

statistical disparities between DBE availability and participation. This is likely to require a multivariate/regression analysis.

The study should quantify the magnitude of any differences between DBE availability and participation, or DBE participation in race-neutral and race-conscious contracts. Recipients should exercise caution in drawing conclusions about the presence of discrimination and its effects based on small differences.

In calculating availability of DBEs, the study should not rely on numbers that may have been inflated by race-conscious programs that may not have been narrowly tailored.

Recipients should consider, as they plan their studies, evidence-gathering efforts that Federal courts have approved in the past. These include the studies by *Minnesota and Nebraska cited in Sherbrooke Turf, Inc. v. Minnesota Department of Transportation*, 345 F.3d 964 (8th Cir. 2003), cert. denied 124 S. Ct. 2158 (2004) and the Illinois evidence cited in *Northern Contracting, Inc. v. State of Illinois, et al.* 2005 WL 2230195, N.D.Ill., September 08, 2005 (No. 00 C 4515)

*Question: Can There Be Statewide or Regional Studies, as Opposed to a Separate Study for Each Individual Recipient?*

Answer

If feasible, studies may be undertaken on a regional or statewide basis to reduce the costs that would be involved if each recipient conducted its own separate study.

We would expect that each State DOT would conduct a statewide study. Such a study should be conducted in cooperation with transit and airport recipients in the state, so that the study would apply to recipients in all three modes.

Larger transit and/or airport recipients may want to conduct their own study, since the demographics of large urban areas may differ from that of the state as a whole.

*Question: Will Federal Funds Help To Defray the Costs of Recipients' Studies?*

Answer

Yes. FHWA, FTA, and FAA have all stated that the costs of conducting disparity studies are reimbursable from Federal program funds, subject to the availability of those funds.

Recipients should contact their operating administration for more detailed information.

## FTA Requests for Comment

FTA requests comment on two matters concerning the implementation of the DOT General Counsel's DBE Guidance on the Western States court decision:

1. For 9th circuit recipients only, with respect to FY 2006 overall DBE goals, recipients should submit DBE goals to their FTA Regional Office for review by the Regional Civil Rights Officer. As determined by the Regional Civil Rights Officer, recipients with race-neutral goals may be required to certify that they will conduct or participate in a disparity or availability study or other appropriate evidence gathering process and the time frame for completion of the study or process.

2. As mentioned in the DOT Guidance, disparity studies using FY 2006 funding allocations will be an authorized expense for reimbursement, subject to the availability of funds. We seek comment on whether disparity studies should receive grantee funding priority, and on whether any additional funding should be made available for this purpose.

Issued on: March 20, 2006.

**Sandra K. Bushue,**

*Deputy Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

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

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** document with a 60-day comment period was published on November 29, 2005 [70 FR 71601].

**DATES:** Comments must be received on or before April 24, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Carlita Ballard at the National Highway Traffic Safety Administration, Office of

International Vehicle, Fuel Economy and Consumer Standards, (NVS-131), 202-366-5222, 400 Seventh Street, SW., Room 5320, Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

#### National Highway Traffic Safety Administration

*Title:* 49 CFR part 544; Insurer Reporting Requirement.

*OMB Control Number:* 2127-0547.

*Type of Request:* Request for public comment on a previously approved collection of information.

*Abstract:* NHTSA must ensure that passenger motor vehicle insurance companies and rental/leasing companies comply with 49 CFR part 544, Insurer Reporting Requirement. Part 544 requires that the insurance/rental and leasing companies provide information on comprehensive insurance premiums, theft and recoveries and actions taken to address motor vehicle theft.

*Affected Public:* Business or other for-profit.

*Estimated Total Annual Burden:* 64,610 hours (56,700 man-hours for 28 insurance companies and 7,910 man-hours for 14 rental and leasing companies).

*Estimated Annual Cost:* \$2,325,960.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: NHTSA Desk Officer.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and 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 most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC on: March 20, 2006.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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