

Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Atitaya Rok, at (202) 295-1500 or [FR\\_NOTICE\\_QUESTIONS@lsc.gov](mailto:FR_NOTICE_QUESTIONS@lsc.gov), at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: February 6, 2013.

**Kara Ward,**

*Assistant General Counsel.*

[FR Doc. 2013-03067 Filed 2-6-13; 4:15 pm]

**BILLING CODE 7050-01-P**

## MERIT SYSTEMS PROTECTION BOARD

### Notice of Opportunity To File Amicus Briefs

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

**SUMMARY:** The Merit Systems Protection Board (MSPB or Board) announces the opportunity to file amicus briefs in the matter of *Thomas F. Day v. Department of Homeland Security*, MSPB Docket Number SF-1221-12-0528-W-1, currently pending before the Board on interlocutory appeal. The administrative judge certified for interlocutory review the question of whether the provisions of the Whistleblower Protection Enhancement Act of 2012 (WPEA), 112 Public Law 199, may be applied retroactively to pending cases involving conduct occurring prior to its effective date.

Of particular relevance in *Day* is the question of the retroactive effect of section 101(b)(2)(B) of the WPEA, which provides in relevant part that a disclosure made to an alleged wrongdoer or during an employee's normal course of duties is not excluded from protection against reprisal under 5 U.S.C. 2302(b)(8). In *Huffman v. Office of Personnel Management*, 263 F.3d 1341, 1352 (Fed. Cir. 2001), the U.S. Court of Appeals for the Federal Circuit held that a disclosure made as part of an employee's normal duties, and through normal channels, was not protected under the Whistleblower Protection Act (WPA). The court in *Huffman* further held that a complaint made to a supervisor regarding the supervisor's own alleged wrongdoing was not protected under the WPA. *Id.* at 1350. The Board has applied the holdings in *Huffman* as binding precedent. *See, e.g.,*

*Stiles v. Department of Homeland Security*, 116 M.S.P.R. 263, ¶ 15 (2011). Therefore, the Board must determine in *Day* whether to apply the WPEA standard or the *Huffman* standard in determining whether disclosures that occurred prior to the effective date of the WPEA are entitled to protection. Information about the *Day* case and the WPEA may be found on the Board's Web site at [www.mspb.gov/SignificantCases](http://www.mspb.gov/SignificantCases).

Interested individuals or organizations may submit amicus briefs or other comments on the question presented in *Day* no later than March 1, 2013. Amicus briefs must be filed with the Clerk of the Board. Briefs shall not exceed 30 pages in length. The text shall be double-spaced, except for quotations and footnotes, and the briefs shall be on 8½ by 11 inch paper with one inch margins on all four sides. All amicus briefs received will be posted on the Board's Web site at [www.mspb.gov/SignificantCases](http://www.mspb.gov/SignificantCases) after March 1, 2013.

**DATES:** All briefs submitted in response to this notice must be received by the Clerk of the Board on or before March 1, 2013.

**ADDRESSES:** All briefs shall be captioned "*Thomas F. Day v. Department of Homeland Security*" and entitled "Amicus Brief." Only one copy of the brief need be submitted. The Board encourages interested parties to submit amicus briefs as attachments to electronic mail addressed to [mspb@mspb.gov](mailto:mspb@mspb.gov). An email should contain a subject line indicating that the submission contains an amicus brief in the *Day* case. Any commonly-used word processing format or PDF format is acceptable; text formats are preferable to image formats. Briefs may also be filed with William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; Fax (202) 653-7130.

#### FOR FURTHER INFORMATION CONTACT:

Molly Leckey, Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; (202) 653-7200; [mspb@mspb.gov](mailto:mspb@mspb.gov).

**William D. Spencer,**  
*Clerk of the Board.*

[FR Doc. 2013-02879 Filed 2-7-13; 8:45 am]

**BILLING CODE 7400-01-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Information Security Oversight Office

#### National Industrial Security Program Policy Advisory Committee (NISPPAC)

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101-6, announcement is made for the following committee meeting to discuss National Industrial Security Program policy matters.

**DATES:** The meeting will be held on March 20, 2013 from 10:00 a.m. to 12:00 p.m.

**ADDRESSES:** National Archives and Records Administration, 700 Pennsylvania Avenue NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

**SUPPLEMENTARY INFORMATION:** This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Friday, March 15, 2013. ISOO will provide additional instructions for gaining access to the location of the meeting.

**FOR FURTHER INFORMATION CONTACT:** David O. Best, Senior Program Analyst, ISOO, National Archives Building, 700 Pennsylvania Avenue NW., Washington, DC 20408, telephone number (202) 357-5123, or at [david.best@nara.gov](mailto:david.best@nara.gov). Contact ISOO at [ISOO@nara.gov](mailto:ISOO@nara.gov) and the NISPPAC at [NISPPAC@nara.gov](mailto:NISPPAC@nara.gov).

Dated: February 4, 2013.

**Patrice Little Murray,**

*Acting Committee Management Officer.*

[FR Doc. 2013-02884 Filed 2-7-13; 8:45 am]

**BILLING CODE 7515-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2011-0081; Docket No. 70-3098; Construction Authorization No. CAMOX-001]

**Shaw AREVA MOX Services, LLC (Mixed Oxide Fuel Fabrication Facility); Order Approving Indirect Transfer of Control of Construction Authorization**

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Shaw AREVA MOX Services, LLC (MOX Services) holds Construction