

of Tunney Act proceedings.” *SBC Commc’ns*, 489 F. Supp. 2d at 11.<sup>12</sup>

## IX. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: April 27, 2010

Respectfully submitted,

\_\_\_\_\_  
/s/

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Information Collection for the Evaluation of the Community-Based Job Training Grants; Comment Request

**AGENCY:** Employment and Training Administration.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance 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 and Training Administration is soliciting comments on a new data collection for the Evaluation of the Community-Based Job Training Grants.

A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: <http://www.doleta.gov/OMBCN/OMBControlNumber.cfm>.

**DATES:** Written comments must be submitted to the office listed in the addressee’s section below on or before July 6, 2010.

**ADDRESSES:** Submit written comments to the Employment and Training Administration, Room N-5641, 200 Constitution Avenue, NW., Washington, DC 20210, *Attention: Garrett Groves*, Telephone number: 202-693-3684 (this is not a toll-free number), *Fax number: 202-693-2766. E-mail: Groves.Garrett@DOL.gov*.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Community-Based Job Training Grants (CBJTG) program is sponsored by ETA as an investment in building the capacity of community colleges to train workers in the skills required to succeed in high-growth, high-demand industries. CBJTG provides grants for the development and implementation of industry-specific job training programs at community colleges to meet the workforce needs of industry, including health care, energy, and advanced manufacturing, among others. Over 200 grants were issued from 2005 through 2008 in three rounds of grant competition, with a fourth round of grants awarded in early 2009. Grant recipients are primarily community and technical colleges, although in the later rounds of grants, some community college districts, State community college systems and organizations and agencies within the public workforce investment system were awarded grants.

ETA has contracted with the Urban Institute, a non-profit, non-partisan, research organization based in Washington, DC, to conduct an evaluation of the CBJTG program. The evaluation will mainly be based on data collected through a survey of grant recipients as well as a review of grant documents and exploratory site visits to a small number of grant projects. The survey data collected through this effort

are the main data source for this study and will provide a comprehensive picture of the different grant-funded projects and identify grant implementation issues to date.

The survey will be administered to all grantees receiving awards in the first three rounds. To reduce respondent burden, the survey will be administered in a Web-based format that allows for automatic skip patterns. Grantees will also have the option to complete and return a paper version. Survey data will be complemented by data collected through ETA’s existing quarterly reporting system to avoid any duplication and further reduce reporting burden for respondents. The survey will gather data on grantee organization type, size, and structure, project design and objectives, recruitment efforts and target populations, training and other program activities, capacity-building activities, partners’ contributions and activities, and plans for sustaining programming and leveraging resources.

## 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

*Type of Review:* New.

*Agency:* Employment and Training Administration.

*Title:* Evaluation of the Community-Based Job Training Grants.

*OMB Number:* 1205-0NEW.

*Record Keeping:* N/A.

*Affected Public:* Community-Based Job Training Grantees.

*Total Respondents:* 190.

*Frequency:* Once.

*Total Annual Responses:* 190.

*Average Time per Response:* 40 minutes.

<sup>12</sup> See *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the “Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone”); *United States v. Mid-Am. Dairymen, Inc.*, 1977-1 Trade Cas. (CCH) ¶ 61,508, at 71,980 (W.D. Mo. 1977) (“Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should \* \* \* carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.”); S. Rep. No. 93-298, 93d Cong., 1st Sess., at 6 (1973) (“Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.”).

*Estimated Total Burden Hours:* 126.67 hours.

*Total Burden Cost:* The estimated total burden cost is \$4,862.89 as shown below:

Category	Estimated number of respondents	Total hours	Median hourly wage	Total annualized cost
Postsecondary education administrators (95.3 percent of respondents) .....	181	120.67	\$38.79	\$4,680.79
Local government social and community service managers (4.7 percent of respondents) .....	9	6.00	30.35	182.10
<b>Total .....</b>		<b>126.67</b>	.....	<b>4,862.89</b>

Comments submitted in response to this comment request 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.

Signed: At Washington, DC this 30th day of April, 2010.

**Jane Oates,**  
Assistant Secretary, Employment and Training Administration.

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## NUCLEAR REGULATORY COMMISSION

[Docket No.: 70-1257; License No.: SNM-1227; EA-09-272]

### In the Matter of AREVA NP, Inc.; Confirmatory Order (Effective Immediately) [NRC-2010-0172]

#### I

AREVA NP, Inc. (AREVA or Licensee) is the holder of Materials License No. SNM-1227 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 70. The license in effect at the time of the incident described below was most recently amended via Amendment 49, issued on July 9, 2007. The NRC renewed Materials License No. SNM-1227, effective April 24, 2009. The license authorizes the operation of the AREVA NP facility in accordance with the conditions specified therein. The facility is located at the AREVA site in Richland, Washington.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on March 9, 2010.

#### II

On September 23, 2009, the NRC's Office of Investigations (OI) completed an investigation (OI Case No. 2-2009-025) regarding activities at the AREVA facility located in Richland,

Washington. Based on the evidence developed during the investigation, the NRC staff concluded that on April 21, 2009, Item Relied On For Safety (IROFS) 1111, an electronic eye sensor known as the vacuum wand interlock, was deliberately bypassed by an employee and made to work by using tape. These actions violated Standard Operating Procedure (SOP) 40486, "Richland Operations General Rules," Version 16.0, Section 7.0 which states that "interlocks, limit switches and any other safety-related equipment are never to be bypassed, made to work by using tape or other material, or adjusted by anyone except for a defined purpose and in accordance with an approved procedure." As a result, IROFS 1111 was not available and reliable as required by 10 CFR 70.61(e).

#### III

On March 9, 2010, the NRC and AREVA met in an ADR session mediated by a professional mediator, which was arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement or resolving any differences regarding their dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process. The elements of the agreement consist of the following:

1. The NRC and AREVA agreed that the incident that occurred on April 21, 2009, as described in NRC's January 6, 2010, letter, constituted a violation of SOP 40486, and that the operator's actions were deliberate. The NRC and AREVA also agreed that, although the vacuum wand interlock IROFS was disabled, sufficient system IROFS remained in service to perform the intended safety function for identified accident scenarios.

2. Based on AREVA's review of the incident and NRC concerns associated with precluding recurrence of the violation, AREVA completed the

following corrective actions and enhancements:

- a. The equipment was returned to normal operation and safety function was verified;
- b. The employee was immediately relieved of duties pending an investigation;
- c. A charter was established and a root cause investigation was performed;
- d. Although not reportable, AREVA notified the NRC of the incident in a timely manner;
- e. Disciplinary action was administered in accordance with company policies;
- f. AREVA Richland management held stand down meetings with all Richland employees to reinforce obligations with respect to willful misconduct, procedural compliance, potential event repercussions, personal accountability, problem reporting, open communications, opportunities for employees to raise issues and other discussion topics;

g. Lessons learned from this incident were communicated internally and to all other AREVA U.S. Special Nuclear Material (SNM) licensed facilities within the AREVA U.S. fuel organization;

h. AREVA conducted an extent of condition review with operators in all product centers and determined that the incident was isolated; and

i. Safety Conscious Work Environment (SCWE) training was conducted for employees at all AREVA SNM licensed facilities within the AREVA U.S. fuel organization.

3. In addition to the actions completed by AREVA as discussed above, AREVA agreed to additional corrective actions and enhancements, as fully delineated below in Section V of this Confirmatory Order.

4. AREVA agreed to complete the items listed in Section V within 12 months of issuance of this Confirmatory Order.

5. Within three months of completion of the terms of this Confirmatory Order, AREVA will provide the NRC with a letter discussing its basis for concluding