

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice: (05-122)]

**Notice of Information Collection****AGENCY:** National Aeronautics and Space Administration (NASA).**ACTION:** Notice of information collection.**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.**ADDRESSES:** All comments should be addressed to Kathy Shaeffer, Mail Suite 6M70, Office of the Chief Information Officer, National Aeronautics and Space Administration, Washington, DC 20546-0001.**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathy Shaeffer, Acting NASA Reports Officer, Office of the Chief Information Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358-1230, [kathleen.shaeffer-1@nasa.gov](mailto:kathleen.shaeffer-1@nasa.gov).**SUPPLEMENTARY INFORMATION:****I. Abstract**

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection that is used to ensure NASA collects racial and ethnic data information from on-line job applicants to determine if NASA's recruitment efforts are reaching all segments of the country, as required by Federal law.

**II. Method of Collection**

NASA uses electronic methods to collect information from collection respondents.

**III. Data**

**Title:** NASA Voluntary On-Line Job Applicant Racial and Ethnic Data Collection.

**OMB Number:** 2700-0103.

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

**Affected Public:** Individuals or households, Federal Government.

*Estimated Number of Respondents:* 40,000.

*Estimated Time Per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 3,334.

*Estimated Total Annual Cost:* \$0.

**IV. Request for Comments**

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Dated: July 19, 2005.

**Patricia L. Dunnington,**  
*Chief Information Officer.*

[FR Doc. 05-14689 Filed 7-25-05; 8:45 am]

**BILLING CODE 7510-13-P**

**NATIONAL SCIENCE FOUNDATION****Sunshine Act Meeting**

**AGENCY HOLDING MEETING:** National Science Board, Committee on Strategy and Budget (CSB).

**DATE AND TIME:** August 1, 2005, 11 a.m.-12 noon (ET).

**PLACE:** National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**

**Monday, August 1, 2005—Closed Session**

*Closed Session (11 a.m. to 12 Noon)*

Status of FY 2007 Budget Submission to OMB.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael P. Crosby, Executive Officer and NSB Office Director, (703) 292-7000, <http://www.nsf.gov/nsb>.

**Michael P. Crosby,**

*Executive Officer and NSB Office Director.*

[FR Doc. 05-14822 Filed 7-22-05; 12:19 pm]

**BILLING CODE 7555-01-P**

**NUCLEAR REGULATORY COMMISSION**

[EA-04-225]

**In the Matter of AVI Food Systems, Inc.; Confirmatory Order (Effective Immediately)****I**

AVI Food Systems, Inc. (AVI) is an independently owned and operated food service company serving various industries in the Midwest and Eastern United States including the Davis-Besse plant which is regulated by the U.S. Nuclear Regulatory Commission (NRC or Commission). AVI headquarters is located in Warren, OH.

**II**

On February 9, 2004, and July 8, 2004, the NRC's Office of Investigations (OI) began investigations to determine if former AVI employees at the Davis-Besse facility were the subject of employment discrimination in violation of 10 CFR 50.7. In OI Report Nos. 3-2004-006 and 3-2004-018, OI concluded that AVI employees were the subject of discrimination. By letter dated February 25, 2005, the NRC identified to FirstEnergy Nuclear Operating Company (FENOC) the NRC's concern and offered FENOC and AVI the opportunity to attend a predecisional enforcement conference or to request alternative dispute resolution (ADR) in which a neutral mediator with no decision-making authority would facilitate discussions between the NRC, FENOC and AVI, and if possible, assist the NRC and the parties in reaching an agreement on resolving the concerns. FENOC and AVI chose to participate in ADR. On May 11, 2005, the NRC and AVI met at the Davis-Besse facility in Oak Harbor, Ohio in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. As part of the ADR session, based upon the facts discussed during the mediation session and the commitments noted in Section IV below, the NRC will not issue a Notice of Violation to AVI for this issue.

**III**

By letter dated June 9, 2005, AVI committed to include in its policy/programs, information necessary to ensure that its future activities with NRC licensees will incorporate training for its employees involved with the NRC licensees regarding safety conscious work environment (SCWE) and safety culture. The training program will have the objective of reinforcing the

importance of maintaining a SCWE and of assisting managers and supervisors in responding to employees who raise safety concerns in the workplace. AVI also agreed to include in such training the requirements of 10 CFR 50.7, "Employee protection."

On July 6, 2005, AVI consented to the NRC issuing this Confirmatory Order with the commitments, as described in Section IV below. AVI further agreed in its July 6, 2005, letter that this Order is to be effective upon issuance and that it has waived its right to a hearing.

The NRC has concluded that its concerns can be resolved through effective implementation of AVI's commitments. I find that AVI's commitments as set forth in Section IV are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that AVI's commitments be confirmed by this Order. Accordingly, the staff is exercising its enforcement discretion and will not issue a Notice of Violation in this case. Based on the above and AVI's consent, this Order is immediately effective upon issuance. AVI is required to provide the NRC with a letter summarizing its actions when all of the Section IV requirements have been completed.

#### IV

Accordingly, pursuant to Sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 30, *It is hereby ordered, effective immediately, that:*

By no later than six months from the issuance of this Order, AVI will include in its policy/programs, information necessary to ensure that its future activities with NRC licensees will incorporate training, initial and recurring, for its employees involved with the NRC licensees regarding SCWE and safety culture. AVI also agreed to include in such training the requirements of 10 CFR 50.7, "Employee protection."

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above conditions upon a showing by AVI of good cause.

#### V

Any person adversely affected by this Confirmatory Order, other than AVI, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing.

A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352, and to the Licensee. Because of continuing disruptions in delivery of mail to United States Government Offices, it is requested that requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to (301) 415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to (301) 415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

A request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated this 15th day of July, 2005.

**Michael R. Johnson,**

*Director, Office of Enforcement.*

[FR Doc. E5-3967 Filed 7-25-05; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346, License No. NPF-3, EA-04-224]

### In the Matter of FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, 5501 North State Route 2, Oak Harbor, OH 43449-9760; Confirmatory Order Modifying License (Effective Immediately)

#### I

FirstEnergy Nuclear Operating Company (FENOC or Licensee) is the holder of Facility Operating License No. NPF-3 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 50 on April 22, 1977. The license authorizes the operation of Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse), in accordance with conditions specified therein. The facility is located on the Licensee's site in Ottawa County, Ohio.

#### II

On February 9, 2004, and July 8, 2004, the NRC's Office of Investigations (OI) began investigations to determine if former AVI Food Systems, Inc. (AVI) employees at Davis-Besse were the subject of employment discrimination in violation of 10 CFR 50.7. In OI Report Nos. 3-2004-006 and 3-2004-018, OI concluded that AVI employees were the subject of discrimination. By letter dated February 25, 2005, the NRC identified to the Licensee the NRC's concern and offered FENOC the opportunity to attend a predecisional enforcement conference or to request alternative dispute resolution (ADR) in which a neutral mediator with no decision-making authority would facilitate discussions between the NRC and FENOC and, if possible, assist the NRC and FENOC in reaching an agreement on resolving the concern. FENOC chose to participate in ADR. On May 11, 2005, the NRC and FENOC met at the Davis-Besse facility in Oak Harbor, Ohio in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. As part of the ADR session, based upon the facts discussed during the mediation session and the commitments noted in Section IV below, the NRC will not issue a notice of violation for this issue and will not count this matter as previous enforcement for the purposes of assessing potential future enforcement action civil penalty assessments in accordance with Section VI.C of the Enforcement Policy.