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**Daniel Brinza,**

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

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. OST-2009-0121]

### Notice of Request for Information Collection Approval

**AGENCY:** Office of the Secretary.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*) this notice announces the U.S. Department of Transportation's (DOT) intention to renew the utilization of the individual employment discrimination complaint form when processing Equal Employment Opportunity (EEO) discrimination complaints filed by applicants for employment with the Department. The Office of Management and Budget (OMB) approved the form in 2006 with its renewal required by July 31, 2009.

**DATES:** Comments on this notice must be received by July 21, 2009.

**ADDRESSES:** You may submit comments [identified by DOT Docket Number OST-2009-0121] by any of the following methods:

- *Web Site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Room W12-140, Washington, DC 20590.

- *Hand Delivery or Courier:* West Building, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name (Office of the Secretary, DOT) and docket number for this rulemaking. You should provide two copies of your comments if you submit them by mail or courier. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided, and will be available to Internet users. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For Internet access to the docket to read background documents and comments received, go to <http://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

#### FOR FURTHER INFORMATION CONTACT:

Tami Wright, Associate Director, Compliance Operations Division (S-34), Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, 202-366-9370 or (TTY) 202-366-0663.

#### SUPPLEMENTARY INFORMATION:

*Form Title:* Individual Complaint of Employment Discrimination.

*OMB Control Number:* OMB #2105-0556.

*Type of Request:* OMB renewal.

*Abstract:* DOT will utilize the form to collect information necessary to process EEO discrimination complaints filed by individuals who are not Federal employees and are applicants for employment with the Department. These complaints are processed in accordance with the Equal Employment Opportunity Commission's regulations, 29 CFR part 1614, as amended. DOT will use the form to: (a) Request requisite information from the applicant for processing his/her EEO employment discrimination complaint; and (b) obtain information to identify an individual or his or her attorney or other representative, if appropriate. An applicant's filing of an EEO employment complaint is solely voluntary. DOT estimates that it takes an applicant approximately one hour to complete the form.

*Respondents:* Job Applicants filing EEO employment discrimination complaints.

*Estimated Number of Respondents:* 10 per year.

*Estimated Total Burden on Respondents:* 10 hours per year.

Comments are invited on: (a) Whether the proposed collection of information is reasonable for the proper performance of the EEO functions of the Department, and (b) the accuracy of the Department's estimate of the burden of the proposed information collection. All responses to the notice will be summarized and included in the request for Office of Management and Budget approval. All comments also will become a matter of public record.

Issued in Washington, DC, on May 15, 2009.

**Mary N. Whigham Jones,**

*Acting Director, Departmental Office of Civil Rights.*

BILLING CODE 4910-9X-P

OMB No:  
Expiration Date:

**PAPERWORK REDUCTION ACT BURDEN STATEMENT**

Under the Paperwork Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number. The public reporting burden for this voluntary collection of information is estimated to average 1 hour per response. If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to the U.S. Department of Transportation, Departmental Office of Civil Rights, S-30, 1200 New Jersey Avenue, SE, Washington, DC 20590



**DEPARTMENT OF TRANSPORTATION  
INDIVIDUAL COMPLAINT OF EMPLOYMENT DISCRIMINATION  
FORM INSTRUCTIONS**

*(Read the following instructions carefully before you complete this form)  
(Please complete all items on the complaint form)*

**GENERAL:** This form should be used only if you, as an applicant for employment with the Department of Transportation, or as a present or former Department of Transportation employee:

- 1) believe you have been discriminated against because of your **race, color, religion, sex, national origin, age** (40 years or older at the time of the event giving rise to your claim), **physical or mental disability, sexual orientation** or believe that you have been **retaliated** against for participating in activities by civil rights statutes. *(Sexual orientation complaints filed against the Department are processed in accordance with the Secretary of Transportation's Equal Employment Opportunity (EEO) Policy Statement dated May 7, 1993 and Executive Order 13087 issued May 28, 1998. Complaints based on sexual orientation are not covered by the Equal Employment Opportunity Commission regulations that govern the processing of Federal Sector discrimination complaints (Title 29 Code of Federal Regulations (C.F.R.), Part 1614.), and*
- 2) have presented the matter for informal resolution to an EEO Counselor within **45 days** of the event giving rise to your claim, or within **45 days** of first becoming aware of the alleged discrimination.

**IMPORTANT NOTE:** In certain situations, the information provided in Part III of the attached complaint form may be used in lieu of an affidavit in the investigation of your complaint. Accordingly, the information you provide in this part should be brief, clear, and complete.

**WHEN TO FILE:** In accordance with 29 C.F.R. § 1614.106, your formal complaint must be filed within **15 calendar days** of the date you received the Notice of Right to File a Discrimination Complaint form from your EEO Counselor. You must sign and date your complaint. If you are represented **by an attorney**, the attorney may sign the complaint on your behalf.

These time limits may be extended: **1)** if you show that you were not notified of the time limits and were not otherwise aware of them, or **2)** if you were prevented by circumstances beyond your control from submitting the matter within the time limits, or **3)** for other reasons considered sufficient by the Department.

**REPRESENTATION:** You may have a representative of your own choosing at all stages of the processing of your complaint. However, your representative will be disqualified if such representation would conflict with the official or collateral duties of the representative. No EEO Counselor or EEO Officer may serve as a representative. *(Your representative need not be an attorney, but only an attorney representative may sign the complaint on your behalf.)*

**WHERE TO FILE:** The complaint should be filed with the Associate Director, Compliance Operations Division (S-34), Departmental Office of Civil Rights, 1200 New Jersey Avenue, S.E., 76-401, Washington, DC 20590. Filing instructions are contained in the "Right to File" form which was provided by your EEO Counselor. Keep a copy of the completed complaint form for your records.

**(PLEASE ALSO READ THE PRIVACY ACT STATEMENT ON THE NEXT PAGE)**

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**PRIVACY ACT STATEMENT**

1. **FORM NUMBER/TITLE DATE:** Department of Transportation Form Number \_\_\_\_\_, Individual Complaint of Employment Discrimination with the Department of Transportation.
2. **AUTHORITY:** 42 U.S.C. 2000e; 29 U.S.C. 633a; PL 95-062 as amended; 5 U.S.C. 1303 and 1304; 5 C.F.R. 5.2 and 5.3; 29 C.F.R. 1614.105 and 1614.107; and Executive Order 11478, as amended.
3. **PRINCIPAL PURPOSES:** The purpose of this complaint form, whether recorded initially on the form or taken from a letter from the Complainant, is to record the filing of a formal written complaint of employment discrimination with the Department of Transportation on the grounds of race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation or retaliation, and to reach a decision on the complaint. Information provided on this form will be used by the Department of Transportation to determine whether the complaint was timely filed and whether the claims in the complaint are within the purview of 29 C.F.R. Part 1614, and to provide a factual basis for investigation of the complaint.
4. **ROUTINE USES:** Other disclosures may be:
  - a. to respond to a request from a Member of Congress regarding the status of the complaint or appeal;
  - b. to respond to a court subpoena and/or to refer to a district court in connection with a civil suit;
  - c. to disclose information to authorized officials or personnel to adjudicate a complaint or appeal;
  - d. to disclose information to another Federal agency or to a court or third party in litigation when the Government is party to a suit before the court.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY, AND EFFECT ON INDIVIDUAL BY NOT PROVIDING INFORMATION:** Formal complaints of employment discrimination must be in writing, signed by the Complainant (or attorney representative), and must identify the parties and action or policy at issue. Failure to comply may result in the Department of Transportation dismissing the complaint. It is not mandatory that this form be used to provide the requested information.

**DETACH AND KEEP THIS PAGE WHEN YOU FILE YOUR COMPLAINT**

		<b>DEPARTMENT OF TRANSPORTATION</b>	
<b>INDIVIDUAL COMPLAINT OF EMPLOYMENT DISCRIMINATION WITH THE DEPARTMENT OF TRANSPORTATION</b>		<b>FOR OFFICE USE ONLY</b> <hr/> <b>DEPARTMENT CASE NUMBER</b> <hr/> <b>FILING DATE</b>	
<b>PART I COMPLAINANT IDENTIFICATION INFORMATION</b>			
<b>1. Name (Last, First, Middle Initial)</b>		<b>5a. Name and Address of Organization Where You Work (If a Department of Transportation Employee)</b>	
<b>2. Telephone/Fax (Include Area Code)</b>  Home: _____ Fax: _____ Work: _____ Fax: _____ E-Mail: _____		Office and Staff Symbol  Street Address  City _____ State _____ Zip Code _____	
<b>3. Present Home Address (You must notify the Departmental Office of Civil Rights of any changes of address while complaint is pending, or your complaint may be dismissed)</b>  Street Address  City _____ State _____ Zip Code _____		<b>5b. Last four digits of your Social Security Number:</b> _____	
<b>4. If you are a current or former employee of the federal government, list your most recent title, series, and grade.</b>  Title _____ Series _____ Grade _____		<b>6. Employment Status in Relation to this Complaint:</b> <input type="checkbox"/> Applicant <input type="checkbox"/> Probationary <input type="checkbox"/> Career/Career Conditional <input type="checkbox"/> Former Employee _____ Date Last Employed at Department _____ <input type="checkbox"/> Retired _____ Date of Retirement _____ <input type="checkbox"/> Other _____ Specify _____	
<b>7. I certify that <u>all</u> of the statements made in this complaint are true, complete, and correct to the best of my knowledge and belief.</b>			
Signature of Complainant or ATTORNEY Representative _____		Date _____	
<b>PART II DESIGNATION OF REPRESENTATIVE</b>			
<b>8. You may represent yourself in this complaint or you may choose someone to represent you. Your representative does not have to be an attorney. You may change your designation of a representative at a later date, but you must notify the Departmental Office of Civil Rights immediately in writing of any change, and you must include the same information requested in this Part.</b>			
<b>"I hereby designate _____ (Please Print Name) to serve as my representative during the course of this complaint. I understand that my representative is authorized to act on my behalf."</b>			
<b>9. Representative's Mailing Address</b>  Firm/Organization  Street Address  City _____ State _____ Zip Code _____		<b>10. Representative's Employer (If Federal Agency)</b>  <b>11. Representative's Telephone/Fax (Include Area Code)</b> _____ Telephone: _____ Fax: _____	
		<b>12. COMPLAINANT'S SIGNATURE</b> _____ <b>DATE</b> _____	

**PART III ALLEGED DISCRIMINATORY ACTIONS**

13. Name and Address of Agency/office that took the action at issue (if different than item 5.)

Office and Organizational Component \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

14. If your complaint involves nonselection for a position, please complete the following:

Position Title \_\_\_\_\_ Series \_\_\_\_\_ Grade \_\_\_\_\_

Vacancy Announcement No. \_\_\_\_\_ Date Learned of Nonselection \_\_\_\_\_

15. (A) Describe the action taken against you that you believe was discriminatory; (B) Give the date the action occurred, and the name of each person responsible for the action; (C) Describe how you were treated differently than other employees or applicants because of your race, color, religion, sex, national origin, age, disability, or in retaliation for your participation in the EEO process or opposition to alleged discriminatory practices; (D) indicate what harm, if any, came to you in your work situation as a result of this action. (You may attach extra sheets.)

16. Mark below **ONLY** the bases you believe were relied on to take the actions described in #15.

☐ Race (State Race) \_\_\_\_\_

☐ Mental Disability (Specify) \_\_\_\_\_

☐ Color (State Complexion) \_\_\_\_\_

☐ Physical Disability (Specify) \_\_\_\_\_

☐ Religion (State Religion) \_\_\_\_\_

☐ Retaliation/Reprisal (Dates of prior EEO Activity) \_\_\_\_\_

☐ Sex (State Sex) \_\_\_\_\_

☐ Sexual Orientation (Specify) \_\_\_\_\_

☐ National Origin (Specify) \_\_\_\_\_

☐ Age (Date of Birth) \_\_\_\_\_

17. What remedial or corrective action are you seeking?

**PART IV COUNSELOR CONTACT**

18. When did the most recent discriminatory event occur?

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

19. When did you first become aware of the alleged discrimination?

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

20. When did you contact an EEO counselor?

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

21. Did you discuss ALL actions raised in item 15 with an EEO Counselor? ☐ YES ☐ NO

(If no, explain on attached sheet)

22. Name and Telephone number of EEO Counselor

Name \_\_\_\_\_

Telephone No. \_\_\_\_\_

23. When did you receive your Notice of Right to File?

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

24. On this same matter, have you filed a grievance or appeal under:

Negotiated Grievance procedures ☐ YES ☐ NO

Agency grievance procedure ☐ YES ☐ NO

MSPB appeal procedure ☐ YES ☐ NO

If you filed a grievance or appeal, provide date filed, case number, and present status.

[FR Doc. E9-11988 Filed 5-21-09; 8:45 am]

BILLING CODE 4910-9X-C

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Project Number SP-0008-03(048)]

#### Environmental Impact Statement: Rankin County, MS

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

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Rankin County, Mississippi. The project study area will extend a distance of approximately 15 miles from U.S. Highway 49 near Star, Mississippi, to Interstate 20 near State Route 475 in Pearl, Mississippi.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dickie Walters, Environmental Protection Specialist, Federal Highway Administration, 666 North Street, Suite 105, Jackson, MS 39202-3199, Telephone: (601) 965-4217. Contact at the State level is Mr. Claiborne Barnwell, Environmental/Location Division Engineer, Mississippi Department of Transportation, P.O. Box 1850, Jackson, MS 39215-1850, telephone: (601) 359-7920.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Mississippi Department of Transportation (MDOT), will prepare an Environmental Impact Statement (EIS) for a U.S. Highway 49 Star Connector in Rankin County, Mississippi. The proposed improvements are intended to help alleviate high levels of congestion and travel delays on U.S. Highway 49 between Star and Interstate 20.

A Coordination Plan for Agency and Public Involvement will be developed in accordance with Public Law 109-59, SAFETEA-LU, Title VI, Section 6002, Efficient Environmental Reviews for Project Decision Making, August 10, 2005, and will outline the process by which project information will be communicated to the lead, cooperating, participating, and other agencies and organizations, and the public. This plan will also identify how input from agencies and the public will be solicited and considered. The Coordination Plan is intended to be a flexible and fluid document and will be available at public and agency meetings for review.

The purpose of the EIS is to address the transportation, environmental, and

safety issues of such a transportation corridor. The proposed fully controlled U.S. Highway 49 Star Connector on new location would provide a safer roadway and improve mobility for those traveling to or through the Jackson Metropolitan area from the South Mississippi region. Additionally, the proposed U.S. Highway 49 Star Connector would create an additional route to I-55 North by providing traffic a route through the planned Airport Parkway reducing movements through the I-55/I-20/U.S. 49 interchange. Alternatives under consideration include (1) taking no action and (2) build alternatives.

The FHWA and MDOT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, Native American tribes, private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting with Federal, State, and local agencies, and other interested parties will be held in the near future. Public involvement meetings will be held during the EIS process. The draft EIS will be available for public and agency review and comment prior to the official public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Dated: May 18, 2009.

**Donald E. Davis,**

*Assistant Division Administrator, Federal Highway Administration, Mississippi Division, Jackson, Mississippi.*

[FR Doc. E9-11991 Filed 5-21-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28043]

#### Hours of Service (HOS) of Drivers; Application of American Pyrotechnics Association (APA) for Exemption From the 14-Hour Rule During Independence Day Celebrations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** The American Pyrotechnics Association (APA) has applied for a limited exemption from FMCSA's regulation that drivers of commercial motor vehicles (CMVs) may not drive after the 14th hour after coming on duty. The exemption would apply solely to the operation of CMVs by 14 designated APA motor carriers in conjunction with staging fireworks shows celebrating Independence Day during the periods June 28-July 8, 2009, and June 28-July 8, 2010, inclusive. During these two periods, the approximately 100 CMV drivers employed by these 14 APA motor carriers in conjunction with staging fireworks shows would be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14 hours. These drivers would not be allowed to drive after accumulating a total of 14 hours of on-duty time, following 10 consecutive hours off duty, and would continue to be subject to the 11-hour driving time limit, and the 60- and 70-hour on-duty limits. The APA maintains that the terms and conditions of the limited exemption would ensure a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

**DATES:** This exemption would be effective during the periods of June 28, 2009, through July 8, 2009, inclusive, and June 28, 2010, through July 8, 2010, inclusive. The exemption would expire on July 9, 2010. Comments must be received on or before June 8, 2009.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2007-28043 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Telefax:* 1-202-493-2251.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading