

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 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 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 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 appropriate offices within SIGAR (e.g., human resources office or the Office of General Counsel) or Army (Washington Headquarters Service). 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).

[FR Doc. 2012-11300 Filed 5-9-12; 8:45 am]

BILLING CODE 3710-L9-P

#### DEPARTMENT OF STATE

[Public Notice 7877]

#### Culturally Significant Objects Imported for Exhibition Determinations: “Ends of the Earth: Land Art to 1974”

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition “Ends of the Earth: Land Art to 1974” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Museum of Contemporary Art, Los Angeles, CA, from on or about May 27, 2012, until on or about September 3, 2012; and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**. **FOR FURTHER INFORMATION CONTACT:** For further information, including a list of

the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6467). The mailing address is U.S. Department of State, SA-5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522-0505.

Dated: May 7, 2012.

**J. Adam Erel,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2012-11314 Filed 5-9-12; 8:45 am]

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#### DEPARTMENT OF STATE

[Public Notice: 7876]

#### Application for Presidential Permit To Construct, Operate and Maintain Pipeline Facilities on the Border of the United States

**AGENCY:** Department of State.

**ACTION:** Notice of Receipt of Application for a Presidential Permit to Construct, Operate and Maintain Pipeline Facilities on the Border of the United States.

**SUMMARY:** Notice is hereby given that the Department of State (DOS) has received an application to construct, operate and maintain pipeline facilities on the border of the United States from TransCanada Keystone Pipeline, L.P. TransCanada Keystone Pipeline, L.P. has applied for a Presidential Permit to construct and operate border crossing facilities at the U.S./Canadian border in Phillips County, near Morgan, Montana, in connection with a proposed pipeline that is designed to transport crude oil produced in the Western Canadian Sedimentary Basin (WCSB) and from other sources to a terminus in Steele City, Nebraska where it is designed to link with an existing pipeline continuing to oil storage facilities in Cushing, Oklahoma.

Under E.O. 13337, as amended, the Secretary of State is designated and empowered to receive all applications for Presidential permits for the construction, connection, operation, or maintenance at the borders of the United States, of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels to or from a foreign country. As a part of the review of the application for Presidential Permits, the Secretary of State must determine whether or not the project would be in the national interest. The determination of national interest involves consideration of many factors, including energy security, health, environmental, cultural, and

economic concerns. Before making a decision on the proposed Project, DOS will consult with the eight federal agencies identified in Executive Order 13337: The Departments of Energy, Defense, Transportation, Homeland Security, Justice, Interior, and Commerce, and the Environmental Protection Agency.

The Department of State also intends to evaluate the potential environmental effects of the proposed project consistent with Section 102(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and implementing regulations promulgated by the Council on Environmental Quality (40 CFR parts 1500–1508) and the Department of State (22 CFR part 161), including in particular 22 CFR 161.7(c)(1). In addition, the Department of State intends to conduct consultations on possible impacts to traditional or cultural properties with interested Native American tribes consistent with Section 106 of the National Historical Preservation Act (NHPA).

**FOR FURTHER INFORMATION CONTACT:** The DOS Project Web site ([www.keystonepipeline-xl.state.gov](http://www.keystonepipeline-xl.state.gov)) provides Project-related information for viewing and downloading.

Issued in Washington, DC, on May 4, 2012.

Dated: May 4, 2012.

**Cynthia H. Akuetteh,**

*Acting Director, Office of Asia and Western Hemisphere, Bureau of Energy Resources, U.S. Department of State.*

Dated: May 4, 2012.

**George N. Sibley,**

*Director, Office of Environmental Policy, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State.*

[FR Doc. 2012–11298 Filed 5–9–12; 8:45 am]

**BILLING CODE 4710–09–P**

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending April 28, 2012

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* DOT–OST–2012–0063.

*Date Filed:* April 23, 2012.

*Parties:* Members of the International Air Transport Association.

*Subject:* Mail Vote 708TC3, Special Passenger Amending Resolution 010o, Special Passenger Amending Resolution between Myanmar and TC3 (except South West Pacific), e-Tariffs, 18–20 April 2012. Intended Effective Date: 25 April 2012.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 2012–11308 Filed 5–9–12; 8:45 am]

**BILLING CODE 4910–9X–P**

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary of Transportation

**[Docket No. DOT–OST–2012–0044]**

#### Department of Transportation Updated Environmental Justice Order 5610.2(a)

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

**ACTION:** Final DOT Environmental Justice Order.

**SUMMARY:** The Department of Transportation (the Department or DOT) is issuing an update to Departmental Order 5610.2(a) (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). This Order updates the Department’s original Environmental Justice Order, which was published April 15, 1997. The Order continues to be a key component of the Department’s strategy to promote the principles of environmental justice in all Departmental programs, policies, and activities.

DOT Order 5610.2(a) sets forth the DOT policy to consider environmental justice principles in all (DOT) programs, policies, and activities. It describes how the objectives of environmental justice will be integrated into planning and programming, rulemaking, and policy formulation. The Order sets forth steps to prevent disproportionately high and adverse effects to minority or low-income populations through Title VI analyses and environmental justice analyses conducted as part of Federal transportation planning and NEPA provisions. It also describes the specific measures to be taken to address instances of disproportionately high and adverse effects and sets forth relevant definitions.

This updated Order reaffirms DOT’s commitment to environmental justice and clarifies certain aspects of the original Order, including the definitions

of “minority” populations in compliance with the Office of Management and Budget’s (OMB) Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity of October 30, 1997. The revisions clarify the distinction between a Title VI analysis and an environmental justice analysis conducted as part of a NEPA review, and affirm the importance of considering environmental justice principles as part of early planning activities in order to avoid disproportionately high and adverse effects. The updated Order maintains the original Orders general framework and procedures and DOT’s commitment to promoting the principles of environmental justice in all DOT programs, policies, and activities.

This Order is effective upon its date of issuance.

**FOR FURTHER INFORMATION CONTACT:** Beth Osborne, Deputy Assistant Secretary for Transportation Policy, telephone (202) 366–8979, or [EJ@dot.gov](mailto:EJ@dot.gov), U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### Order 5610.2(a)

*Subject: Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

##### 1. Purpose and Authority

a. This Order updates and clarifies environmental justice procedures for the Department in response to the Memorandum of Understanding on Environmental Justice signed by heads of Federal agencies on August 4, 2011, DOT’s revised environmental justice strategy issued on March 2, 2012, and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994.

The Department’s original Environmental Justice Order, issued April 15, 1997, was a key component of the Department’s original strategy and established procedures to be used by DOT to comply with Executive Order 12898. This revised Order continues to be a key component of DOT’s environmental justice strategy. It updates and clarifies certain aspects of the original Order while maintaining its general framework and procedures and DOT’s commitment to promoting the principles of environmental justice in all DOT programs, policies, and activities. Relevant definitions are in the Appendix.

b. Executive Order 12898 requires each Federal agency, to the greatest