

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**

I

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

Authorization (CA) CAMOX-001 for construction of a Mixed Oxide (MOX) Fuel Fabrication Facility (MFFF) at the U.S. Department of Energy (DOE) Savannah River Site in Aiken, South Carolina.

## II

By letter dated August 30, 2012, as supplemented by letters dated October 1, 2012, December 20, 2012, and January 16, 2013, and a purchase transaction agreement dated July 30, 2012 (together, the Transfer Application), MOX Services requested that the U.S. Nuclear Regulatory Commission (NRC) consent to the proposed indirect transfer of Construction Authorization ("CA") CAMOX-001 that would be effected by the indirect transfer of control of Shaw Environmental & Infrastructure, Inc.'s ("Shaw E&I") 30% interest, and Shaw Project Services Group, LLC's ("SPSG") 40% interest in MOX Services. The transfer will occur as a result of the purchase of Shaw E&I and SPSG's ultimate parent company, The Shaw Group Inc. ("Shaw"), by Chicago Bridge and Iron Company NV ("CB&I"), pursuant to a purchase transaction agreement. MOX Services would continue to hold the CA. Upon completion of the transaction, Shaw will become a wholly owned subsidiary of CB&I. Shaw holds a 70% ownership interest in MOX Services through its subsidiaries, Shaw E&I and SPSG. In addition, DOE is requiring that a proxy agreement be established pursuant to the policies duly authorized under the National Industrial Security Program. The proxy agreement will give control of CB&I's interest in MOX Services to SPSG, as a proxy for CB&I, Shaw, and Shaw E&I, in order to insulate SPSG and MOX Services from any potential Foreign Ownership, Control or Influence (FOCI) in order to maintain the Facility Security Clearance held by MOX Services. No physical changes to the MFFF are being proposed.

Approval of the indirect transfer of the CA was requested pursuant to Section 184 of the Atomic Energy Act of 1954, as amended (AEA) (42 U.S.C. 2234) and Section 70.36 of Title 10 of the *Code of Federal Regulations* (10 CFR). A notice of the request for approval and opportunity for a hearing or to submit written comments was published in the **Federal Register** on October 25, 2012 (77 FR 65208). No comments or requests for a hearing were received in response to this notice. The **Federal Register** notice was corrected on (January 30, 2013; 78 FR 6356) to fix a typographical error.

Pursuant to Section 184 of the AEA, no license granted under the AEA, and

pursuant to 10 CFR 70.36, no license granted under 10 CFR part 70, shall be transferred, assigned, or in any manner disposed of, directly or indirectly, through transfer of control of any license to any person unless the Commission, after securing full information, finds that the transfer is in accordance with the provisions of the AEA, and gives its consent in writing. The CA does not authorize MOX Services to use Special Nuclear Material at the MFFF; it only authorizes MOX Services to construct the MFFF. The CA is analogous to a construction permit, and it has served as the mechanism under which the NRC staff has overseen the MFFF construction activities. The Commission's regulations at 10 CFR 2.4, define "license" as including a construction permit. Therefore, the CA is analogous to a license and the requirements of Section 184 of the AEA and 10 CFR 70.36 are applicable to this action.

Upon review of the information received from MOX Services, and other information before the Commission, and relying upon the representations and agreements contained in the Transfer Application, the NRC staff finds that (1) it has secured full information regarding the proposed indirect transfer of control of CAMOX-001, and (2) the proposed indirect transfer, to the extent that CB&I will acquire a 70% ownership interest in MOX Services pursuant to its planned acquisition of Shaw, as described in the Transfer Application, and to the extent that CB&I, Shaw, Shaw E&I, SPSG, and MOX Services are in compliance with DOE FOCI requirements for maintenance of the MFFF DOE Facility Security Clearance, is in accordance with the provisions of the AEA of 1954, as amended.

The findings set forth above are supported by a Safety Evaluation (SE) dated January 30, 2013.

## III

Accordingly, pursuant to Section 184 of the AEA Act of 1954, as amended and Section 70.36 of 10 CFR, *it is hereby ordered* that the indirect transfer of control of CAMOX-001, as described herein, is approved.

*It is further ordered* that after receipt of all required regulatory approvals of the proposed indirect transfer, MOX Services shall inform the Director of the Office of Nuclear Material Safety and Safeguards, in writing, of such receipt no later than one (1) business day prior to the closing of the proposed indirect transfer. Should the proposed indirect transfer not be completed within 60 days from the date of issuance of this Order, the Order shall become null and

void; however, on written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the letter dated August 30, 2012, as amended, (which can be found at Agencywide Documents Access and Management System [ADAMS] Accession Number ML12243A498). Publicly-available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 31st day of January 2013.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

*Director, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2013-02873 Filed 2-7-13; 8:45 am]

**BILLING CODE 7590-01-P**

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## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review, Request for Comments

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Section 2 of the Railroad Retirement Act (RRA) provides for payment of