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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, 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." In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." 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 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 cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections 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 Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, 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 Special Counsel 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 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 724, as well as the appropriate offices within your agency (e.g., EEO/civil rights office, human resources office or legal office). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—<http://www.eeoc.gov> and the OSC Web site—<http://www.osc.gov>.

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).

Issued in Washington, DC on September 29, 2008.

J. Michael Trujillo,

*Director, Departmental Office of Civil Rights,
United States Department of Transportation.*

[FR Doc. E8-23592 Filed 10-3-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Land at Nenana Airport, Nenana, AK

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of Request to Release Airport Land.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the release of approximately 15.61 acres of airport property at Nenana Airport, Nenana, Alaska, from all restrictions of the surplus property agreement since the parcel of land is not needed for airport purposes. Reuse of the land for Alaska Rail Road track straightening represents a compatible land use. Sale of the property to the Alaska Rail Road at the appraised fair market value will

be used to pay legal fees incurred during recent airport improvements. The property is not needed for airport purposes and reinvestment of the sale proceeds will benefit the airport and the interests of civil aviation.

DATES: November 5, 2008.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, **Federal Register** Comment, 222 West 7th Avenue #14, Anchorage, AK 99513. In addition, one copy of the comment submitted to the FAA must be mailed or delivered to Mr. Jason P. Maynard, Mayor/Administrator, Nenana Port Authority, City of Nenana, P.O. Box 70 Nenana, Alaska 99760.

FOR FURTHER INFORMATION CONTACT:

Stephen W. Powell, Airports Compliance Officer, Federal Aviation Administration, Airports Division, 222 West 7th Avenue #14, Anchorage, AK 99513, telephone (907) 271-5448 and FAX (907) 271-2851. For airport-specific information regarding the release, contact Mr. Jason P. Maynard, Mayor/Administrator, at the above address or telephone (907) 832-5501.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds.

The following is a brief overview of the request:

The City of Nenana, Alaska requested a release from surplus property agreement obligations, described in a Quit Claim Deed executed by the General Services Administration (GSA), recorded in Book Volume III Page 210 Nenana Recording District for approximately 15.61 acres of airport land. The property is only a portion of the Surplus Property granted and located on the North boundary of the airport. The land is presently unused, unimproved, and does not generate any income. Due to its location, the property cannot be used for airport purposes nor has it generated revenue for the airport. The release will allow the land to be sold to the Alaska Rail Road Corporation, Alaska to realign a section of railroad track that passes through the community of Nenana, Alaska. The property will be sold at the appraised market value and the sale proceeds will be used to pay off legal fees incurred in the latest airport improvement and

development project. Reuse of the property to straighten tracks will be compatible with the airport and the reuse of the sale proceeds will benefit the airport, thereby serving the interests of civil aviation.

Issued in Anchorage, Alaska, on September 3, 2008.

James W. Lomen,

Deputy Division Manager, Airports Division, Alaska Region.

[FR Doc. E8-23563 Filed 10-3-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for certain steel products used in Federal-aid construction projects in Maine, California, and Oregon.

DATES: The effective date of the waiver is October 7, 2008.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, gerald.yakowenko@dot.gov. For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, michael.harkins@dot.gov. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., *e.t.*, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/Nara>.

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when application of the requirements would be inconsistent with the public interest or when satisfactory quality domestic steel

and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for three specific cases.

In accordance with section 130 of Division K of the "Consolidated Appropriations Act, 2008" (Pub. L. 110-161), on July 24, 2008, the FHWA published on its Web site a notice of intent to issue a waiver for a Casing shoe for dual rotary drill rig in Maine (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=16>) and for Self-drill and Grout Dowels and Self-Drill Grout spiles in California (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=15>). In addition, on July 31, 2008, the FHWA published a notice of intent on its Web site to issue a waiver (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=17>) for 1" Hollow Core Anchors for a Federal-aid railroad project in Oregon. No comments were received in response to either of these notices. During the 15-day comment period, the FHWA conducted a nationwide review to locate potential domestic manufacturers. Based on all the information available to the Agency, including the lack of response received to the notices as well as the Agency's nationwide review, the FHWA concludes that there are no domestic manufacturers for these products and a Buy America waiver is appropriate as provided by 23 CFR 635.410(c)(1).

In accordance with the provisions of section 117 of the "SAFETEA-LU Technical Corrections Act of 2008" (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the links above to the Maine, California and Oregon waiver pages noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410)

Issued on: September 29, 2008.

Thomas J. Madison, Jr.,

Federal Highway Administrator.

[FR Doc. E8-23571 Filed 10-3-08; 8:45 am]

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