

granted by MSHA prior to starting the process.

(j) Mechanical bridge plugs shall incorporate the best available technologies required or recognized by the State regulatory agency and/or oil and gas industry.

(k) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These proposed revisions shall include initial and refresher training on compliance with the terms and conditions stated in the PDO granted by MSHA. The operator shall provide all miners involved in well intersection with training on the requirements of the PDO granted by MSHA prior to mining within 150 feet of the next well intended to be mined through.

(l) The responsible person required under 30 CFR 75.1501 shall be responsible for well intersection emergencies. The well intersection procedures shall be reviewed by the responsible person prior to any planned intersection.

(m) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required under 30 CFR 75.1502. The operator shall revise the program of instruction to include the hazards and evacuation procedures to be used for well intersections. All underground miners will be trained in this revised plan within 30 days of the submittal.

In support of the proposed alternative method, the petitioner submitted a gas well map that provides details and locations of gas wells.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

**Song-ae Aromie Noe,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 2024-08346 Filed 4-18-24; 8:45 am]

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## MERIT SYSTEMS PROTECTION BOARD

### Notice of Opportunity To File Amicus Briefs

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

The Merit Systems Protection Board (MSPB or the Board) announces the opportunity to file amicus briefs in the matter of *Mary Reese v. Department of the Navy*, MSPB Docket No. DC-1221-21-0203-W-1, currently pending before the Board on petition for review. The *Reese* appeal presents a question regarding the scope of 5 U.S.C. 2302(b)(9)(C), which prohibits reprisal for “cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law.” Given the limited precedent addressing the types of activities covered or excluded from section 2302(b)(9)(C), the Board is seeking the input of interested parties, including the Office of Special Counsel.

**DATES:** All briefs submitted in response to this notice must be received by the Clerk of the Board on or before May 20, 2024.

**ADDRESSES:** Briefs must be submitted to Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, by email to [mspb@mspb.gov](mailto:mspb@mspb.gov); by mail to Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; or by fax to (202) 653-7130.

**FOR FURTHER INFORMATION CONTACT:** Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; phone: (202) 653-7200; fax: (202) 653-7130; email: [mspb@mspb.gov](mailto:mspb@mspb.gov).

**SUPPLEMENTARY INFORMATION:** The Board has thus far issued limited precedent addressing the types of activities covered or excluded from section 5 U.S.C. 2302(b)(9)(C). Because the *Reese* appeal may present an opportunity to do so, the Board is seeking input from interested parties about the proper interpretation and application of the provision.

The first question of law presented in *Reese* is whether an employee’s informal complaints of a climate of sexual harassment made to her supervisors and others (but not through the equal employment opportunity process) on behalf of herself and other employees might constitute “the exercise of any appeal, complaint, or grievance right granted by any law, rule or regulation” so as to be covered by section 2302(b)(9)(A), and thus precluding coverage under section 2302(b)(9)(C). In the context of an employee’s formal administrative grievance, the Board has found that such actions are covered by section 2302(b)(9)(A) rather than section

2302(b)(9)(C). *McCray v. Department of the Army*, 2023 MSPB 10, ¶¶ 26–29. However, the Board has limited precedent otherwise analyzing the type of appeal, complaint, or grievance covered under section 2302(b)(9)(A). See *Marcell v. Department of Veterans Affairs*, 2022 MSPB 33, ¶ 6 (finding that an employee’s request for FMLA leave and a OWCP claim did not fall under section 2302(b)(9)(A) because neither constituted an initial step toward taking legal action against the agency for the perceived violation of the employee’s rights).

The second question of law presented in *Reese* concerns whether activity that falls within the protections of title VII may also be protected by section 2302(b)(9)(C). The U.S. Court of Appeals for the Federal Circuit has held that disclosures of violations of antidiscrimination laws made in equal employment opportunity (EEO) complaints, which are protected under antiretaliation provisions specific to the EEO process, are excluded from the protections of 5 U.S.C. 2302(b)(8). *Spruill v. Merit Systems Protection Board*, 978 F.2d 679, 692 (Fed. Cir. 1992). The court has also affirmed a Board decision, *Edwards v. Department of Labor*, 2022 MSPB 9, which held that verbal complaints of discrimination to supervisors are similarly excluded from the protections of 5 U.S.C. 2302(b)(8). *Edwards v. Merit Systems Protection Board*, No. 2022-1967, 2023 WL 4398002 (Fed. Cir. July 7, 2023). The question is whether the court’s reasoning extends to 5 U.S.C. 2302(b)(9)(C).

The third question of law presented in *Reese* is whether the language of section 2302(b)(9)(C), “cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law,” encompasses (1) an informal discussion with someone from the kind of agency component that might conduct investigations or (2) a formal interview with someone who is appointed as a fact finder but is not otherwise part of a formal investigatory office or component within an agency. The Board has recognized that the scope of this statutory language is not defined elsewhere in the statute or in the associated legislative history. *McCray*, 2023 MSPB 10, ¶ 27.

### Required Format for Briefs

All briefs shall be captioned “*Mary Reese v. Department of the Navy*” and entitled “Amicus Brief.” Only one copy of the brief need be submitted. The

Board encourages interested persons or organizations to submit amicus briefs as attachments to email sent 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 *Reese* case. Any commonly used word processing format or PDF format is acceptable; text formats are preferable to image formats. Briefs shall not exceed 30 pages in length and the text must be formatted as double-spaced, except for quotations and footnotes, on 8½ by 11 inch paper with one inch margins on all four sides. Regardless of the method used for submitting briefs, all submissions will be posted, without change, to MSPB's website ([www.mspb.gov](http://www.mspb.gov)) and will include any personal information you provide. Therefore, submitting this information makes it public.

**Gina K. Grippando,**  
Clerk of the Board.

[FR Doc. 2024-08353 Filed 4-18-24; 8:45 am]

BILLING CODE 7400-01-P

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meetings

**TIME AND DATE:** The Members of the National Council on Disability (NCD) will hold a quarterly business meeting on Thursday, May 9, 2024, 1:00 p.m.–5:00 p.m., eastern daylight time (EDT).

**PLACE:** This meeting will occur via Zoom videoconference. Registration is required. Interested parties are encouraged to join the meeting in an attendee status by Zoom Desktop Client, Mobile App, or Telephone to dial-in. Updated information is available on NCD's event page at <https://www.ncd.gov/meeting/2024-05-09-may-9-2024-council-meeting/>. To register for the Zoom webinar, please use the following URL: [https://www.zoomgov.com/webinar/register/WN\\_C-wldbB6SKedo9Ap4o6k-Q#/registration](https://www.zoomgov.com/webinar/register/WN_C-wldbB6SKedo9Ap4o6k-Q#/registration).

In the event of audio disruption or failure, attendees can follow the meeting by accessing the Communication Access Realtime Translation (CART) link provided. CART is text-only translation that occurs real time and is not an exact transcript.

**MATTERS TO BE CONSIDERED:** Following welcome remarks and introductions, the Executive Committee will provide their report; followed by the Chair's report; policy updates; a break; followed by policy proposals for fiscal year 2025; a presentation by the Intertribal Disability Advisory Council (IDAC) on living with a disability on tribal lands, followed by

Council member Q&A; a public comment session focused on public facilities and public transportation; and Council Member training on National Archives and Records Administration (NARA) requirements; then adjournment.

**Agenda:** The times provided below are approximations for when each agenda item is anticipated to be discussed (all times eastern daylight time):

Thursday, May 9, 2024

1:00–1:10 p.m.—Welcome and Call to Order

1:10–1:25 p.m.—Executive Committee Reports

1:25–1:35 p.m.—Chair's Report

1:35–2:05 p.m.—Policy Updates

2:05–2:15 p.m.—BREAK

2:15–3:15 p.m.—FY2025 Policy Proposals

3:15–4:00 p.m.—Presentation by Intertribal Disability Advisory Council (IDAC): Living with a disability on tribal lands, and Council member Q&A

4:00–4:30 p.m.—Public comment on public facilities, public transportation

4:30–5:00 p.m.—NARA training for Council members

5:30 p.m.—Adjournment

**Public Comment:** Your participation during the public comment period provides an opportunity for us to hear from you—individuals, businesses, providers, educators, parents and advocates. Your comments are important in bringing to the Council's attention and issues and priorities of the disability community.

For the May 9 Council meeting, NCD will have a public comment session to receive input on experiences with public facilities and public transportation. Additional information on specifics of the topic and guidelines are available on NCD's public comment page at <https://www.ncd.gov/public-comment/>.

Please share your experiences and/or knowledge on the accessibility of municipal/county or private recreation facilities regarding: buildings (accessibility of buildings, locker rooms, weight rooms, exercise areas); fitness equipment (exercise machines, weight machines); exercise classes (integrated classes, modifications); swimming facilities (pool lifts, entry ramps); and other accessibility comments on private or federally financed recreation facilities. NCD also continues to seek public comment on ground transportation. Please provide comments about: the accessibility of rental cars (reservations, hand-controls,

cars available for rental); and the accessibility of hotel shuttles or other public shuttles.

Because of the virtual format, the Council will receive public comment by email or by video or audio over Zoom. To provide public comment during an NCD Council Meeting, NCD now requires advanced registration by sending an email to [PublicComment@ncd.gov](mailto:PublicComment@ncd.gov) with the subject line "Public Comment" and your name, organization, state, and topic of comment included in the body of your email. Deadline for registration is May 8, 8:00 p.m. EDT.

While public comment can be submitted on any topic over email, comments during the meeting should be specific to ground transportation experiences, as the input is needed for an upcoming report.

If any time remains following the conclusion of the comments of those registered, NCD may call upon those who desire to make comments but did not register.

**CONTACT PERSON FOR MORE INFORMATION:** Nicholas Sabula, Public Affairs Specialist, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202-272-2004 (V), or [nsabula@ncd.gov](mailto:nsabula@ncd.gov).

**Accommodations:** An ASL interpreter will be on-camera during the entire meeting, and CART has been arranged for this meeting and will be embedded into the Zoom platform as well as available via streamtext link. The web link to access CART (in English) is: <https://www.streamtext.net/player?event=NCD>.

If you require additional accommodations, please notify Stacey Brown by sending an email to [sbrown@ncd.gov](mailto:sbrown@ncd.gov) as soon as possible, no later than 24 hours before the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute items without advance public notice.

Dated: April 17, 2024.

**Anne C. Sommers McIntosh,**  
Executive Director.

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Humanities

#### Meeting of Humanities Panel

**AGENCY:** National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

**ACTION:** Notice of meeting.