

In its filing, CME requested that the Commission approve this proposed rule change on an accelerated basis for good cause shown. CME cites as the reason for this request CME's operation as a DCO, which is subject to regulation by the CFTC under the CEA and, in particular, new CFTC regulations that become effective on May 7, 2012. Thus, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> for approving the proposed rule change prior to the 30th day after the date of publication of notice in the **Federal Register** because as a registered DCO, CME is required to comply with the new CFTC regulations by the time they become effective on May 7, 2012.

## V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR-CME-2012-16) is approved on an accelerated basis.<sup>7</sup>

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Kevin M. O'Neill,**  
Deputy Secretary.

[FR Doc. 2012-11242 Filed 5-9-12; 8:45 am]

**BILLING CODE 8011-01-P**

## SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

### No FEAR Act Notice

**AGENCY:** Special Inspector General for Afghanistan Reconstruction.

**ACTION:** Notice.

**SUMMARY:** This notice fulfills the Special Inspector General for Afghanistan Reconstruction's (SIGAR) "No FEAR Act Notice" **Federal Register** publication obligations, as required by the Section 202(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR) Act and by the Office of Personnel Management implementing regulations at 5 CFR 724.202, to all current and former SIGAR employees and applicants for employment.

**DATES:** This notice is effective May 10, 2012.

**ADDRESSES:** SIGAR Office of General Counsel, Hugo Teufel, Special Inspector General for Afghanistan Reconstruction, 2530 Crystal Drive, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Call or email the Acting General Counsel Hugo Teufel: Telephone—703-545-5990; email—[hugo.teufel.civ@mail.mil](mailto:hugo.teufel.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** On January 28, 2008, the President signed into law the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181), which created the Special Inspector General for Afghanistan Reconstruction (SIGAR). SIGAR is responsible for coordinating and conducting audits and investigations to promote efficiency and effectiveness of reconstruction programs, and to detect and prevent waste, fraud, and abuse of taxpayers' dollars. SIGAR is publishing its initial No FEAR Act notice to inform all employees, former employees, and applicants for employment of their rights under antidiscrimination and whistleblower protection laws, and to advise that it will publish certain statistical data relating to Federal sector equal employment opportunity and other complaints filed with SIGAR.

**Hugo Teufel,**

*Acting General Counsel, Special Inspector General for Afghanistan Reconstruction.*

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### List of Notices

#### No FEAR Act Notice

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. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary.

The law provides that Federal agencies must:

- Notify employees and applicants for employment about their rights under the discrimination and whistleblower laws

- Post statistical data relating to Federal sector equal employment opportunity complaints on its public Web site

- Ensure that their managers have adequate training in the management of a diverse workforce, early and alternative conflict resolution, and essential communications skills

- Conduct studies on the trends and causes of complaints of discrimination

- Implement new measures to improve the complaint process and the work environment

- Initiate timely and appropriate discipline against employees who engage in misconduct related to discrimination or reprisal

- Reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reached in Federal court

- Produce annual reports of status and progress to Congress, the Attorney General and the U.S. Equal Employment Commission.

## 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.

SIGAR employees, former employees, or applicants for employment who believe they may have been victims of unlawful discrimination may contact an EEO Counselor at the Department of the Army, Washington Headquarters Service, which serves as the support agent on EEO matters for SIGAR.

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 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

<sup>6</sup> 15 U.S.C. 78s(b)(2).

<sup>7</sup> In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

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]

BILLING CODE 4710-05-P

#### 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