

procedure as indicated under "Notification Procedure."

#### RECORD SOURCE CATEGORIES:

Information relating to the accommodation process will be supplied by the individual requesting accommodation(s), the individual's supervisor, and occasionally the modal OATS Administrator.

#### EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Dated: September 3, 2009.

**Habib Azarsina,**

*Departmental Privacy Officer.*

[FR Doc. E9-21804 Filed 9-9-09; 8:45 am]

BILLING CODE 4910-9X-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[DOT-OST-2009-0191]

### Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws

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

**ACTION:** No FEAR Act notice.

**SUMMARY:** This Notice implements Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 concerning the annual obligation of Federal agencies to notify all employees, former employees, and applicants for Federal employment of the rights and protections available to them under the Federal Antidiscrimination Laws and Whistleblower Protection Laws.

#### FOR FURTHER INFORMATION CONTACT:

Caffin Gordon, 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., Washington, DC 20590, 202-366-4648 or (TTY) 202-366-8538.

#### SUPPLEMENTARY INFORMATION:

#### Electronic Access

You may retrieve this document online through the Federal Document Management System (FDMS) at: [www.regulations.gov](http://www.regulations.gov). The FDMS is available 24 hours each day, 365 days each year. Electronic retrieval help and guidelines are available under the help section of the Web site. An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board home page 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," Public Law 107-174, 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." In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." 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, whistleblower protection and retaliation 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 1614.105. 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 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—[www.osc.gov](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 protections 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 who has engaged in discriminatory or retaliatory conduct, 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).

**Mary N. Whigham Jones,**

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

[FR Doc. E9-21805 Filed 9-9-09; 8:45 am]

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

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 1, 2009. No comments were received.

**DATES:** Comments must be submitted on or before October 13, 2009.

**FOR FURTHER INFORMATION CONTACT:** Robert Brown, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Telephone: 202-366-2277; or e-mail: [robert.brown@dot.gov](mailto:robert.brown@dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title:* Automated Mutual-Assistance Vessel Rescue System (AMVER).

*OMB Control Number:* 2133-0025.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* U.S.-flag and U.S. citizen-owned vessels that are required to respond under current statute and regulation.

*Form(s):* None.

*Abstract:* This collection of information is used to gather information regarding the location of U.S.-flag vessels and certain other U.S. citizen-owned vessels for the purpose of search and rescue in the saving of lives at sea and for the marshalling of ships for national defense and safety purposes. This collection consists of vessels that transmit their positions through various electronic means.

*Annual Estimated Burden Hours:* 2,050 hours.

*Addresses:* Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

*Comments Are Invited On:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

*Authority:* 49 CFR 1.66.

Issued in Washington, DC on August 31, 2009.

**Murray Bloom,**

*Acting Secretary, Maritime Administration.*

[FR Doc. E9-21816 Filed 9-9-09; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2009 0082]

#### Information Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request the Office of Management and Budget (OMB) approval for a new information collection to assess the educational outcome of U.S. Merchant Marine Academy alumni.

**DATES:** Comments should be submitted on or before November 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Dr. Shashi Kumar, U.S. Merchant Marine Academy, Kings Point, NY 11024.

*Telephone:* 516-726-5833; *Fax:* 516-773-5539, or *E-Mail:* [kumars@usmma.edu](mailto:kumars@usmma.edu).

Copies of this collection also can be obtained from that office.

#### SUPPLEMENTARY INFORMATION:

*Title of Collection:* United States Merchant Marine Academy Alumni Survey.

*Type of Request:* New collection.

*OMB Control Number:* 2133-NEW.

*Form Numbers:* KP2-66-DK1, KP2-67-DK2, KP2-68-DK3, KP2-69-ENG1, KP2-70-ENG2, KP2-71-ENG3.

*Expiration Date of Approval:* Three years from date of approval by the Office of Management and Budget.

*Summary of Collection of Information:* The United States Merchant Marine Academy is an accredited federal service academy that confers BS and MS degrees. The Academy is expected to assess its educational outcomes and report those findings to its Regional Accreditation authority in order to maintain the institution's degree granting status. Periodic survey of alumni cohorts and analysis of the data gathered is a routine higher education assessment practice in the United States.

*Need and Use of the Information:* The information gathered will be analyzed and used for program management and improvement.

*Description of Respondents:* Respondents are graduates of the U.S. Merchant Marine Academy.

*Annual Responses:* 500 responses.

*Annual Burden:* 250 hours.

*Comments:* Comments should refer to the docket number that appears at the