

treatment for mental or emotional problems)." While OPM Form 256 does not include the words "psychiatric disorder," this term has come to be preferred and provides a fuller, more contemporary description. These three disability categories, which have been slightly modified, are not intended to be different from those EEOC previously has used. The minor changes are intended only to provide more clarity given the change in common usage since 1987—the year OPM Form 256 was drafted.

Due in part to the change in the definition of "Asian" over the past several years, EEOC believes it useful to include—in Question 4 of the proposed form—definitions for each race or national origin category. The proposed Demographic Information on Applicants form also will be revised to delete the "n" from the term "Alaskan Native" in question 4 to read "1. American Indian or Alaska Native." Finally, the phrase "and you may self identify at any time" has been added to the section of the form that applies to self-identification of disability status.

#### Overview of This Information Collection

*Type of Review:* New collection.

*Collection Title:* Demographic Information on Applicants form.

*Form No.:* None.

*Frequency of Report:* Occasional.

*Type of Respondent:* Applicants for federal employment.

*Description of Affected Public:* Individuals submitting applications for federal employment.

*Responses:* 3,510,600.

*Reporting Hours:* 175,530 (3 minutes per response).

*Costs to Respondents:* None.

*Federal Cost:* None.

*Abstract:* EEOC enforces Title VII of the Civil Rights Act and the Rehabilitation Act, among other equal employment opportunity laws. Pursuant to its authority under those statutes, EEOC issued Equal Employment Opportunity Management Directive 715 (MD-715) in 2003. MD-715 provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under Section 717 of Title VII and effective affirmative action programs under Section 501 of the Rehabilitation Act. The overriding objective of MD-715 is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, color, sex, age, national origin, religion, or disability. In order to ensure that agencies proactively

prevent potential discrimination and establish systems to monitor compliance with Title VII and the Rehabilitation Act, MD-715 requires agencies to evaluate their employment practices by collecting and analyzing data on the race, national origin, sex, and disability status of applicants for both permanent and temporary employment. This notice concerns an optional form for use by federal agencies in gathering demographic information on applicants for federal employment. Use of the form is not required. Federal agencies may or may not elect to use the form.

Applicants for federal employment may or may not elect to complete the form.

**Burden Statement:** The estimated number of respondents is approximately 3,510,600 applicants. The burden is estimated to be approximately three minutes per respondent. Because the form is voluntary, there is no way accurately to predict the number of applicants who will respond.

Dated: September 11, 2008.

For the Commission.

**Naomi C. Earp,**

*Chair.*

[FR Doc. E8-23069 Filed 9-30-08; 8:45 am]

**BILLING CODE 6570-01-P**

#### FARM CREDIT SYSTEM INSURANCE CORPORATION

##### Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

**AGENCY:** Farm Credit System Insurance Corporation.

**ACTION:** Notice.

**SUMMARY:** The Farm Credit System Insurance Corporation (FCSIC or Corporation) is publishing its notice under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) (Pub. L. 107-174), as required by the No FEAR Act and 5 CFR 724. Under the No FEAR Act, agencies are required to notify employees, former employees, and applicants of their rights and remedies under Federal antidiscrimination and whistleblower protection laws applicable to them. The Office of Personnel Management (OPM) has published implementing regulations at 5 CFR 724, which require notice and training, and include model language for agency notices.

**DATES:** October 1, 2008

**FOR FURTHER INFORMATION CONTACT:** B. Jeffrey McGiboney, Equal Employment Opportunity Director, Farm Credit System Insurance Corporation, McLean,

Virginia 22102-5090, (703) 883-4353, TTY (703) 883-4056, or James M. Morris, General Counsel, Farm Credit System Insurance Corporation, McLean, Virginia 22102, (703) 883-4380, TTY (703) 883-4390.

**SUPPLEMENTARY INFORMATION:** For the reasons noted above, FCSIC is publishing this No FEAR Act Notice (also available at the Agency's Web site at (<http://www.fcsic.gov>).

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. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 107-174, title I, General Provisions, section 101(1).

The Act also requires this Agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment 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 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. 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 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 your agency (e.g., EEO/civil rights office, human resources office or legal office). 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).

Dated: September 26, 2008.

**Roland E. Smith,**

*Secretary, Farm Credit System Insurance Corporation Board.*

[FR Doc. E8-23085 Filed 9-30-08; 8:45 am]

BILLING CODE 6710-01-P

#### FEDERAL MARITIME COMMISSION

##### Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Web site (<http://www.fmc.gov>) or contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 012051.

*Title:* CMA CGM-APL Space Charter Agreement.

*Parties:* CMA CGM, S.A.; American President Lines, Ltd.; and APL Co. Pte Ltd.

*Filing Party:* Draughn B. Arbona, Esq., Associate Counsel, CMA CGM (America) Inc., 5701 Lake Wright Drive, Norfolk, VA 23502-1858.

*Synopsis:* The agreement authorizes CMA to charter space to APL in the trade between U.S. East Coast ports and ports on the Mediterranean and Red Seas and on the Indian Subcontinent.

By Order of the Federal Maritime Commission.

Dated: September 26, 2008.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. E8-23145 Filed 9-30-08; 8:45 am]

BILLING CODE 6730-01-P

#### FEDERAL MARITIME COMMISSION

##### Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

##### Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

Pacific Freights International, 56-361 Peawini Place, Kahuku, HI 96731.

*Officers:* Epeli Katia, Managing Partner, (Qualifying Individual), Vilisoni Kotobalavu, CEO.

Dart Express (LAX) LLC, 821 W. Arbor Vitae Street, Inglewood, CA 90301.

*Officers:* John J. Hafferty, Vice President, Edward M. Piza, Vice President, (Qualifying Individual). ACS Logistics Inc., 5005 W. Royal Lane, Suite 198, Irving, TX 75063. *Officer:* George S. Jernigan, Asst. Secretary, (Qualifying Individual).

##### Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Agiloc International, Inc., 400 Oyster Point Boulevard, So. San Francisco, CA 94080. *Officers:* Bugiharto Suheman, CEO, (Qualifying Individual), Jubily Boy, Secretary.