

received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

**How to Read Comments Submitted to the Docket:** You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <https://www.regulations.gov>. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible

for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories (WETL), Inc. of Houston, Texas (Registered Importer R–90–005) has petitioned NHTSA to decide whether nonconforming 2008 Chevrolet Silverado trucks are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are MY 2008 Chevrolet Silverado trucks sold in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified MY 2008 Chevrolet Silverado trucks to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified MY 2008 Chevrolet Silverado trucks, as originally manufactured, conform with many applicable FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that the non U.S.-certified MY 2008 Chevrolet Silverado trucks, as originally manufactured, conform to: Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 108 *Lamps, reflective devices, and associated equipment*, 111 *Rear visibility*, 113 *Hood Latch System*, 114 *Theft Protection*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel System*, 124 *Accelerator Control Systems*, 126 *Electronic Stability Control Systems*, 135 *Light vehicle brake systems*, 138 *Tire Pressure Monitoring Systems*, 201 *Occupant Protection in Interior Impact*, 202a *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Mounting*, 213 *Child Restraint Systems*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorage Systems*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

The petitioner also contends that the subject non-U.S certified vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: Addition of the brake warning indicator to fully comply with the standard.

Standard No. 110 *Tire Selection and Rims*: Installation of the required tire information placard.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicle near the left windshield pillar to meet the requirements of 49 CFR part 565.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

**Jeffrey M. Giuseppe,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 2016–24855 Filed 10–13–16; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

[Docket No. DOT–OST–2016–0194]

**Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws**

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** No FEAR Act Notice.

**SUMMARY:** This Notice implements Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act of 2002). It is the annual obligation for Federal agencies to notify all employees, former employees, and applicants for Federal employment of the rights and protections available to them under the Federal Anti-discrimination and Whistleblower Protection Laws.

**FOR FURTHER INFORMATION CONTACT:** Yvette Rivera, Associate Director of Equal Employment Opportunity Programs Division (S–32), Departmental Office of Civil Rights, Office of the

Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W78-306, Washington, DC 20590, 202-366-5131 or by email at [Yvette.Rivera@dot.gov](mailto:Yvette.Rivera@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may retrieve this document online through the Federal Document Management System at <http://www.regulations.gov>. Electronic retrieval instructions are available under the help section of the Web site.

##### No FEAR Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," now recognized as the No FEAR Act (Pub. L. 107-174). One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." (Pub. L. 107-174, Summary). In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination" (Pub. L. 107-174, Title I, General Provisions, section 101(1)). The Act also requires the United States Department of Transportation (USDOT) to provide this Notice to all USDOT employees, former USDOT employees, and applicants for USDOT employment. This Notice informs such individuals of the rights and protections available 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 because of race, color, religion, sex, national origin, age, disability, marital status, genetic information, or political affiliation. One or more of the following statutes prohibit discrimination on these bases: 5 U.S.C. 2302(b)(1), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 206(d), 29 U.S.C. 791, 42 U.S.C. 2000e-16 and 2000ff.

If you believe you were a victim of unlawful discrimination on the bases of race, color, religion, sex, national origin, age, genetic information, and/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 to try and resolve the matter informally. This must be done before filing a formal complaint of discrimination with USDOT (See, e.g., 29 CFR part 1614).

If you believe you were a victim of unlawful discrimination based on 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. As an alternative to filing a complaint pursuant to 29 CFR part 1614, you can file a civil action in a United States district court under the Age Discrimination in Employment Act, against the head of an alleged discriminating agency after giving the EEOC not less than a 30 day notice of the intent to file such action. You may file such notice in writing with the EEOC via mail at P.O. Box 77960, Washington, DC 20013, personal delivery, or facsimile within 180 days of the occurrence of the alleged unlawful practice.

If you are alleging discrimination based on marital status or political affiliation, you may file a written discrimination complaint with the U.S. Office of Special Counsel (OSC). Form OSC-11 is available online at the OSC Web site <http://www.osc.gov>, under the tab to file a complaint. Additionally, you can download the form from <http://www.osc.gov/Pages/Resources-OSCFORMS.aspx>. Complete Form OSC-11 and mail it to the Complaints Examining Unit, U.S. Office of Special Counsel at 1730 M Street NW., Suite 218 Washington, DC 20036-4505. You also have the option to call the Complaints Examining Unit at (800) 872-9855 for additional assistance. In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the USDOT administrative or negotiated grievance procedures, if such procedures apply and are available.

If you are alleging compensation discrimination pursuant to the Equal Pay Act, and wish to pursue your allegations through the administrative process, you must contact an EEO counselor within 45 calendar days of the alleged discriminatory action as such complaints are processed under EEOC's regulations at 29 CFR part 1614. Alternatively, you may file a civil action in a court of competent jurisdiction within two years, or if the violation is willful, three years of the date of the alleged violation, regardless of whether you pursued any administrative complaint processing. The filing of a complaint or appeal pursuant to 29 CFR part 1614 shall not toll the time for filing a civil action.

##### Whistleblower Protection Laws

A USDOT 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 a 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 the 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 a USDOT employee or applicant for making a protected disclosure is prohibited (5 U.S.C. 2302(b)(8)). If you believe you are a victim of whistleblower retaliation, you may file a written complaint with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036-4505 using Form OSC-11. Alternatively, you may file online through the OSC Web site at <http://www.osc.gov>.

##### Disciplinary Actions

Under existing laws, USDOT retains the right, where appropriate, to discipline a USDOT employee who engages in conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection laws up to and including removal from Federal service. If OSC initiates an investigation under 5 U.S.C. 1214, USDOT must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation (5 U.S.C. 1214). Nothing in the No FEAR Act alters existing laws, or permits an agency to take unfounded disciplinary action against a USDOT employee, or to violate the procedural rights of a USDOT employee accused of discrimination.

##### Additional Information

For more information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate office(s) within your agency (e.g., EEO/civil rights offices, human resources offices, or legal offices). You can find additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws at the EEOC Web site at <http://www.eeoc.gov> and the OSC Web site at <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 October 5, 2016.

**Leslie M. Proll,**

*Director, Departmental Office of Civil Rights,  
U.S. Department of Transportation.*

[FR Doc. 2016-24863 Filed 10-13-16; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2012-0168]

RIN 2105-ZA02

### Guidance on State Freight Plans and State Freight Advisory Committees

**AGENCIES:** Office of the Secretary of Transportation (OST), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Maritime Administration (MARAD), Pipeline and Hazardous Materials Safety Administration (PHMSA), Saint Lawrence Seaway Development Corporation (SLSDC); U.S. Department of Transportation (DOT).

**ACTION:** Notice of guidance; response to comments.

**SUMMARY:** The FAST Act included a provision that requires each State that receives funding under the National Highway Freight Program to develop a State Freight Plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight and meets all the required plan contents listed in the Act. This guidance provides the minimum required elements that State Freight Plans must meet, provides a template that reflects those statutory requirements, and suggests recommended, but optional elements, that States may include in their State Freight Plans. It also provides suggestions for establishing State Freight Advisory Committees that will benefit State freight planning. This notice also responds to comments submitted in response to interim guidance on State Freight Plans and State Freight Advisory Committees published by DOT on October 15, 2012.

**DATES:** Unless otherwise stated in this Notice, this guidance is effective October 14, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ryan Endorf, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone Number (202) 366-4835 or Email [ryan.endorf@dot.gov](mailto:ryan.endorf@dot.gov). Questions can also be submitted to [Freight@dot.gov](mailto:Freight@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this Guidance on State Freight Plans and State Freight Advisory Committees is to provide States with information on the statutorily required elements of State Freight Plans under 49 U.S.C. 70202 and recommend approaches and information that States may include in their State Freight Plans. This guidance also strongly encourages States to establish State Freight Advisory Committees and provides suggestions as to how those Committees can help the State with its freight planning.

49 U.S.C. 70202 lists ten required elements that all State Freight Plans must address for each of the transportation modes:

1. An identification of significant freight system trends, needs, and issues with respect to the State;
2. A description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;
3. When applicable, a listing of—
  - a. multimodal critical rural freight facilities and corridors designated within the State under section 70103 of title 49 (National Multimodal Freight Network);
  - b. critical rural and urban freight corridors designated within the State under section 167 of title 23 (National Highway Freight Program);
4. A description of how the plan will improve the ability of the State to meet the national multimodal freight policy goals described in section 70101(b) of title 49, United States Code and the national highway freight program goals described in section 167 of title 23;
5. A description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of the freight movement, were considered;
6. In the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of the roadways, a description of improvements that may be required to reduce or impede the deterioration;
7. An inventory of facilities with freight mobility issues, such as

bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address those freight mobility issues;

8. Consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay;

9. A freight investment plan that, subject to 49 U.S.C. 70202(c), includes a list of priority projects and describes how funds made available to carry out 23 U.S.C. 167 would be invested and matched; and

10. Consultation with the State Freight Advisory Committee, if applicable.

Each of these required elements is discussed more fully in Section V of the guidance below. In addition, DOT suggests a number of optional items that States may consider including in their State Freight Plans. These optional elements are discussed more fully in Section VI below.

MAP-21 included two provisions that required the Secretary to encourage States to establish State Freight Plans and State Freight Advisory Committees. The FAST Act moved these provisions from title 23 to title 49 (Multimodal Freight Transportation) and required that States complete a State Freight Plan in order to obligate freight formula funds under 23 U.S.C. 167. State Freight Plans and State Freight Advisory Committees are complementary to other FAST Act freight provisions, such as the development of the National Freight Strategic Plan and the release of a Final National Multimodal Freight Network (NMFN; DOT released an Interim NMFN on May 27, 2016 per the statutory requirement).

Following the enactment of MAP-21 on July 6, 2012, DOT released Interim Guidance on State Freight Plans and State Freight Advisory Committees for public comment (77 FR 62596, October 15, 2012). DOT received 54 comments from State Departments of Transportation, local governments, industry groups, ports, and private individuals pertaining to various aspects of the Interim Guidance. In this section, DOT responds to these comments and describes their relevance to the new provisions in 49 U.S.C. 70201 and 70202, established under section 8001 of the FAST Act.

### Response to Comments

#### Scope of Guidance

An important issue for some of the commenters was that it appeared to create an unnecessary burden for States by suggesting that a State include in its