

contact for Department of Defense (DoD) defense contractors or subcontractors to promptly confirm whether potential employees have been convicted of fraud or any other defense contract-related felony. 10 U.S.C. 2408(c).

On April 13, 1995, the Attorney General delegated these point of contact duties to the Assistant Attorney General for the Office of Justice Programs (OJP), who re-delegated them to OJP's Bureau of Justice Assistance (BJA). The Director of BJA established the Denial of Federal Benefits Clearinghouse (Clearinghouse) to perform the administrative requirements of the DPFD, as outlined in the 1993 National Defense Authorization Act.

The Clearinghouse responds to inquiries from Federal agencies, defense-related contractors and first tier subcontractors, as a resource in determining the eligibility of individuals to condition in certain types of employment and engage in certain activities with the DoD.

This Notice provides guidance and refers to the availability of the Program Guide which is used to implement this Program.

Dated: June 19, 2000.

**Nancy Gist,**

*Director, Bureau of Justice Assistance.*

[FR Doc. 00-16829 Filed 7-3-00; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Justice Assistance

[OJP (BJA)-1281]

#### Announcement of the Availability of the Denial of Federal Benefits for Drug Offenders Program Guide

**AGENCY:** Office of Justice Programs, Bureau of Justice Assistance, Denial of Federal Benefits Program, Justice.

**ACTION:** Notice of publication.

**SUMMARY:** Announcement of the publication of the Denial of Federal Benefits for Drug Offenders Program Guide.

**DATES:** The Denial of Federal Benefits for Drug Offenders Program Guide will be available after June 30, 2000.

**ADDRESSES:** Denial of Federal Benefits Program, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, 810 Seventh St., NW, Washington DC 20531.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the Denial of Federal Benefits for Drug Offenders Program Guide publication, call Robert T. Watkins, Director, Denial of Federal Benefits

Program; Phone: 202-616-3506, [This is not a toll-free number], or visit the website at [www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA) [Click on "BJA Administered Non-Grant Programs"]

#### SUPPLEMENTARY INFORMATION:

##### Authority

The Denial of Federal Benefits for Drug Offenders (DFB) Program was established pursuant to section 5301 of the Anti-Drug Abuse Act of 1988 (Section 5301) (Publ. L. 100-690), and codified at 21 U.S.C. 862, and the President's Implementation Plan of August 30, 1989.

##### Background

The Denial of Federal Benefits for Drug Offenders Program provides Federal and State courts with the discretion to deny all or selected Federal benefits to individuals convicted of drug trafficking or drug possession, for a specified period of time denoted at sentencing. The Program exempts certain benefits from denial such as public housing; welfare; drug treatment; and earned benefits such as retirement; Social Security; health; veterans; and disability. Deniable benefits under the Program include student financial aid; small business loans; media and transportation licenses; medical, engineering, scientific, and academic research grants; along with contracts and purchase orders issued by Federal agencies or those using Federally-appropriated monies. The courts may, at their discretion, restore denied benefits for those who successfully complete drug rehabilitation programs, or for other reasons at the discretion of the court.

##### The Program Guide

On August 30, 1989 President Bush issued a communication to Congress which authorized and described the procedures for implementation of the Program and restricted the Program's application to convictions occurring on or after September 1, 1989. The Department of Justice was charged by the President with establishing a clearinghouse for all state and Federal courts that notify it of sentences which include a denial of Federal benefits pursuant to section 5301.

General supervision and direction of the Denial of Federal Benefits Program was subsequently delegated by the Attorney General to the Assistant Attorney General for the Office of Justice Programs. In April 1995, the Assistant Attorney General re-delegated the Bureau of Justice Assistance responsibility for the implementation

and operation of its Denial of Federal Benefits Program.

This Notice provides guidance and refers to the availability of the Program Guide which is used to implement this Program.

Dated: June 19, 2000.

**Nancy Gist,**

*Director, Bureau of Justice Assistance.*

[FR Doc. 00-16830 Filed 7-3-00; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

June 27, 2000.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) 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 individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ((202) 219-5096 ext. 159 or by E-mail to [Kurz-Karin@dol.gov](mailto:Kurz-Karin@dol.gov)). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 219-5096 ext. 151 or by E-mail to [King-Darrin@dol.gov](mailto:King-Darrin@dol.gov)).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), 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 Standards Administration (ESA).

*Title:* Economic Survey Schedule.

*Type of Review:* Extension.

*OMB Number:* 1215-0028.

*Frequency:* Biennially.

*Affected Public:* Business or other for-profit; State, Local, or Tribal Government.

*Number of Respondents:* 50.

*Number of Annual Responses:* 50.

*Estimated Time Per Response:* 45 minutes.

*Total Burden Hours:* 38.

*Total Annualized capital/startup costs:* \$0.

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

*Description:* Form WH-1 is used by the Department of Labor to collect data and prepare an economic report for the industry committee which sets industry wage rates in American Samoa.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 00-16863 Filed 7-3-00; 8:45 am]

**BILLING CODE 4510-27-M**

## DEPARTMENT OF LABOR

### Occupation Safety and Health Administration

#### Occupational Safety and Health of Contractor Employees at Energy Department Site; Jurisdiction and Enforcement Responsibilities; Clarification

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

**ACTION:** Notice.

**SUMMARY:** This notice is to advise the public of a recent clarification of the jurisdiction and enforcement responsibilities of the Occupational Safety and Health Administration (OSHA) at various Department of Energy (DOE) sites which are not subject to the Atomic Energy Act (AEA).

**EFFECTIVE DATE:** This clarification becomes effective on July 5, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Mike Turner, Office of Technical Programs and Coordination Activities, Directorate of Technical Support, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-3653, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone (202) 693-2110.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Labor (DOL) and the U.S. Department of Energy (DOE) have sought to clarify the regulatory authority over the occupational safety and health of contractor employees at a number of DOE government-owned or leased facilities that are not subject to the Atomic Energy Act (AEA) which provides statutory authority for DOE to regulate occupational safety and health matters relating to private sector employees at facilities subject to the AEA.

Section 4(b)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C., Sec. 653(b)(1), precludes OSHA coverage of working conditions over which other Federal agencies have exercised statutory authority to prescribe or enforce standards for occupational safety or health. A 1992 interagency Memorandum of Understanding acknowledges DOE's extensive regulation of contractor health and safety through safety orders which require contractor compliance with all OSHA standards as well as additional requirements prescribed by DOE. The agreement concludes with provisions stating that the Occupational Safety and Health Act shall not apply to Government Owned-Contractor Operated (GOCO) sites or other facilities for which DOE, pursuant to the AEA, has exercised its authority to regulate occupational safety and health.

By letter of June 18, 1999, DOE, through David Michaels, Assistant Secretary Environment, Safety and Health, provided OSHA with a list of DOE sites that were not covered by the AEA and requested OSHA's concurrence with DOE's views that the sites in question were subject to OSHA's jurisdiction. The letter states, in pertinent part:

Enclosed is the complete list of DOE facilities and activities that do not involve activities authorized under the AEA, and are therefore under OSHA jurisdiction. Our staffs have concluded that a simple letter of affirmation and acknowledgment of receipt of this list will suffice to fully clarify that OSHA and the State Plan states, as appropriate, do have a valid jurisdiction over these facilities.

OSHA responded by letter of July 13, 1999, from Charles N. Jeffress, Assistant Secretary for Occupational Safety and Health, agreeing with DOE that OSHA has jurisdiction over the working conditions of private sector employers and employees at the noted facilities. Subsequently, on March 21, 2000, DOE provided OSHA with a validated list of "... DOE facilities and activities currently having contractors on site for which DOE has not claimed 4(b)(1)

exemption status and are under OSHA jurisdiction." (See Exhibit 1.)

The OSHA acknowledgment letter states, in pertinent part:

OSHA accepts your conclusion that DOE is not exercising AEA authority at these sites and accordingly we generally concur that OSHA has jurisdiction over the working conditions of private sector employers and employees at these facilities. (OSHA would not, of course, have authority for working conditions addressed by other, non-DOE occupational safety or health requirements.) The extent to which OSHA's authority at non-AEA facilities may be preempted by rules of other agencies would have to be determined on a case-by-case basis, in consultation with the concerned agency, applying the principles of 4(b)(1) law. Although not explicitly stated in your letter, it is also our understanding in making this determination that DOE is not exercising safety and health enforcement authority at these sites under any other statute in a manner that would preempt OSHA's jurisdiction under section 4(b)(1) . . . (As noted in your letter, OSHA has jurisdiction for federal employees at these sites, in accordance with Executive Order 12296 and 29 CFR 1960.)

Accordingly, OSHA is giving public notice that private sector employers and employees at the DOE facilities listed in Exhibit 1 are subject to all standards, rules and requirements issued under the Occupational Safety and Health Act.

A number of the non-AEA sites listed in Exhibit 1 are located in States which operate OSHA-approved State Plans. Until a final determination is made, such sites will be deemed "issues not covered by the State plan" and thus subject to Federal enforcement jurisdiction. OSHA will work with its State partners in determining whether State plans or Federal jurisdiction is appropriate for individual facilities and will provide further formal notification, as appropriate. In the interim, Federal OSHA will exercise enforcement jurisdiction over those sites listed in Exhibit 1, which are located in State Plan States, until it is determined whether the State is able to exercise jurisdiction.

Signed at Washington, DC this 23rd day of June, 2000.

**Charles N. Jeffress,**  
*Assistant Secretary.*

#### Exhibit 1

##### *Department of Energy (DOE) Non-Atomic Energy Act (AEA) Sites and Facilities*

Western Area Power Administration  
Headquarters, P.O. Box 3402, Golden, CO 80401-0098, Covers all or part of the following States: AZ, CA, CO, IA, KS, MN, MT, NE, ND, NM, NV, SD, TX, UT, WY  
Southwestern Power Administration,  
Headquarters, P.O. Box 1619, Tulsa, OK