

and aviation experts as well as invited professional speakers, various networking opportunities, and a first-class exhibit hall. In addition, a Basic Fleet class, optional but included in the registration fee, will be held on Sunday, July 22. A 24-hour ICAP Aircraft Safety Officer's (ASO) training course will begin on Monday, July 23. To attend, exhibit, or hold an agency-wide meeting, visit the FedFleet 2007 web site at [www.fedfleet.org](http://www.fedfleet.org).

**FOR FURTHER INFORMATION CONTACT:** Michael Hopkins, Office of Governmentwide Policy, at (202) 208-4421, or by e-mail to [Michael.Hopkins@gsa.gov](mailto:Michael.Hopkins@gsa.gov).

Dated: November 1, 2006.

**Janet C. Dobbs,**

*Director of Aviation Policy, Acting Director of Motor Vehicle Fleet.*

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**BILLING CODE 6820-24-S**

## GOVERNMENT ACCOUNTABILITY OFFICE

### No FEAR Act Notice

**AGENCY:** Government Accountability Office.

**ACTION:** Notice.

**SUMMARY:** The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires that each Federal agency provide notice to all employees, former employees, and applicants for employment about the rights and remedies available under antidiscrimination laws and whistleblower protection laws applicable to them. GAO's notice specifically describes the GAO processes and procedures for filing complaints alleging violations of these laws. This document fulfills GAO's requirement to publish the initial notice in the **Federal Register**.

**DATES:** This notice is effective November 8, 2006.

**FOR FURTHER INFORMATION CONTACT:** Barbara Simball, Assistant General Counsel; telephone 202-512-8173; e-mail [simballb@gao.gov](mailto:simballb@gao.gov).

**SUPPLEMENTARY INFORMATION:** The "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" was passed to require that Federal agencies be accountable for violations of discrimination and whistleblower protection laws. The Act recognized that agencies cannot be run effectively if those agencies practice or

tolerate discrimination. As defined in 5 U.S.C. 104, GAO is an independent establishment, and by extension an executive agency as defined in 5 U.S.C. 105, and thus is covered under this Act. The Act and regulations promulgated by Office of Personnel Management at 5 CFR 724.102 require that Federal employees, former employees, and applicants be notified in paper and/or electronic form of the rights and protections available to them under Antidiscrimination and Whistleblower Protection laws. GAO's notice will raise the awareness of its employees, former employees, and applicants for employment of the procedures to follow if they believe they have been subject to a violation of these laws.

### No FEAR Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," Public Law 107-174, 116 Stat. 566, 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." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).

The Act also requires that each Federal agency provide the following notice to its employees, former employees, and applicants for Federal employment to inform them of the rights and protections available to them under Federal antidiscrimination and whistleblower protection 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, 42 U.S.C. 2000e-16, and 42 U.S.C. 12101.

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 an Office of Opportunity and Inclusiveness (OOI) 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 your agency. See GAO Order 2713.2, "Discrimination Complaint Resolution Process" (July 10, 2006). 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 OOI 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 charge with the Personnel Appeals Board Office of General Counsel (PAB/OGC). See 4 CFR Part 28. In addition, in certain types of adverse and performance-based actions, such as removals, you may file a discrimination charge directly with the PAB/OGC within 30 days of the effective date of the action, instead of filing a complaint with OOI. See 4 CFR 28.98(c) for further information.

### 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 regulation; 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), as made applicable to GAO by 31 U.S.C. 732(b)(2).

If you believe that you have been the victim of whistleblower retaliation, you may file a charge with the PAB/OGC. See 4 CFR part 28.

### 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 sections in order to pursue any legal remedy.

### Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline an employee for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws up to and including removal. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR Part 724, or contact the Office of Opportunity & Inclusiveness (OOI) or the Office of the General Counsel, Legal Services Group. OOI is located at 441 G Street, NW., Room 6123, Washington, DC 20548. The Office of the General Counsel, Legal Services, is located at 441 G Street, NW., Room 7838, Washington, DC 20548. Additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws can be found at the Equal Employment Opportunity Commission Web site—<http://www.eeoc.gov>, the Office of Special Counsel Web site—<http://www.osc.gov>, and in GAO Order 2713.2, “Discrimination Complaint Resolution Process” (July 10, 2006), and Personnel Appeals Board regulations, 4 CFR Part 28. The PAB/OGC is located at Union Center Plaza II, Suite 580, 820 First Street, NE., Washington, DC 20002.

### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Dated: November 3, 2006.

**Gary L. Kepplinger,**

*General Counsel, Government Accountability Office.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-07-05BF]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639-4766 or send an e-mail to [omb@cdc.gov](mailto:omb@cdc.gov). Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395-6974. Written comments should be received within 30 days of this notice.

#### Proposed Project

Human Smoking Behavior—New—National Center for Chronic Disease and Public Health Promotion (NCDDPHP), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

CDC, National Center for Chronic Disease Prevention and Health Promotion (NCDDPHP), in a joint venture with the National Center for Environmental Health (NCEH), proposes to conduct a 2-year laboratory-based study of human smoking behavior among established current smokers of the major styles and varieties of cigarettes consumed in the United States. This study will compare how different categories of cigarettes deliver toxic chemicals to smokers in order to further investigate the link between tobacco use and disease.

The major objective of this study is to better understand how human and cigarette variables influence the delivered dose of harmful chemicals in smoke to identify risk factors that result in adverse health effects from smoking. The smoking behavior and biomarkers of 360 smokers will be ascertained. Participants will attend two sessions on consecutive days. Solanesol levels in cigarette filter butts; carbon monoxide boost in breath; carcinogens and nicotine and its metabolites in urine; cotinine in saliva; vent-blocking (as measured by filter stain pattern and visualization of lip and finger placement on the rod using fluorescent markers); smoking topography; and breathing patterns (inhalation and exhalation volume, breath velocity and duration

prior to smoking, during smoking and after smoking) will be used to measure dose based on the number of cigarettes smoked, amount of each cigarette smoked, filter vent blocking behavior, smoking behavior and puff characteristics.

Another objective of this study is to define average or “composite” smoking patterns across several of the most popular cigarette categories (ultralight, light, full-flavored menthol and full-flavored non-menthol) from the quantitative and observational data. All current smoking machine methodologies are “one size fits all” approaches to generating cigarette smoke. The composite conditions can be used to establish human behavior-based smoking machine methods for laboratory studies that require cigarette smoke for chemical or toxicological testing. Currently, laboratory scientists rely on automated smoking machines to generate cigarette smoke for chemical and toxicological testing.

Funding for this study will come from both NCCDDPHP and NCEH. The Centers will share responsibilities, with administrative and technical assistance coming from NCCDDPHP and laboratory support coming from NCEH.

This is a two-year study, and an estimated 500 respondents will be screened by telephone to yield 360 eligible respondents who complete both visits over the two-year study period. The total burden for each respondent who completes screening, visit 1 and visit 2 will be two hours and five minutes. The CATI screening will take five minutes. Visit 1 will take one hour, which includes a short screening item, the informed consent process, biologic sample collection (urine, saliva, and breath carbon monoxide), smoking topography, ventilation hole blocking procedure and breath measurements. Visit 2 will also take approximately one hour, which includes compensation, discussion of quit opportunities if requested, collection of cigarette butts, biologic sample collection (urine, saliva, and breath carbon monoxide), smoking topography, ventilation hole blocking procedure and breath measurements.

The following table summarizes burden on an annualized basis for 500 telephone interviews and 180 eligible respondents (one-half of the total respondents). The 180 eligible respondents estimated to complete visit 2 are the same respondents estimated to complete visit 1.

There are no costs to the respondents other than their time. The total estimated annualized burden hours are 402.