

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 111706A]

**Endangered Species; File No. 1543**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Duke Power Company (Gene E. Vaughan, Principal Investigator), 13339 Hagers Ferry Road, Huntersville, North Carolina, 28078 has been issued a permit to conduct scientific research on shortnose sturgeon (*Acipenser brevirostrum*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

**FOR FURTHER INFORMATION CONTACT:** Malcolm Mohead or Brandy Hutnak, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On November 10, 2005, notice was published in the **Federal Register** (70 FR 68398) that a request for a scientific research permit to take shortnose sturgeon had been submitted by Duke Power Company. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Duke Power Company proposes to conduct a study of shortnose sturgeon in the Wateree River, South Carolina, as part of the Federal Energy Regulatory Commission's 2008 relicensing process for the company's Catawba-Wateree Hydropower Project. Up to three adult and/or juvenile shortnose sturgeon are authorized to be captured annually with gill nets to measure, weigh, scan for PIT tags, fin clip and then release.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species

which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: November 20, 2006.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

**CONSUMER PRODUCT SAFETY COMMISSION****No FEAR Act Notice**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Consumer Product Safety Commission (CPSC or Commission) 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.<sup>1</sup> This notice fulfills CPSC's notification obligations under the Notification and Federal Employees Anti-discrimination Retaliation Act (No FEAR Act), as implemented by Office of Personnel Management (OPM) regulations.

**FOR FURTHER INFORMATION CONTACT:** Kathleen V. Buttrey, Director, EEO and Minority Enterprise, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504-7771 or e-mail: [kbuttrey@cpsc.gov](mailto:kbuttrey@cpsc.gov).

**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. 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 this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment

to inform you of the rights and protections available to you 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 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 the Commission. See, e.g., 29 CFR 1614. 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). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the Commission's administrative or negotiated grievance procedures.<sup>2</sup>

**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 which 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

<sup>1</sup> Commissioner Thomas H. Moore filed a statement which is available from the Office of the Secretary or on the Commission's Web site at <http://www.cpsc.gov>.

<sup>2</sup> Please note that the Commission's negotiated grievance procedures are available only to Headquarter employees.