

**MERIT SYSTEMS PROTECTION BOARD****The Merit Systems Protection Board (MSPB) is Providing Notice of the Opportunity to File Amicus Briefs in the Matter of Larry L. Evans v. Department of Veterans Affairs, MSPB Docket Number AT-3330-09-0953-I-1.****AGENCY:** Merit Systems Protection Board.**ACTION:** Notice.

**SUMMARY:** Mr. Evans is a preference eligible veteran who has filed an appeal with the MSPB alleging that the agency violated his rights under the Veterans Employment Opportunities Act of 1998 (VEOA) when it failed to select him for a position. The issues raised in this matter concern the interplay of the Federal Career Intern Program (FCIP) with VEOA. The FCIP was established in 2000 by Executive Order 13,162 "to provide for the recruitment and selection of exceptional employees for careers in the public sector," to attract exceptional individuals with "diverse professional experiences, academic training and competencies" to the Federal workforce," and "to prepare them for careers in analyzing and implementing public programs." Exec. Order 13, 162; *see Scull v. Department of Homeland Security*, 113 M.S.P.R. 287, ¶ 6 (2010).

Appointments under the FCIP are to positions in Schedule B of the excepted service and are not to exceed 2 years, unless extended by the agency, with the concurrence of the Office of Personnel Management (OPM), for up to 1 additional year. *Scull*, 113 M.S.P.R. 287, ¶ 6; 5 CFR 213.3202(o)(1)-(2). Upon successful completion of the internship, the agency may effect the intern's noncompetitive conversion to a career or career-conditional appointment in the competitive service. *Scull*, 113 M.S.P.R. 287, ¶ 6; 5 CFR 213.3202(o)(6)(i).

*Evans* presents the following legal issues: (1) Is 5 U.S.C. 3302(1) a "statute \* \* \* relating to veterans' preference" on which a claim under VEOA may be based? *See* 5 U.S.C. 3330a(1)(A); (2) if so, may OPM delegate to other executive agencies the authority to except positions from the competitive service under 5 U.S.C. 3302(1)?; and (3) if that the answers to (1) and (2) are "yes," what must an agency do to justify the use of the FCIP to fill a vacant position, considering the requirement of 5 U.S.C. § 3302(1) that exceptions to the competitive service be "necessary" so as to provide for "conditions of good administration"? *See Weed v. Social*

*Security Administration*, 112 M.S.P.R. 323, ¶¶ 16-18 (2009) (describing the legal issues concerning use of the FCIP and 5 U.S.C. 3302(1)).

Interested parties may submit amicus briefs or other comments on this issue no later than June 11, 2010. Amicus briefs must be filed with the Clerk of the Board. Briefs shall not exceed 15 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.

**DATES:** All briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before June 11, 2010.

**ADDRESSES:** All briefs shall be captioned "*Larry L. Evans v. Department of Veterans Affairs*" and entitled "Amicus Brief." Only one copy of the brief need be submitted. Briefs must be filed with the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419.

**FOR FURTHER INFORMATION CONTACT:** Matthew Shannon, Office of the Clerk of the Board, (202) 653-7200.

Dated: May 4, 2010.

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

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**BILLING CODE 7400-01-P****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 collections pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted to OMB at the address below on or before June 9, 2010 to be assured of consideration.

**ADDRESSES:** Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5167; or electronically mailed to [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov).

**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 February 24, 2010 (75 FR 8407 and 8408). 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:* Identification Card Request.*OMB number:* 3095-0057.*Agency form number:* NA Form 6006.*Type of review:* Regular.*Affected public:* Individuals or households, Business or other for-profit, Federal government.*Estimated number of respondents:* 1,500.*Estimated time per response:* 3 minutes.*Frequency of response:* On occasion.*Estimated total annual burden hours:* 75 hours.

*Abstract:* The collection of information is necessary as to comply with HSPD-12 requirements. Use of the form is authorized by 44 U.S.C. 2104. At the NARA College Park facility, individuals receive a proximity card with the identification badge that is electronically coded to permit access to secure zones ranging from a general nominal level to stricter access levels for classified records zones. The proximity card system is part of the security management system that meets the accreditation standards of the Government intelligence agencies for storage of classified information and serves to comply with E.O. 12958.