

to Nathan Lesser, Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:**

Katrina Kletzly, Attorney-Advisor, Office of the Chief Counsel, TSA-2, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-1995; facsimile (571) 227-1381.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Information Collection Requirement**

*Title:* Office of Law Enforcement/Federal Air Marshal Service Mental Health Certification.

*Type of Request:* Emergency processing request of new collection.

*OMB Control Number:* Not yet assigned.

*Form(s):* Mental Health Certification.

*Affected Public:* Office of Law Enforcement/Federal Air Marshal Service applicants.

*Abstract:* Pursuant to 49 U.S.C. 44901, 44903, and 44917, TSA has authority to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy, provide for deployment of Federal Air Marshals (FAMs) on passenger flights, and provide for appropriate training, supervision, and equipment of FAMs. In furtherance of this authority, TSA policy requires that

applicants for Office of Law Enforcement/Federal Air Marshal positions meet certain medical standards, including Federal Aviation Administration second-class airman standards as outlined in 14 CFR part 67. The TSA modifications to these standards include a psychological evaluation to determine that the individual does not have an established medical history or clinical diagnosis of psychosis, neurosis, or any other personality or mental disorder that clearly demonstrates a potential hazard to the performance of FAM duties or the safety of self or others. As part of the psychological evaluation, applicants will be required to complete a certification regarding their mental health history and provide an explanation for anything they cannot certify. Applicants will be asked whether they can certify various statements including that they have never been removed from work for medical or psychological reasons. Applicants will be instructed to submit this form directly to the FAMS Medical Programs for initial screening via fax, mail, or in person. Any explanations received will generally require further review and follow-up by a contract psychologist or psychiatrist. This certification is carefully geared to capitalize on other elements of the assessment process, such as personal interviews, physical task assessment, background investigation, as well as the other components of the medical examination and assessment.

*Number of Respondents:* 10,000.

*Estimated Annual Burden Hours:* An estimated 10,000 hours annually.

Issued in Arlington, Virginia, on November 30, 2006.

**Lisa Dean,**

*Privacy Officer.*

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**BILLING CODE 9110-05-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of Federal Housing Enterprise Oversight**

**No FEAR Act Notice**

**AGENCY:** Office of Federal Housing Enterprise Oversight, HUD.

**ACTION:** Notice.

**SUMMARY:** The Office of Federal Housing Enterprise Oversight (OFHEO) is providing notice to all of its employees, former employees, and applicants for employment about the rights and remedies that are available to them

under the Federal antidiscrimination laws and whistleblower protection laws. This notice fulfills OFHEO's notification obligations under the Notification and Federal Employees Antidiscrimination Retaliation Act, as implemented by Office of Personnel Management regulations.

**FOR FURTHER INFORMATION CONTACT:**

Janice Kullman, Senior Counsel at (202) 414-8970 or, Mark Laponsky, Executive Director and Chief of Staff at (202) 414-3832 (these are not toll-free numbers), Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. Hearing- or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** On May 15, 2002, Congress enacted the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, which is now known as the No FEAR Act (the No FEAR Act), (Pub. L. 107-174). One purpose of the No FEAR Act is to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. In support of this purpose, Congress found that agencies cannot be run effectively if those agencies practice or tolerate discrimination.

The No FEAR Act also requires Federal agencies to inform Federal employees, former Federal employees, and applicants for Federal employment of the rights and protections available to them under Federal antidiscrimination and whistleblower protection laws. Thus, the Federal Office of Federal Housing Enterprise Oversight is publishing this notice.

**No FEAR Act Notice**

**Antidiscrimination Laws**

A Federal agency may not discriminate against an employee or applicant for employment 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, and 42 U.S.C. 2000e-16.

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 Equal Employment Opportunity (EEO) 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. 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 the Equal Employment Opportunity Commission (EEOC) 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 written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below).

#### 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 the Federal employee with authority reasonably believes disclosure of information by that employee or applicant would violate Federal law, rule, or regulation; would uncover gross mismanagement, a gross waste of funds, or an abuse of authority; or create 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 employment for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site, <http://www.osc.gov>.

#### Retaliation for Engaging in Protected Activity

A Federal agency may not 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 and want to pursue any legal remedy, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections of this notice or, if applicable, OFHEO's

administrative or negotiated grievance procedures.

#### Disciplinary Actions

Under the existing laws, each Federal agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal antidiscrimination and whistleblower protection laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the OSC to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or former employee, or to violate the procedural rights of a Federal employee or former employee who has been accused of discrimination.

#### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724. Additional information regarding Federal antidiscrimination and whistleblower protection laws can be found at the EEOC Web site at <http://www.eeoc.gov>, and the OSC Web site at <http://www.osc.gov>. You can also access the fact sheet, "Your Rights as a Federal Employee," on the OSC Web site at <http://www.osc.gov/documents/pubs/rights/htm>. The pamphlet, "The Role of the U.S. Office of Special Counsel," also contains information about the Whistleblower Protection Act of 1989 and telephone numbers for reporting purposes. You can access it at <http://www.osc.gov/documents/pubs/oscrole.pdf>. You can also learn more from the Chief Human Capital Officer and the Office of General Counsel of OFHEO.

#### 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 for employment under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Dated: November 21, 2006.

**James B. Lockhart III,**

*Director, Office of Federal Housing Enterprise Oversight.*

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**BILLING CODE 4220-01-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-020-1320-EL, MTM 94378]

#### Notice of Availability of the Spring Creek Coal Company's Lease by Application MTM 94378 Environmental Assessment, Federal Coal Notice of Public Hearing, and Request for Environmental Assessment, Maximum Economic Recovery, and Fair Market Value Comments

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with 43 Code of Federal Regulations (CFR) 3425.4, the Bureau of Land Management, Miles City Field Office, Miles City, Montana, hereby gives notice that an Environmental Assessment (EA) is available and a public hearing will be held to lease Federal coal. The EA analyzes and discloses direct, indirect, and cumulative environmental impacts of issuing competitively a Federal coal lease for 1,207.5 acres in the Bighorn County, Montana. The purpose of the public hearing is to solicit comments from the public on (1) The proposal to issue a Federal coal lease; (2) the proposed competitive lease sale; (3) the Fair Market Value (FMV) of the Federal coal; and (4) Maximum Economic Recovery (MER) of the Federal coal included in the tracts.

**DATES:** Written comments must be postmarked by December 27, 2006, and received by the BLM Miles City Field Office (See **ADDRESSES**). The public hearing will be held on December 14, 2006, at 10:30 a.m. requesting comments on the EA, FMV, and MER in accordance with 43 CFR parts 3422 and 3425.

**ADDRESSES:** The public hearing will occur at the BLM Montana State Office (5001 Southgate Drive, Billings, Montana, in the 920 Conference Room). Written comments or resource information should be addressed to or hand delivered to the BLM Miles City Field Office, Attn: Dan Benoit, 111 Garryowen Road, Miles City, Montana 59301. Comments or questions may also be sent by facsimile to the attention of Dan Benoit at (406) 232-7004; or sent electronically to: [MT\\_Miles\\_City\\_FO@BLM.gov](mailto:MT_Miles_City_FO@BLM.gov). Please put Spring Creek LBA Tract/Dan Benoit in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Dan Benoit, geologist, or Rebecca Spurgin, coal coordinator, at (406) 233-3646 or (406) 896-5080, respectively.