

Administrative Review (A-570-941); Certain Oil Country Tubular Goods (A-570-943); Prestressed Concrete Steel Wire Strand (A-570-945); Certain Steel Grating (A-570-947); Wire Decking (A-570-949); Narrow Woven Ribbons With Woven Selvedge (A-570-952); Certain Magnesia Carbon Bricks (A-570-954); Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (A-570-956); Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses (A-570-958); Certain Potassium Phosphate Salts (A-570-962); Drill Pipe (A-570-965); Aluminum Extrusions (A-570-967); Multilayered Wood Flooring (A-570-970); Certain Steel Wheels (A-570-973); Galvanized Steel Wire (A-570-975); High Pressure Steel Cylinders (A-570-977); Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules (A-570-979); Utility Scale Wind Towers (A-570-981); and Drawn Stainless Steel Sinks (A-570-983).

China alleges inconsistencies with Articles VI, X:1, X:2, X:3 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), Articles 10, 15, 19, 21 and 32 of the *Agreement on Subsidies and Countervailing Measures*, and Articles 9 and 11 of the *Agreement on Implementation of Article VI of the GATT 1994*. The challenged investigations and reviews are available at the following web page of the Department of Commerce: <http://ia.ita.doc.gov/frn/index.html>.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to [www.regulations.gov](http://www.regulations.gov) docket number USTR-2012-0031. If you are unable to provide submissions by [www.regulations.gov](http://www.regulations.gov), please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission.

To submit comments via [www.regulations.gov](http://www.regulations.gov), enter docket number USTR-2012-0031 on the home page and click "search". The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Comment Now!." (For further information on using the [www.regulations.gov](http://www.regulations.gov) Web site, please consult the resources provided on the Web site by clicking on "How to Use Regulations.gov" on the bottom of the page.)

The [www.regulations.gov](http://www.regulations.gov) site provides the option of providing comments by filling in a "Type Comments" field or by attaching a document using an "upload file" field. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comments" field.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the docket and open to public inspection.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

- (1) Must clearly so designate the information or advice;
- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and
- (3) Must provide a non-confidential summary of the information or advice. Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the docket and open to public inspection.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding accessible to the public at [www.regulations.gov](http://www.regulations.gov), docket number USTR-2012-0031.

The public file will include non-confidential comments received by USTR from the public with respect to the dispute. If a dispute settlement

panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute, will be made available to the public on USTR's Web site at [www.ustr.gov](http://www.ustr.gov), and the report of the panel, and, if applicable, the report of the Appellate Body, will be available on the Web site of the World Trade Organization, [www.wto.org](http://www.wto.org). Comments open to public inspection may be viewed on the [www.regulations.gov](http://www.regulations.gov) Web site.

**Juan Millan,**

*Acting Assistant United States Trade Representative for Monitoring and Enforcement.*

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**BILLING CODE 3290-F3-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. OST-2012-0165]

#### 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:** John Benison, Associate Director of Policy and Quality Control Division, S-35, Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W78-304, Washington, DC 20590, 202-366-1732 or by email at [John.Benison@dot.gov](mailto:John.Benison@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. An electronic copy is also available for download from the Government

Printing Office's Electronic Bulletin Board at <http://www.nara.gov/fedreg> and the Government Printing Office's Web page at <http://www.access.gpo.gov/nara>.

#### 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 is to inform you of the rights and protections available to you 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 (ADEA), 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) (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 USDOT administrative or negotiated grievance procedures, if such procedures apply and are available. Form OSC-11 is available online at the OSC Web site <http://www.osc.gov/index.htm>, under the filing tab (*Contact Information*). Additionally, you can download the form under the same filing tab, under OSC Forms. Complete this form 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.

If you are alleging compensation discrimination pursuant to the Equal Pay Act (EPA), 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 202-036-4505 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 according to 5 U.S.C. 1214(f), USDOT 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 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).

Dated: October 3, 2012.

**Camille Hazeur,**

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

[FR Doc. 2012-25008 Filed 10-10-12; 8:45 am]

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

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highways in Texas

**AGENCY:** Federal Highway Administration (FHWA), (DOT).

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in Tarrant, Dallas and Denton Counties, Texas. Those actions grant licenses, permits, and approvals for the projects.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before March 10, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Achille Alonzi, Assistant Division Administrator, Texas Division, Federal Highway Administration, 300 E. 8th Street, Room 826, Austin, Texas 78701; 8:00 a.m. to 5:00 p.m. (central time) Monday through Friday, 512-536-5902; email: [al.alonzi@fhwa.dot.gov](mailto:al.alonzi@fhwa.dot.gov). For Texas Department of Transportation (TxDOT): Mr. Carlos Swonke, Director of Environmental Affairs Division, Texas Department of Transportation (TxDOT), 118 E. Riverside, Austin, Texas 78704; 8:00 a.m. to 5:00 p.m. (central time) Monday through Friday, 512-416-2734; email: [carlos.swonke@txdot.gov](mailto:carlos.swonke@txdot.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of Texas that are listed below. The actions by the Federal agencies on

a project, and the laws under which such actions were taken, are described in the documented environmental assessments (EAs) issued in connection with the project, and in other FHWA project records. The EAs and other documents from the FHWA project record files for the listed projects are available by contacting the FHWA or TxDOT at the addresses provided above.

This notice applies to all Federal agency decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken. This notice does not apply to the U.S. Army Corps of Engineering (USACE) permitting process for these projects, because no USACE permits have been issued for any of the projects to date. The laws under which Federal agency decisions were made on the projects listed in this notice include, but are not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 128].

2. *Air:* Clean Air Act (CAA), 42 U.S.C. 7401-7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531-1544 and Section 1536], Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703-712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended (106) [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)-470(11)]; Archeological and Historic Preservation Act (AHPA) [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. *Social and Economic:* Civil Rights Act of 1964 (Civil Rights) [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act (AIRF) [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (Section 404, Section 401, Section 319); Rivers and Harbors Act of 1899 (RHA), 33 U.S.C. 401-406; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Emergency Wetlands Resources Act (EWRA) [16 U.S.C. 3921, 3931]; Wetlands Mitigation (WM) [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act (FDPA) [42 U.S.C. 4001-4128].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve

America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13112 Invasive Species and the Executive Memorandum on Beneficial Landscaping; and E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency.

The projects subject to this notice are:

(1) *Project location:* The 10.8 mile section of Interstate Highway (IH) 35W North study limits extend from State Highway (SH) 114 in Denton County to IH 820 in Tarrant County Texas. The proposed improvements extend from south of SH 114 at Eagle Parkway to IH 820.

*Project reference number:* TxDOT Control Section Job numbers (CSJs): 0014-16-252, 0014-16-255, 0081-12-041 & 0081-13-904.

*Project Type:* The various ultimate lane configurations of the three sections of the roadway are described as follows:

- From Eagle Parkway to US 81/287, the proposed project will consist of reconstructing and widening the roadway to a 10-lane facility consisting of three general purpose lanes (non-toll) in each direction and a barrier-separated four-lane concurrent managed (toll) lane facility (two lanes in each direction). The concurrent managed (toll) lane facility will be centered between the general purpose lanes (non-toll). Auxiliary lanes will be constructed between entrance and exit ramps along the roadway and two/three lane frontage roads in each direction with bicycle accommodation will be constructed. Direct connectors from IH 35W to SH 170 will also be constructed.

- From US 81/287 to Basswood Boulevard, the proposed project will consist of reconstructing and widening the roadway to a 12-lane facility consisting of four general purpose lanes (non-toll) in each direction and a barrier-separated four-lane concurrent managed (toll) lane facility (two lanes in each direction). The concurrent managed (toll) lane facility will be centered between the general purpose lanes (non-toll). Auxiliary lanes will be constructed between entrance and exit ramps along the roadway and two/three/ four-lane frontage roads in each direction with bicycle accommodation will be constructed throughout this section. Direct connectors to/from US 81/287 from IH 35W managed (toll) lanes will be constructed.

- From Basswood Boulevard to IH 820, the proposed project will consist of reconstructing and widening the