

EIS identified off-Base improvements at the U.S. Route 1/VA 637 and VA 610/ Onville road intersections that would be under the purview of the Commonwealth of Virginia; the Marine Corps will cooperate with the Commonwealth as appropriate if these improvements are implemented. The Defense Access Roads (DAR) Program is the only authority the Marine Corps has to address these recommended improvements and the Marine Corps will submit requests for consideration under this program if they meet DAR criteria. In the next update of the Base Transportation Management Plan the Marine Corps will identify strategies to reduce single-occupancy vehicle trips during peak hours. This plan will also encourage carpooling and staggered work hours where these do not impair accomplishment of the defense mission. The Base will cooperate with regional mass transit initiatives. State and/or local governments have jurisdiction over off-Base roads and intersections and would determine whether improvements identified off-Base in the EIS should be implemented.

*Response To Comments Received Regarding the Final EIS:* Comments on the Final EIS were received from the Commonwealth of Virginia. They noted the Virginia Department of Transportation (VDOT) concerns with the statement in the Final EIS that state and/or local governments are the action proponents for off-Base road improvements and the inference that these had been approved and funded by State or local governments. VDOT also requested commitments to carpooling, staggered work hours, regional mass transit initiatives, and a transportation demand management plan focused on reducing single-occupancy vehicle trips during peak hours. The Marine Corps has addressed these comments in the preceding section.

*Conclusions:* After careful consideration of the purpose and need for the proposed action, the analysis contained in the EIS and the comments received on the EIS from federal, state, and local agencies, non-governmental organizations, and individual members of the public, I have decided to proceed with the Preferred Alternative, Alternative B BRAC Option 1 (Russell Road) for development of Westside and implementation of BRAC 2005 at MCB Quantico, Virginia.

Consistent with this decision and the Proposed Action and analyses described in the Final EIS, at the sites identified in the Preferred Alternative, the Marine Corps will implement the Preferred Alternative and address all mitigation measures.

Dated: June 24, 2008.

**BJ Penn,**

*Assistant Secretary of the Navy (Installations and Environment).*

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## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### No FEAR Act

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice.

**SUMMARY:** The Defense Nuclear Facilities Safety Board (Board) is providing notice to its employees, former employees, and applicants for federal employment about the rights and remedies available to them under the Federal antidiscrimination, whistleblower protection, and retaliation laws. This notice fulfills the Board's initial notification obligation under the Notification and Federal Employees Antidiscrimination and Retaliation Act (No FEAR Act), as implemented by Office of Personnel Management (OPM) regulations at 5 CFR part 724.

**DATES:** This notice is effective July 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004. Telephone: (202) 694-7062. FAX: (202) 208-6518.

**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. See Pub. L. 107-174, codified at 5 U.S.C. 2301 note. As stated in the full title of the Act, the Act is intended 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.

Pub. L. 107-174, section 101(1).

The Act also requires the Board to provide this notice to federal employees, former federal employees and applicants for federal employment to inform them 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 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, age, disability, marital status, or political affiliation, 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 Board. 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 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 (OSC) 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 protection 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 Antidiscrimination Laws and Whistleblower Protection Laws or, if applicable, 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 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 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 part 724, as well as the Board's EEO Director or Counselors. 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).

A.J. Eggenberger,  
Chairman.

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#### DEPARTMENT OF EDUCATION

#### DEPARTMENT OF THE TREASURY

#### OFFICE OF MANAGEMENT AND BUDGET

#### Federal Family Education Loan Program (FFELP)

**AGENCY:** Department of Education, Department of the Treasury, Office of Management and Budget.

**ACTION:** Notice of terms and conditions of purchase of loans under the Ensuring Continued Access to Student Loans Act of 2008.

**SUMMARY:** Under section 459A of the Higher Education Act of 1965, as amended ("HEA"), as enacted within the Ensuring Continued Access to Student Loans Act of 2008 (Pub. L. 110-227), the Department of Education ("Department") has the authority to purchase, or enter into forward commitments to purchase, Federal Family Education Loan Program ("FFELP") loans made under sections 428 (subsidized Stafford loans), 428B (PLUS loans), or 428H (unsubsidized Stafford loans) of the HEA, on such terms as the Secretary of Education ("Secretary"), the Secretary of the Treasury, and the Director of the Office of Management and Budget (collectively, "Secretaries and Director") jointly determine are "in the best interest of the United States" and "shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased)."

This notice (a) establishes the terms and conditions that will govern the loan purchases made under section 459A of the HEA, (b) outlines the methodology and factors that have been considered in evaluating the price at which the Department will purchase loans made under section 428, 428B, or 428H of the HEA, and (c) describes how the use of those factors and methodology will ensure that the loan purchases do not result in any net cost to the Federal Government. The Secretaries and Director concur in the publication of this notice and have jointly determined that the programs described in this notice are in the best interest of the

United States and shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).

**DATES: Effective Date:** The terms and conditions governing the Loan Purchase Commitment Program and the terms and conditions governing the Loan Participation Purchase Program are effective July 1, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Kristie Hansen, U.S. Department of Education, Office of Federal Student Aid, Union Center Plaza, 830 First Street, NE., Room 113F1, Washington, DC 20202. Telephone: (202) 377-3309 or by e-mail: [Kristie.Hansen@ed.gov](mailto:Kristie.Hansen@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### SUPPLEMENTARY INFORMATION:

#### Introduction

The purchasing of loans is intended to encourage eligible FFELP lenders to provide students and parents access to Stafford and PLUS loans for the 2008-2009 academic year. To accomplish this objective, the Department is offering lenders the opportunity to participate in a Loan Purchase Commitment Program ("Purchase Program") and a Loan Participation Purchase Program ("Participation Program") (collectively, "Programs").

Under the Loan Purchase Commitment Program, the Department may purchase eligible loans that are held by eligible lenders. To participate in the Purchase Program, each eligible lender must enter into a Master Loan Sale Agreement with the Department and deliver to the Department or its agent the fully executed master promissory note (or all electronic records evidencing the same) evidencing each eligible loan that the eligible lender wishes to sell to the Department and any and all other documents and computerized records relating to such eligible loans.

Under the Loan Participation Purchase Program, the Department may purchase participation interests in eligible loans that are held by an eligible lender acting as a sponsor under a Master Participation Agreement. To participate in the Participation Program, each sponsor must enter into a Master Participation Agreement with the