

- 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., permitting electronic submission of responses.

*Overview of this information collection 1117-0052:*

(1) *Type of Information Collection:* Extension of a currently approved collection with change.

(2) *Title of the Form/Collection:* National Drug Threat Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, State, Tribal, and Local law enforcement agencies. This survey is a critical component of the National Drug Threat Assessment and other reports and assessments produced by the Drug Enforcement Administration. It provides direct access to detailed drug threat data from state and local law enforcement agencies.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that approximately 3,500 respondents will complete a survey response within approximately 20 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,167 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W-1407B, Washington, DC 20530

Dated: March 28, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2013-07665 Filed 4-2-13; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 3-13]

#### Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations

(45 CFR 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Friday, April 12, 2013: 12:00 p.m.—Consideration of petitions to reopen Final Decisions in claims against Libya; 12:30 p.m.—Issuance of Proposed Decisions in claims against Albania.

*Status:* Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Judith H. Lock, Executive Officer, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616-6975.

**Brian M. Simkin,**

*Chief Counsel.*

[FR Doc. 2013-07895 Filed 4-1-13; 4:15 pm]

**BILLING CODE 4410-BA-P**

## MARINE MAMMAL COMMISSION

### Sunshine Act Notice

**TIME AND DATE:** The Marine Mammal Commission will meet in open session on Friday, 12 April 2013, in Silver Spring, Maryland, from 9:00 a.m. to 5:00 p.m.

**PLACE:** The meeting on will be held in the National Oceanic and Atmospheric Administration's Science Center, 1301 East-West Highway, Silver Spring, Maryland 20910.

**STATUS:** The Commission expects that all portions of this meeting will be open to the public. It will allow public participation as time permits and as determined to be desirable by the Chairman. Should it be determined that it is appropriate to close a portion of the meeting to the public, any such closure will be carried out in accordance with applicable regulations (50 CFR 560.5 and 560.6).

Seating for members of the public at this meeting may be limited. The Commission therefore asks that those intending to attend advise it in advance by sending an email to the Commission at [mmc@mmc.gov](mailto:mmc@mmc.gov) or by calling (301) 504-0087. Members of the public will need to present valid, government-issued photo identification to enter the building where the meeting will be held.

**MATTERS TO BE CONSIDERED:** The Commission plans to meet with management and scientific officials in the National Marine Fisheries Service headquarters office to identify and

discuss the agency's most pressing marine mammal research and management needs. The Commission already has met with staff in each of the Service's six regions to discuss these matters. The Commission intends to use the information from these meetings to develop a set of national priorities for guiding federal conservation efforts for marine mammals. Members of the public have been invited to attend all of the regional meetings, as well as the meeting with headquarter's staff and to provide comments concerning priority issues. Those unable to attend any of the meetings may submit comments in writing. Written comments should be sent to Timothy J. Ragen, Executive Director, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda, Maryland 20814.

#### CONTACT PERSON FOR MORE INFORMATION:

Timothy J. Ragen, Executive Director, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda, MD 20814; (301) 504-0087; email: [tragen@mmc.gov](mailto:tragen@mmc.gov).

Dated: April 1, 2013.

**Michael L. Gosliner,**

*General Counsel.*

[FR Doc. 2013-07861 Filed 4-1-13; 4:15 pm]

**BILLING CODE 6820-31-P**

## MERIT SYSTEMS PROTECTION BOARD

### Agency Information Collection Activities; Proposed Collection

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506 and 3507), the Merit Systems Protection Board (MSPB or Board) announces that an Information Collection Request (ICR) was forwarded to the Office of Management and Budget (OMB) for review and approval. The ICR is for MSPB's revised Appeal Form (MSPB Form 185). We request public comments on the revised form, which is available for review (along with the comments previously received) on MSPB's Web site at <http://www.mspb.gov/appeals/revisedappealform.htm>.

**DATES:** Written comments must be received on or before May 3, 2013.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW.,

Washington, DC 20503, Attention: Desk Officer for the Merit Systems Protection Board, or send them via electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:**

William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; telephone 202-653-7200; fax 202-653-7130; email [mspb@mspb.gov](mailto:mspb@mspb.gov). Persons without Internet access may request a paper copy of MSPB Form 185 from the Office of the Clerk of the Board.

**Revised MSPB Appeal Form 185**

On December 3, 2012, MSPB published a 60-day notice in the **Federal Register** (77 FR 71640) of our intent to submit this proposed information collection to OMB for review and approval. The MSPB received a number of comments regarding its proposed revisions to MSPB Form 185 from Federal agencies, employees, attorney associations, and individual representatives. The revisions to the form include streamlining and reorganizing the introductory instructions; updating appellant/agency information; clarifying hearing request information; providing information regarding affirmative defenses and particular classes of appeals (Individual Right of Action (IRA), Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and Veterans Employment Opportunities Act of 1998 (VEOA)) in a new Appendix A; consolidating certain sections and eliminating others as superfluous; and providing full contact information for each of the Board's regional and field offices in a new Appendix B.

The following sentence has been added to the section, "Time Limits for Filing an Appeal," on page 1: "The 30-day time limit may also be extended if you have previously filed a formal equal employment opportunity (EEO) complaint regarding the same matter, as described in Appendix A."

Instructions about which parts of the form must be completed for particular classes of appeals were added, and references to requested documents in boxes 16 and 18 were bolded for added visibility. In addition, language in box 16 has been changed to read, as follows: "Explain briefly why you think the agency was wrong in taking this action, including whether you believe the agency engaged in harmful procedural error, committed a prohibited personnel practice, or engaged in one of the other claims listed in Appendix A. Attach the agency's proposal letter, decision letter, and SF-50, if available. Attach additional sheets if necessary (bearing

in mind that there will be later opportunities to supplement your filings)."

Language in box 26, requesting information regarding a designated representative, has been changed to read as follows: "Has an individual or organization agreed to represent you in this proceeding before the Board? (You may designate a representative at any time. However, it is unlikely that the appeals process will be delayed for reasons related to obtaining or maintaining representation. Moreover, you must promptly notify the Board in writing of any change in representation.)"

Appendix A: The second sentence under the heading, "Prohibited Personnel Practices," has been changed to read as follows: "Among the prohibited personnel practices most likely to be relevant as an affirmative defense in an MSPB proceeding are: Unlawful discrimination under subsection (b)(1); retaliation for protected whistleblowing under subsection (b)(8); and retaliation for other protected activity under subsection (b)(9)."

In order to include additional bases of prohibited discrimination and their corresponding statutory foundation, the heading, "Unlawful Discrimination," has been changed to read as follows: "A claim that the agency action was the result of prohibited discrimination based on race, color, religion, sex, national origin, disability, age, marital status, political affiliation, genetic information, and retaliation for prior EEO activity. See 5 U.S.C. 2302(b)(1) and 7702; 5 CFR Part 1201, Subpart E; 29 CFR Part 1630 and Appendix to Part 1630; 42 U.S.C. 2000ff et seq.; 29 CFR 1614.302-308. If you filed a formal discrimination complaint, give the date on which you did so, state whether and when the agency issued a final decision on your discrimination complaint, and provide copies of both."

In order to include new provisions introduced by passage of the Whistleblower Protection Enhancement Act (WPEA), the title and content of the headings, "Retaliation for whistleblowing activity under 5 U.S.C. § 2302(b)(8)," and "Retaliation for other protected activity under 5 U.S.C. § 2302(b)(9)," have been changed to read as follows:

"Retaliation for whistleblowing activity under 5 U.S.C. 2302(b)(8) and (b)(9)(A)(i), (B), (C), or (D): A claim that the agency action was taken in retaliation for the disclosure of information the individual reasonably believes demonstrates a violation of law, rule, or regulation, gross

mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety, or in retaliation for exercise of the right to appeal, complain, or grieve an alleged violation of Subsection (b)(8); for testifying or otherwise lawfully assisting another's right to appeal, complain, or grieve such an alleged violation; for cooperating with or disclosing information to the Inspector General or Special Counsel in accordance with applicable provisions of law; or for refusing to obey an order that would require a violation of law. See 5 CFR 1209.4(b).

"Retaliation for other protected activity under 5 U.S.C. 2302(b)(9)(A)(ii): A claim that the agency action was taken in retaliation for the exercise of a right, other than with regard to remedying an alleged violation of 5 U.S.C. 2302(b)(8), such as the filing of an appeal, complaint, or grievance."

The first paragraph under the heading, "IRA, USERRA, and VEOA Appeals," has been changed to read as follows:

"The law provides for three types of appeals in certain situations that might not otherwise be appealable to the MSPB (See 5 CFR 1201.3(a) for a list of otherwise appealable actions): Individual Right of Action (IRA) appeals under the Whistleblower Protection Act (WPA) and Whistleblower Protection Enhancement Act (WPEA) pursuant to 5 U.S.C. 1221; appeals under the Uniformed Services Employment and Reemployment Rights Act (USERRA) pursuant to 38 U.S.C. 4324; and appeals under the Veterans Employment Opportunities Act (VEOA) pursuant to 5 U.S.C. 3330a. Note: As previously set forth, allegations of retaliation for whistleblowing, as well as allegations under USERRA and VEOA, may be brought as additional claims in cases that are otherwise appealable to the Board."

Also reflecting changes arising from passage of the WPEA, the title and content of the heading, "IRA Appeals under the Whistleblower Protection Act," has been changed to read as follows:

"IRA Appeals under the WPA and WPEA. Subsection (b)(8) of 5 U.S.C. § 2302 makes it a prohibited personnel practice to threaten, propose, take, or not take a personnel action listed in 5 U.S.C. 2302(a)(2) because of an individual's disclosure of information that he or she reasonably believes shows a violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety. Subsections (b)(9)(A)(i), (B), (C), and (D) make it a prohibited personnel

practice to threaten, propose, take, or not take a personnel action because an appellant exercised the right to appeal, complain, or grieve an alleged violation of Subsection (b)(8); testified or otherwise lawfully assisted another's right to appeal, complain, or grieve such an alleged violation; cooperated with or disclosed information to the Inspector General or Special Counsel in accordance with applicable provisions of law; or refused to obey an order that would require a violation of law. *See 5 CFR 1209.4.* If the personnel action allegedly taken in reprisal for making a protected disclosure or engaging in protected activity is not otherwise appealable to the Board, you must first file a whistleblower complaint with the Office of Special Counsel (OSC) and exhaust the procedures of that office, *see 5 U.S.C. 1214(a)(3)*, before you may file an IRA appeal with the Board under *5 U.S.C. § 1221.*"

Finally, instructions regarding the impact of filing a formal EEO complaint

on the Board's timeliness requirements are included under the heading, "Time Limits for filing IRA, USERRA, and VEOA Appeals, and following the filing of a Formal EEO Complaint," as follows: "Formal EEO Complaints. If you have previously filed a formal Equal Employment Opportunity (EEO) complaint regarding the same matter, you must file your Board appeal within 30 days after receiving the agency's resolution or final decision as to that complaint, or you may file at any time after 120 days have elapsed from the filing of the complaint in the absence of such an agency resolution or decision. *See 5 CFR 1201.154(b).*"

#### Estimated Reporting Burden

In accordance with the requirements of the PRA, MSPB is soliciting comments on the public reporting burden for this information collection. 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.

Specifically, MSPB invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of the MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

#### ESTIMATED REPORTING BURDEN

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

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

[FR Doc. 2013-07692 Filed 4-2-13; 8:45 am]

**BILLING CODE 7400-01-P**

#### NATIONAL LABOR RELATIONS BOARD

##### Sunshine Act Meetings: April 2013

**TIME AND DATES:** All meetings are held at 2:00 p.m. Wednesday, April 3; Thursday, April 4; Wednesday, April 10; Thursday, April 11; Wednesday, April 17; Thursday, April 18; Wednesday, April 24; Thursday, April 25.

**PLACE:** Board Agenda Room, No. 11820, 1099 14th St. NW., Washington, DC 20570.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider "the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition \* \* \* of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or

any court proceedings collateral or ancillary thereto." See also 5 U.S.C. 552b(c)(10).

#### CONTACT PERSON FOR MORE INFORMATION:

*Henry Breitenreicher*, Associate Executive Secretary, (202) 273-2917.

Dated: April 1, 2013.

**Henry Breitenreicher**,  
*Associate Executive Secretary.*

[FR Doc. 2013-07881 Filed 4-1-13; 4:15 pm]

**BILLING CODE 7545-01-P**

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286; NRC-2013-0063]

##### Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit 3

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft environmental assessment and finding of no significant impact; request for public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is reconsidering its issuance of a revision of an existing exemption from its regulations, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," for Fire Areas ETN-4 and PAB-

2, issued to Entergy Nuclear Operations, Inc. (the licensee), for operation of Indian Point Nuclear Generating Unit 3 (Indian Point 3), located in Westchester County, NY."

**DATES:** Submit comments by May 3, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** You may access information and comment submissions related to this document, which the NRC possesses and is publicly-available, by searching on <http://www.regulations.gov> under Docket ID NRC-2013-0063. You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0063. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.