of this information collection to grant employer requests to employ students at subminimum wages.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Titles:* Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail/Service Establishments or Agriculture.

*OMB Number:* 1215-0032.

*Agency Numbers:* WH-200 and WH-202.

*Affected Public:* Business or other for-profit; Farms; Individual or households; No-for-profit institutions.

*Total Respondents:* 240.

*Total Annual Responses:* 240.

*Estimated Total Burden Hours:* 43.

*Estimated Time Per Response:* 10 to 30 minutes.

*Frequency:* Annually.

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

*Total Burden Cost (operating/maintenance):* \$0.

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: April 14, 2005.

**Sue Blumenthal,**

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

[FR Doc. 05-7891 Filed 4-19-05; 8:45 am]

**BILLING CODE 4510-27-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Notice of Signing of a Memorandum of Understanding Between the Departments of Justice and Labor Relating to the Investigation and Prosecution of Crimes and Civil Enforcement Actions Under the Labor-Management Reporting and Disclosure Act of 1959

**AGENCY:** Employment Standards Administration, Labor.

**ACTION:** Notice of Memorandum of Understanding between the Departments of Justice and Labor.

**SUMMARY:** The Department of Labor, Employment Standards Administration, is providing notice of a Memorandum of Understanding between the Departments of Justice and Labor (MOU), signed January 18, 2005. The MOU describes the responsibilities of each agency in the performance of functions under the Labor-Management Reporting and Disclosure Act of 1959 (Act). The purpose of the MOU is to revise a previous Memorandum of Understanding Between the Departments of Justice and Labor (1960 Memorandum of Understanding) concerning the allocation of such responsibilities. The MOU enhances administrative efficiency in the investigation and prosecution of crimes and civil violations arising under the Act. A copy of the MOU is set forth below.

**EFFECTIVE DATE:** January 18, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. John H. Heaney, Chief, Division of Enforcement, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, Room N-5119, Washington, DC 20210, (202) 693-1229 (this is not a toll-free number). TTY/TDD, 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Labor-Management Reporting and Disclosure Act of 1959 (Pub. L. 86-257; 29 U.S.C. 401-531) is designed to protect the rights and interests of individual employees and union members as they relate to the activities of labor organizations, labor organization officers and employees, employers, labor relations consultants, and their officers and representatives. Section 607 of the Act (29 U.S.C. 527) provides that, in order to avoid unnecessary expense and duplication of functions among government agencies, the Secretary of Labor may make agreements for cooperation and mutual assistance in the performance of the

Secretary's functions under the Act. The first such agreement was entered into between the Departments of Labor and Justice in the 1960 Memorandum of Understanding. See 25 FR 1708 (Feb. 26, 1960). To this same end, the MOU appended to this notice specifies which criminal matters will be investigated by the Department of Labor, which will be investigated by the Department of Justice, and which will be investigated by the Department of Justice under delegation from the Secretary of Labor, subject to specific arrangements agreed upon by the two Departments on a case-by-case basis.

In addition, the MOU contains a provision, not present in the 1960 Memorandum of Understanding, that specifies the respective roles of the Departments of Justice and Labor in regard to relief from the employment disabilities arising under § 504 of title V, 29 U.S.C. 504. Section 504 prohibits persons convicted of crimes specified in the statute from serving in stated capacities with an LMRDA-covered labor organization or employer association; from serving as a labor relations consultant or in a position with a corporation or association having specific collective bargaining authority or direct responsibility for labor-management relations; and from having decisionmaking authority or control of labor organization assets (other than as a member of the labor organization). The disability imposed by Section 504 extends until 13 years following a disqualifying conviction or end of any imprisonment resulting from such conviction.

*No Third-Party Rights Created:* The MOU was adopted for the purpose of the internal management of the Executive Branch. The MOU is not intended to, does not, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law or in equity by any party in any matter civil or criminal, nor does the MOU place any limitations on otherwise lawful investigative or litigation prerogatives of the United States Department of Justice or otherwise lawful investigative prerogatives of the United States Department of Labor.

Dated at Washington, DC, this 15th day of April 2005.

**Victoria A. Lipnic,**

*Assistant Secretary for Employment Standards Administration.*

**Don Todd,**

*Deputy Assistant Secretary for Labor-Management Programs.*

**Memorandum of Understanding Between the Departments of Justice and Labor Relating to the Investigation and Prosecution of Crimes and Civil Enforcement Actions Under the Labor-Management Reporting and Disclosure Act of 1959 (Pub. L. 86-257)**

Whereas, the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519) imposes certain duties and responsibilities upon the Attorney General and Secretary of Labor with regard to prosecution of crimes arising under the Act and civil enforcement actions under the Act; and

Whereas, that Act, in section 601, imposes upon the Secretary of Labor the responsibility for conducting investigations of persons who have violated, or are about to violate, any provision of the Act (except title I, or amendments made by this Act to other statutes); and

Whereas, that Act, in section 607, provides that the Secretary of Labor may make interagency agreements to avoid unnecessary expense and duplication of functions among Government agencies and ensure cooperation and mutual assistance in the performance of functions under the Act; and

Whereas, it is desirable and essential that areas of responsibility and procedures in connection with any investigations, prosecutions of offenses and civil enforcement actions arising under the Act should be the subject of formal agreement between the Departments;

It is hereby agreed and understood between the Department of Justice and the Department of Labor as follows:

1. *Criminal Prosecutions.* All cases involving violation of the criminal provisions of the Act will be prosecuted by the Department of Justice. Those cases investigated by the Department of Labor, hereinafter detailed, will be referred to the appropriate United States Attorney's office(s) where the criminal violation(s) occurred or to the Criminal Division, Department of Justice, as provided in section 607.

2. *Investigations of Matters Made Criminal by the Act.* Subject to specific arrangements agreed upon by the Department of Justice and the Department of Labor on a case by case

basis, investigations under the Act will be conducted as follows:

(a) The Department of Labor will through its own staff investigate those criminal matters arising under:

1. Title II (Reporting by labor organizations, officers and employees of labor organizations and employers).

2. Title III (Trusteeship).

3. Section 501(c) (Embezzlement of union funds) of title V.

4. Section 502 (Bonding) of title V.

5. Section 503 (Making of loans and payment of fines) of title V.

6. Section 504 (Prohibition against certain persons holding office) of title V.

7. Section 602 (Extortionate picketing) of title VI.

8. Section 610 (Deprivation of rights by force and violence) of title VI.

(b) The Department of Justice will investigate those criminal matters arising under section 505 (Containing an amendment to section 302, Labor Management Relations Act, 1947, as amended) of title V, and under delegation from the Secretary of Labor, section 501(c) (Embezzlement of union funds) of title V, section 504 (Prohibition against certain person holding office) of title V, and section 610 (Deprivation of rights by force and violence) of title VI.

3. *Notification.* Whenever either Department learns or is informed of any matter coming within the investigative jurisdiction of the other Department, as set forth above, it will notify such other Department in writing and furnish all information in its possession regarding the matter.

4. *Exercise of other functions.* Exercise of delegated investigative authority by the Department of Justice pursuant to this agreement shall not preclude the Department of Labor from making inquiries for the purpose of administrative action related to the crime being investigated. Nothing in this Memorandum of Understanding shall be construed to affect the investigative jurisdiction of the Department of Justice under other statutes.

5. *Prosecution of Civil Enforcement Actions.* Any violations of the Act, which form the basis for civil enforcement actions, will be investigated by the Department of Labor. Whenever the Department of Labor concludes that a civil enforcement action should be instituted, it will refer the case to the Department of Justice, with the request that suit be instituted on behalf of the Secretary of Labor, and will furnish the Department of Justice with all pertinent information in the possession of the Department of Labor. Upon receipt of such request, the

Department of Justice will institute and will conduct the civil enforcement action on behalf of the Secretary of Labor. The Department of Justice will not institute any civil enforcement action under the Act except upon the request of the Department of Labor, nor will the Department of Justice voluntarily dismiss any action so instituted except with the concurrence of the Department of Labor. The Department of Justice will dismiss any action so instituted upon the request of the Department of Labor. Department of Justice attorneys will collaborate with the attorneys of the Office of the Solicitor of Labor in the preparation and, to the extent feasible, in the presentation of such actions in court.

6. *Section 504(a) Proceedings.* Subject to specific arrangements agreed upon by the Department of Justice and the Department of Labor on a case by case basis, the Department of Labor through its own staff will investigate matters arising under section 504(a)(B) of title V, as amended, (judicial determination that a disqualified person's service in any prohibited capacity would not be contrary to the purposes of the LMRDA). Following the investigation, the Department of Labor will issue its views on the appropriateness of such a judicial determination under section 504(a)(B). The Department of Justice will present the Secretary of Labor's views before a Federal sentencing judge or United States district court, by making all necessary appearances and filings. Department of Justice attorneys will collaborate with the attorneys of the Office of the Solicitor of Labor in the preparation and, to the extent feasible, in the presentation of the Secretary's views in court. With respect to relief under section 504(a) by judicial reduction of the period of disability, the Department of Justice will seek the views of the Department of Labor prior to opposing or agreeing to a request for such relief by a criminal defendant or disqualified person.

7. *Instructions.* So that the terms of understanding will be effectively performed, both Departments will issue instructions for the guidance of its officers, such instructions to be submitted for comment to the other Department prior to their issuance.

8. Periodic reviews of this agreement will be made to determine any adjustments which seem necessary based on experience under this Act.

Signed at Washington, DC, this 18th day of January 2005.

**John Ashcroft,**  
*Attorney General.*  
**Elaine L. Chao,**  
*Secretary of Labor.*

[FR Doc. 05-7890 Filed 4-19-05; 8:45 am]  
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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**Agency Information Collection Activities; Announcement of Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice; announcement of OMB approval of information collection requirements.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) announces that OMB has extended its approval for a number of information collection requirements found in sections of 29 CFR parts 1910 and 1926. OSHA sought approval under the Paperwork Reduction Act of 1995 (PRA-95), and, as required by that Act, is announcing the approval numbers and expiration dates for those requirements.

**EFFECTIVE DATE:** This notice is effective April 20, 2005.

**FOR FURTHER INFORMATION CONTACT:** Todd Owen or Theda Kenney, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2222.

**SUPPLEMENTARY INFORMATION:** In a series of **Federal Register** notices, the Agency announced its requests to OMB to renew

its current extensions of approvals for various information collection (paperwork) requirements in its safety and health standards for general industry and the construction industry (i.e., 29 CFR parts 1910 and 1926). In these **Federal Register** announcements, the Agency provided 60-day comment periods for the public to respond to OSHA's burden-hour and cost estimated.

In accordance with PRA-95 (44 U.S.C. 3501-3520), OMB renewed its approval for these information collection requirements and assigned OMB control numbers to these requirements. The table below provides the following information for each of these OMB-approved requirements: the title of the collection; the date of the **Federal Register** notice; the **Federal Register** reference (date, volume, and leading page); OMB's control number; and the new expiration date.

Title	Date of <b>Federal Register</b> publication, Federal Register reference, and OSHA docket number	OMB control number	Expiration date
Access to Employee Exposure and Medical Records (29 CFR 1910.1020)	12/19/2003, 68 FR 70840, Docket No. 1218-0065 (2004)	1218-0065	04/30/2007
Additional Requirements for Special Dipping and Coating Operations (Dip Tanks) (29 CFR 1910.126(g)(4)).	3/16/2004, 69 FR 12354, Docket No. 1218-00237 (2004)	1218-0237	7/31/2007
Application for Training Grant .....	3/18/2004, 69 FR 12868, Docket No. 1218-00020 (2004)	1218-0020	09/30/2007
Asbestos in General Industry (29 CFR 1910.1001) .....	02/05/2004, 69 FR 5587, Docket No. 1218-0133 (2004)	1218-0133	06/30/2007
Bloodborne Pathogens Standard (29 CFR 1910.1030) .....	05/07/2004, 69 FR 25611, Docket No. 1218-0180 (2004)	1218-0180	11/30/2007
Concrete and Masonry Construction (29 CFR part 1926, subpart Q) .....	08/26/2004, 69 FR 52528, Docket No. 1218-0095 (2004)	1218-0095	12/31/2007
Construction Fall Protection Plans and Training Requirements (29 CFR 1926.502 and 1926.503).	12/23/2003, 69 FR 74258, Docket No. 1218-0197 (2004)	1218-0197	05/31/2007
Control of Hazardous Energy Sources (Lockout/Tagout) (29 CFR 1910.147).	03/11/2004, 69 FR 11664, Docket No. 1218-0150 (2004)	1218-0150	02/29/2008
Course Evaluation .....	04/20/2004, 69 FR 21163, Docket No. 1218-0173 (2004)	1218-0173	09/30/2007
Cranes and Derricks Standard for Construction (29 CFR 1926.550(a)(6)) ...	07/28/2004, 69 FR 45081, Docket No. 1218-0113 (2004)	1218-0113	12/31/2007
Cranes and Derricks Standard for Construction; Notification of Operational Specification and Hand Signals (29 CFR 1926.550).	09/23/2004, 69 FR 57097, Docket No. 1218-0115 (2004)	1218-0115	12/31/2007
Cranes and Derricks Standard for Construction; Recording Tests for Toxic Gases and Oxygen-Deficient Atmospheres in Enclosed Spaces.	09/23/2004, 69 FR 57098, Docket No. 1218-0054 (2004)	1218-0054	12/31/2007
Crawler, Truck and Locomotive Cranes (29 CFR 1926.550(b)(2)) .....	07/19/2004, 69 FR 43020, Docket No. 1218-0232 (2004)	1218-0232	02/29/2008
Definition and Requirement for a Nationally Recognized Testing Laboratory (29 CFR 1910.7).	11/04/2003, 68 FR 62477, Docket No. 1218-0147 (2004)	1218-0147	04/30/2007
Formaldehyde (29 CFR 1910.1048) .....	12/12/2003, 68 FR 69425, Docket No. 1218-0145 (2004)	1218-0145	04/30/2007
Gear Certification (29 CFR part 1919) .....	08/27/2004, 69 FR 52734, Docket No. 1218-0003 (2004)	1218-0003	12/31/2007
Grantee Quarterly Progress Report .....	03/18/2004, 69 FR 12869, Docket No. 1218-0100 (2004)	1218-0100	08/31/2007
The Hydrostatic Testing Provision of the Standard on Portable Fire Extinguishers (29 CFR 1910.157(f)(16)).	03/26/2004, 69 FR 15907, Docket No. 1218-0218 (2004)	1218-0218	09/30/2007
Ionizing Radiation (29 CFR 1910.1096) .....	07/23/2004, 69 FR 44068, Docket No. 1218-0103 (2004)	1218-0103	11/30/2007
Logging Operations (29 CFR 1910.266) .....	07/28/2004, 69 FR 45082, Docket No. 1218-0198 (2004)	1218-0198	12/31/2007
Manlifts (29 CFR 1910.68(e)) .....	07/19/2004, 69 FR 43018, Docket No. 1218-0226 (2004)	1218-0198	12/31/2007