

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") intends to request that the Office of Management and Budget ("OMB") approve, under the Paperwork Reduction Act, of a collection of information under its regulation on Administrative Appeals. This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by October 30, 2006.

**ADDRESSES:** Comments may be mailed to the Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, or delivered to that address during normal business hours. Comments also may be submitted by e-mail to [paperwork.comments@pbgc.gov](mailto:paperwork.comments@pbgc.gov), or by fax to 202-326-4224. The PBGC will make all comments available on its Web site at <http://www.pbgc.gov>.

Copies of the collection of information may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address or by visiting the Disclosure Division or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.) The PBGC's regulation on Administrative Appeals may be accessed on the PBGC's Web site at <http://www.pbgc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Manager, or Donald McCabe, Attorney, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).

**SUPPLEMENTARY INFORMATION:** The PBGC's regulation on Rules for Administrative Review of Agency Decisions (29 CFR part 4003) prescribes rules governing the issuance of initial determinations by the PBGC and the procedures for requesting and obtaining administrative review of initial determinations. Certain types of initial determinations are subject to administrative appeals, which are covered in subpart D of the regulation. Subpart D prescribes rules on who may file appeals, when and where to file appeals, contents of appeals, and other matters relating to appeals.

Most appeals filed with the PBGC are filed by individuals (participants,

beneficiaries, and alternate payees) in connection with benefit entitlement or amounts. A small number of appeals are filed by employers in connection with other matters, such as plan coverage under ERISA section 4021 or employer liability under ERISA sections 4062(b)(1), 4063, or 4064. Appeals may be filed by hand, mail, commercial delivery service, fax or e-mail. For appeals of benefit determinations, the PBGC has developed new optional forms for filing appeals and requests for extensions of time to appeal.

The PBGC intends to request that OMB approve this collection of information for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that an average of 850 appellants per year will respond to this collection of information. The PBGC further estimates that the average annual burden of this collection of information is 0.75 hours and \$55 per appellant, with an average total annual burden of 640 hours and \$46,750.

The PBGC is soliciting public comments to—

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- 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.

Issued in Washington, DC, this 24th day of August 2006.

**Cris Birch,**

*Acting Chief Technology Officer, Pension Benefit Guaranty Corporation.*

[FR Doc. E6-14477 Filed 8-29-06; 8:45 am]

**BILLING CODE 7709-01-P**

## POSTAL RATE COMMISSION

[Docket No. MC2006-7; Order No. 1476]

### Stamped Stationery

**AGENCY:** Postal Rate Commission.

**ACTION:** Notice of new docket.

**SUMMARY:** The Commission has determined that Stamped Stationery the Postal Service offers to the general public meets the definition of a "postal service." This order institutes a mail classification docket for the purpose of developing classification language and a fee schedule for Stamped Stationery. Conducting this docket will allow interested persons to participate in developing appropriate classification provisions and fees.

**DATES:** Deadline for the Postal Service to file a request to establish the stamped stationery classification or, in the absence of a request, date for termination of docket: February 26, 2007; deadline for notices of intervention: March 26, 2007 (28 days after filing of Request).

**ADDRESSES:** File all documents referred to in this order electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, 202-789-6820.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that pursuant to 39 U.S.C. 3623(b), the Commission is instituting a mail classification case for the purpose of receiving a Request from the Postal Service for a recommended decision establishing a classification and fee schedule for Stamped Stationery.

In Order No. 1475, issued contemporaneously herewith, the Commission held Stamped Stationery to be a postal service.<sup>1</sup> As explained in that order, the Commission found maintaining the status quo for a brief interim period to be in the public interest. *Id.* at 12, *et seq.* This approach provides the Postal Service a reasonable interval to prepare its Request without disrupting the Stamped Stationery market or causing the Postal Service to incur any costs that might be occasioned by withdrawal of the product.

Although its qualities, including design and purpose, make it a postal service, Stamped Stationery is, nonetheless, a specialty item, which, among other things, no mailer is required to purchase. Under the circumstances, a novel pricing approach may be warranted for Stamped Stationery.

By signaling a willingness to consider a novel pricing approach, the Commission hopes to encourage the Postal Service and interested persons to consider innovative rate designs suitable for this specialty product. *See*

<sup>1</sup> PRC Order No. 1475, Docket No. C2004-3, August 24, 2006.

*id.* at 13–15. In Docket No. C2004–3, pleadings addressed fee levels for Stamped Stationery. Although those arguments were not germane to the jurisdictional issue, they appear, at least at first blush, to be somewhat problematic. Consequently, in suggesting that a creative pricing approach may be appropriate, the Commission hopes to focus interested persons on the challenge at hand and perhaps to temper rote reliance on any preconceived fee structures.

The Commission's observations may also have the salutary effect of encouraging discussion among interested parties concerning an acceptable fee structure. With the threshold issue resolved, this possibility would not appear to be an unobtainable goal. It may, however, prove to be elusive. This guidance simply reflects the Commission's preliminary views. It is not intended to limit any interested persons' option, and participants remain free to present evidence and argument as they wish.

To facilitate discussions among interested persons the Commission will allow notices of intervention to be filed in this proceeding. Intervention, at this stage, will permit intervenors, including the Office of the Consumer Advocate, to participate in any pre-or post-filing conference the Postal Service may wish to convene. To the extent such conference(s) may be convened, any such discussions would be deemed privileged in any proceeding before the Commission.

*Sunset date.* To ensure this docket proceeds in an orderly fashion, the Commission establishes a due date for the filing of a request of February 26, 2007. Absent a request or other filing related thereto filed on or before that date, this docket will terminate and be considered withdrawn as of February 26, 2007.

*Representation of the general public.* In conformance with section 3624(a) of title 39, the Commission designates Shelley S. Dreifuss, director of the Commission's Office of the Consumer Advocate, to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Dreifuss will direct the activities of Commission personnel assigned to assist her and, upon request, will supply their names for the record. Neither Ms. Dreifuss nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding.

#### Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. MC2006–7 for the purpose of receiving a request from the Postal Service for a recommended decision establishing a classification and fee schedule for Stamped Stationery.

2. The Commission will sit *en banc* in this proceeding.

3. Notices of intervention are due no later than 28 days following the submission of the Postal Service Request.

4. Shelley S. Dreifuss, director of the Commission's Office of the Consumer Advocate, is designated to represent the interests of the general public.

5. The due date for filing a request to establish the Stamped Stationery classification in this proceeding is February 26, 2007.

6. Absent a request or other filing related thereto filed on or before February 26, 2007, this docket will terminate and be considered withdrawn as of February 26, 2007.

7. The Secretary shall arrange for publication of this document in the **Federal Register**.

Dated: August 25, 2006.

By the Commission.

**Steven W. Williams,**  
Secretary.

[FR Doc. E6–14408 Filed 8–29–06; 8:45 am]

**BILLING CODE 7710–FW–P**

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## RAILROAD RETIREMENT BOARD

### No FEAR Act Notice

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 107–74, 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, whistleblower protection and retaliation 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 your agency. 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 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 your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

### 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). If you believe that you have been the victim of whistleblower