

**ADDRESSES:** Comments concerning the paperwork burden should be addressed to the office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for MSPB, 725 17th Street, NW., Washington, DC 20503, with a copy to Timothy Korb, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419 (or by e-mail to [Timothy.Korb@mspb.gov](mailto:Timothy.Korb@mspb.gov)).

**SUPPLEMENTARY INFORMATION:** On September 21, 2006, the Board published in the **Federal Register** (71 FR 55221) a notice of its intent to submit this proposed information request to OMB for approval, noting that the MSPB intends to make one substantive change to the information collected on the MSPB Appeal Form in both its paper and electronic formats: Individuals who file appeals with the MSPB will be required to provide the last four digits of their Social Security numbers. In addition, several minor edits are being made to the Appeal Form to make the process easier to understand.

The reason for requiring the last four digits of appellants' Social Security

numbers is to ascertain whether an appellant has filed previous appeals with the MSPB that may affect the processing of the new appeal. Because of the similarity of names and the possibility of name changes, and because appellants sometimes use nicknames instead of formal names, it can be difficult to determine whether the person who has filed a new appeal is the same person who filed one or more previous Board appeals. Although requiring the last four digits of the appellant's Social Security number will not result in certainty as to the filer's identity, it will give the MSPB more assurance in this regard. The Board stated that it will carefully safeguard the last four digits of Social Security numbers provided by appellants in MSPB proceedings, and that this information would not generally be disclosed to third parties.

The Board received one comment regarding the substantive change to the appeal form, which raised a concern about protecting the privacy of appellants: "The last four digits of the SSN, in combination with any other amount of personal information about

the appellant, the complete SSN can be determined." We appreciate and share the concern about protecting appellants' privacy, but our investigation failed to disclose a method for accurately determining a person's complete Social Security number having only knowledge of the last four digits (plus some other personal information). More importantly, as stated in our earlier **Federal Register** notice, the MSPB will not be disclosing these four-digit numbers to persons outside the agency. These numbers, along with other personal identifiable information, would be redacted before releasing copies of Board records to persons making requests under the Freedom of Information Act or the Privacy Act.

**Estimated Reporting Burden:** As stated in 60-day notice, the public reporting burden for this collection of information is estimated to vary from 20 minutes to 4 hours, with an average of 60 minutes per response, including time for reviewing the form and instructions, searching existing data sources, gathering the data necessary, and completing and reviewing the collection of information.

#### ESTIMATED ANNUAL REPORTING BURDEN

5 CFR parts	Annual number of respondents	Frequency per response	Total annual response	Hours per response	Total hours
1201, 1208, and 1209 .....	7,150	1	7,150	1.0	7,150

**Bentley M. Roberts, Jr.,**

*Clerk of the Board.*

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**BILLING CODE 7401-01-M**

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

##### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted to OMB at the address below on or before January 16, 2007 to be assured of consideration.

**ADDRESSES:** Send comments to Desk Officer for NARA, Office of Management

and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5167.

##### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-837-1694 or fax number 301-713-7409.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on September 21, 2006 (71 FR 55222 and 55223). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA;

(b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

**Title:** Forms Relating to Civilian Service Records.

**OMB number:** 3095-0037.

**Agency form number:** NA Forms 13022, 13064, 13068.

**Type of review:** Regular.

**Affected public:** Former Federal civilian employees, their authorized representatives, State and local governments, and businesses.

**Estimated number of respondents:** 32,060.

**Estimated time per response:** 5 minutes.

**Frequency of response:** On occasion, when individuals desire to acquire

information from civilian personnel or medical records.

*Estimated total annual burden hours:* 2,671 hours.

**Abstract:** In accordance with rules issued by the Office of Personnel Management, the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers Official Personnel Folders (OPF) and Employee Medical Folders (EMF) of former Federal civilian employees. The authority for this information collection is contained in 36 CFR 1228.164. When former Federal civilian employees and other authorized individuals request information from or copies of documents in OPF's or EMF's, they must provide in forms or in letters certain information about the employee and the nature of the request. The NA Form 13022, Returned Request Form, is used to request additional information about the former Federal employee. The NA Form 13064, Reply to Request Involving Relief Agencies, is used to request additional information about the former relief agency employee. The NA Form 13068, Walk-In Request for OPM Records or Information, is used by members of the public, with proper authorization, to request a copy of a Personnel or Medical record.

Dated: December 7, 2006.

**Martha Morphy,**

*Assistant Archivist for Information Services.*  
[FR Doc. E6-21312 Filed 12-13-06; 8:45 am]

**BILLING CODE 7515-01-P**

## **NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**

### **Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002**

**AGENCY:** National Endowment for the Arts.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given to National Endowment for the Arts employees, former employees and applicants for Federal employment about the rights and remedies available under the antidiscrimination, whistleblower protection, and retaliation laws applicable to them.

**DATES:** Effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Craig McCord, Director of Human Resources, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 627, Washington, DC 20506, (202) 682-5473; or Angelia C. Richardson, Director, Civil Rights Office, National Endowment for the Arts, 1100

Pennsylvania Avenue, NW., Room 219, Washington, DC 20506, (202) 682-5454.

Persons who cannot access this No FEAR Act Notice through the Internet may request a paper or electronic copy by contacting the Civil Rights Office at the address and telephone number listed above.

**SUPPLEMENTARY INFORMATION:** On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the No FEAR Act. One purpose of the Act is to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. In support of this purpose, Congress found that "agencies cannot be run effectively if Federal agencies practice or tolerate discrimination." Public Law 107-174, Section 101(1), 1216 Stat. 566. The Act also requires the National Endowment for the Arts to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform them of the rights and protections available to them under Federal antidiscrimination, whistleblower protection, and retaliation laws.

### **Antidiscrimination Laws**

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status, or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791, and 42 U.S.C. 2000e-16. If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact the Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with our agency. See, e.g. 29 CFR part 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may

file a written complaint with the U.S. Office of Special Counsel (OSC) (contact information listed under whistleblower Protection Laws). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

### **Whistleblower Protection Laws**

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulations; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs. Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site—<http://www.osc.gov>.

### **Retaliation for Engaging in Protected Activity**

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

### **Disciplinary Actions**

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has