Defendants will also reimburse the Commonwealth for all future response costs, costs incurred to oversee the remedy, and $512,000 in past response costs. In addition, Settling Defendants will pay $825,000 to the U.S. Department of Interior, which includes $62,752 in assessment costs, to be used to fund restoration projects in connection with the Site for natural resources under the Federal and/or joint Federal and State trusteeship. Settling Defendants will also pay $825,000 to the Commonwealth, which includes $44,270 in assessment costs, to be used to fund restoration projects in connection with the Site for natural resources under the Commonwealth's trusteeship.

Beside the 20 Performing Settling Defendants, the proposed Consent Decree includes six Cashout Settling Defendants and 23 *De Minimis* Settling Defendants, each of whom will pay its respective allocated share of responsibility for the Site contamination, including standard premiums, into a trust to be used by the Performing Settling Defendants to pay for the remedial cleanup, response costs, and damages for injuries to natural resources. In exchange for the payments to be made and work to be performed, the Settling Defendants will receive contribution protection and a covenant not to sue under Sections 106 and 107 of CERCLA for remedial cleanup, response costs, and natural resources damages relating to the Site, subject to certain reservation of rights.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to either: *United States* v. *Ausimont Industries, Inc., et al.,* Civil Action No. 1:09–cv–12169, D.J. Ref. 90–11–2–07854/1 and 90–11–2–07854/2. The Consent Decree may be examined at the Office of the United States Attorney for the District of Massachusetts, One Courthouse Way, Suite 9200, Boston, Massachusetts, and at U.S. EPA Region 1, 5 Post Office Square—Suite 100, Boston, Massachusetts. During the public comment period, the Consent Decrees may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of $112.75 (25 cents per page reproduction cost), or, if by e-mail or fax, forward a check in the applicable amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of exhibits and signature pages, please enclose a check, payable to the U.S. Treasury, in the amount of $18 (25 cents per page reproduction cost).

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–30960 Filed 12–29–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Petition for Finding Under Section 3(40) of ERISA

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This program helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collections contained in regulations pertaining to the Department's procedures to making a finding under section 3(40) of the Employee Retirement Income Security Act of 1974 (ERISA) as to whether an employee benefit plan is established and maintained pursuant to one or more collective bargaining agreements. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice or at *http://www.RegInfo.gov.*

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before March 1, 2010.

ADDRESSES: Direct all written comments to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 693–8410; Fax: (202) 219–4745. These are not toll-free numbers. Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Rules codified beginning at 29 CFR 2570.150 set forth an administrative procedure (''procedural rules'') for obtaining a determination by the Department as to whether a particular employee benefit plan is established or maintained under or pursuant to one or more collective bargaining agreements for purposes of section 3(40) of ERISA. These procedural rules concern specific criteria set forth in 29 CFR 2510.3–40 (''criteria rules''), which, if met, constitute a finding by the Department that a plan is collectively bargained. Plans that meet the requirements of the criteria rules are not subject to state law. Among other requirements, the procedural rules require submission of a petition and affidavits by parties seeking a finding. The Department has obtained approval from the Office of Management and Budget (OMB), under OMB Control No. 1210–0119, for the information collections contained in its rules for a finding under section 3(40). This approval is currently scheduled to expire on April 30, 2010.

II. Current Actions

This notice requests comments on an extension of OMB's approval of the information collections included in 29 CFR 2510.3–40. After considering comments received in response to this notice, the Department intends to submit an ICR to OMB for continuing approval of the information collection contained in 29 CFR 2510.3–40. No change to the existing ICR is proposed or made at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid

OMB control number. A summary of the ICR and the current burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Petition for Finding under Section 3(40) of ERISA.

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

OMB Number: 1210–0119.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Respondents: 45.

Responses: 45.

Estimated Total Burden Hours: 0.

Estimated Total Burden Cost (Operating and Maintenance): $120,420.

III. Desired Focus of Comments

The Department is particularly interested in comments that:

- 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.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval; they will also become a matter of public record.

Dated: December 24, 2009.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E9–30996 Filed 12–29–09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2009–0574; Docket Nos. 50–259; 50–260; 50–296; 50–327; 50–328; 50–390; 50–391; License Nos. DPR–33; DPR–52; DPR–68; DPR–77; DPR–79; NPF–90; CPPR–92; EA–09–009; EA–09–203]

In the Matter of U.S. Tennessee Valley Authority, Browns Ferry Nuclear Plant, Sequoyah Nuclear Plant and Watts Bar Nuclear Plant; Confirmatory Order Modifying License (Effective Immediately)

I

U.S. Tennessee Valley Authority (TVA or Licensee) is the holder of Operating License Nos. DPR–33; DPR–52; DPR–68; DPR–77; DPR–79; DPR–90; and Construction Permit No. CPPR–92 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The licenses authorize the operation of the Browns Ferry Nuclear Plant, Units 1, 2 and 3 (BFN), Sequoyah Nuclear Plant, Units 1 and 2, and Watts Bar Nuclear Plant, Unit 1 and construction activities associated with Watts Bar, Unit 2, in accordance with conditions specified therein. These facilities are located in Athens, Alabama; Soddy Daisy, Tennessee; and Spring City, Tennessee, respectively.

This Confirmatory Order is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on December 4, 2009.

II

Two investigations were initiated by the NRC Office of Investigations (OI) to determine if a former contractor in one instance and a TVA employee in the other were discriminated against for engaging in protected activities.

On January 6, 2009, the NRC's Office of Investigations (OI) issued its investigative report regarding whether a former contracted Senior Assessor (SA) hired to work in the Nuclear Assurance (NA) organization, in connection with the BFN Unit 1 Restart Project, was the subject of employment discrimination in violation of 10 CFR 50.7, ''Employee protection.'' In OI Report No. 2–2006–025, OI concluded that a SA was discriminated against for raising concerns regarding the independence of his manager.

On July 30, 2009, OI issued its investigative report regarding whether a maintenance mechanic (MM) employed by TVA at BFN was the subject of employment discrimination in violation of 10 CFR 50.7, ''Employee protection.'' In OI Report No. 2–2009–003, OI concluded that the MM was discriminated against for raising concerns regarding the licensee's compliance with its Fitness for Duty program.

By letter dated October 22, 2009, and by teleconference on November 24, 2009, the NRC identified to the Licensee two separate apparent violations of 10 CFR 50.7, and offered TVA the opportunity to provide a written response, attend a pre-decisional enforcement conference, or to request ADR in which a neutral mediator with no decision-making authority would facilitate discussions between the NRC and TVA and, if possible, assist the NRC and TVA in reaching an agreement. TVA chose to participate in ADR.

III

On December 4, 2009, the NRC and TVA met in an ADR session in Maryland, mediated by a professional mediator, which was arranged through Cornell University's Institute on Conflict Resolution. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process. The elements of the agreement consisted of the following:

1. The NRC acknowledged that TVA, prior to the ADR session, took numerous actions that address the issues underlying the apparent violations. These actions include:

a. Browns Ferry Nuclear Plant (BFN) management conducts regular ''Town Hall'' meetings with TVA and contractor employees, which address topics of interest to the site, and during which feedback is solicited from employees. A regular area of focus is ''Safety Culture'' and the related topic of safety conscious work environment (SCWE).

b. TVA issued ''One Team, One Fleet, One TVA'' pocket-size booklets which identify focus areas for site and corporate success. These booklets include a discussion of the need for a free flow of information where individuals can raise nuclear safety concerns without fear of retribution and have confidence that their concerns will be addressed. These booklets are widely used and form a key part of daily communications.

c. SCWE-oriented brochures (''How Do I Speak Up for Safety'' and ''Voice Your Concerns'') are distributed and are placed throughout the sites for TVA and contractor employees. These brochures and other Concerns Resolution Program (CRP) information are also made available to contractor employees through placement in their individual in-processing packages.

d. ''Speak Up For Safety'' message pens, which also provide CRP contact