DEPARTMENT OF TRANSPORTATION
Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending August 29, 2009

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation’s Procedural Regulations (See 14 CFR 301.201 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date Filed: August 28, 2009.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 18, 2009.

Description: Application of Arrow Air, Inc. requesting renewal of its certificate of public convenience and necessity for scheduled all-cargo foreign air transportation of property and mail between the terminal point Miami, Florida on the one hand and the co-terminal points Manaus, Rio de Janeiro and Sao Paulo, Brazil on the other hand. Arrow also requests renewal of its authority to use weekly frequencies.

Date Filed: August 28, 2009.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 18, 2009.

Description: Application of KaiserAir, Inc. requesting a certificate of public convenience and necessity authorizing it to conduct interstate charter air transportation of persons, property and mail with large aircraft.

Renée V. Wright, Program Manager, Docket Operations, Federal Register Liaison.
[FR Doc. E9–21803 Filed 9–9–09; 8:45 am]
BILLING CODE #910–9X–P

DEPARTMENT OF TRANSPORTATION
Office of the Secretary

Departmental Office of Civil Rights; Privacy Act of 1974; System of Records Notice (SORN)

AGENCY: Department of Transportation (DOT).

ACTION: Notice to establish a system of records.

SUMMARY: DOT intends to establish a system of records under the Privacy Act of 1974 to facilitate the provision of reasonable accommodations to individuals with disabilities by establishing procedures, timeframes and forms for supervisors/decision makers to use in processing requests from employees and applicants for employment, called the On-line Accommodation Tracking System (OATS). The system enhances compliance with Executive Order 13164, Equal Employment Opportunity Commission (EEOC) guidance, and DOT Order 1011.1 “Procedures for Processing Reasonable Accommodation Requests by DOT Job Applicants and Employees with Disabilities.” DOT is required to collect information on accommodation requests and report annually whether requested accommodations were provided or denied within the allowable time frame established by agency procedures (a maximum of 25 business days for DOT).

The system was created to capture the required information. The system will assist supervisors/decision makers in ensuring that a decision to grant or deny is made timely and if granted, that the accommodation is provided within the time frame allowed, and will allow timeliness to be monitored by a designated OATS Administrator in each DOT organization.

The system of records is more thoroughly detailed below and in a Privacy Impact Assessment (PIA) that DOT will post on the DOT Privacy Web site at www.dot.gov/privacy.

DATES: Comments are due October 20, 2009.

ADDRESSES: Send comments to: Christy Compton, Disability Program Manager, Departmental Office of Civil Rights, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; or christy.compton@dot.gov.

FOR FURTHER INFORMATION CONTACT: For privacy issues please contact: Habib Azarsina, Departmental Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC, 202–366–1965; or habib.azarsina@dot.gov.

SUPPLEMENTARY INFORMATION:

I. The Privacy Act

The Privacy Act (5 USC 552a) governs the means by which the United States Government collects, maintains, and uses Personally Identifiable Information (PII) in a system of records. A “system of records” is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the Federal Register a notice in accordance with the System of Record Notice (SORN) which requires identifying and describing each system of records the agency maintains, including the purposes for which the agency uses PII in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals can exercise their rights under the Privacy Act (e.g., to determine if the system contains information about them).

II. Privacy Impact Assessment

DOT has prepared a PIA to coincide with this SORN. It will be posted on the DOT Privacy Web site at http://www.dot.gov/privacy.

In accordance with 5 U.S.C. 552a(r), a report on the establishment of this new system of records has been sent to Congress and to the Office of Management and Budget.

SYSTEM NUMBER:
DOT/ALL 20

SYSTEM NAME:
On-line Accommodation Tracking System (OATS)

SECURITY CLASSIFICATION:
Sensitive, unclassified.

SYSTEM LOCATION:

Servers: The Servers hosting OATS are maintained in a secure government facility in Frederick, MD, which is staffed 24 hours a day, 7 days a week.

Portals: Supervisors, modal OATS administrators, and the Departmental Office of Civil Rights’ system manager
may access the system via desktop computers that are in the secure DOT computer network.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
Employees and applicants who request reasonable accommodation for a disability.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

<table>
<thead>
<tr>
<th>CATEGORIES</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>Employees</td>
<td>Requests for accommodation and other relevant information about them in this system should follow the same procedures.</td>
</tr>
<tr>
<td>Applicants</td>
<td>Requests for accommodation and other relevant information about them in this system should follow the same procedures.</td>
</tr>
</tbody>
</table>

**RECORD ACCESS PROCEDURE:**
Individuals seeking access to information about themselves in this system should follow the same procedure as indicated under “Notification Procedure.”

**CONTESTING RECORDS PROCEDURE:**
Individuals seeking to contest the content of information about them in this system should follow the same
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 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 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.

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