

DATES: Comments must be submitted before March 28, 2011. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Sylvia L. Marion, Office of Administration, Office of Management Planning, (202) 366-6680.

SUPPLEMENTARY INFORMATION:

Title: Charter Service Operations
(OMB Number: 2132-0543)

Abstract: 49 U.S.C. 5323(d) requires all applicants for financial assistance from FTA to enter into a charter bus agreement with the Secretary of Transportation (delegated to the Administrator of FTA in 49 CFR 1.51(a)). 49 U.S.C. 5323(d) provides protections for private intercity charter bus operators from unfair competition by FTA recipients. 49 U.S.C. 5302(a)(10) as interpreted by the Comptroller General permits FTA recipients, but does not state that recipients have a right, to provide charter bus service with FTA-funded facilities and equipment only if it is incidental to the provision of mass transportation service. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144 (2005), amended 49 U.S.C. 5323(d) with respect to remedies, provides that:

“In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.”

In addition, the Joint Explanatory Statement of the Committee of Conference, for Section 3023(d), “Condition on Charter Bus Transportation Service” of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144 (2005) directed FTA to “initiate a negotiated rulemaking seeking public comment on the regulations implementing section 5323(d).”

In response to the direction contained in the Conference Committee Report, FTA established a Federal Advisory Committee to develop, through negotiated rulemaking procedures, recommendations for improving the regulation regarding charter bus services. On January 14, 2008, FTA published its final rule (73 FR 2326) amending the regulations which govern the provision of charter service. These regulations are implemented at 49 CFR Part 604. Changes to Part 604 include clarification of the existing requirements, a newly defined “charter

service,” replacement of the “willing and able” process for the electronic registration of private charter providers, and the establishment of more detailed complaint, hearing, and appeal procedures.

Section 604.4 requires all applicants for federal financial assistance under 49 U.S.C. 5301 *et seq.*, and 23 U.S.C. 103(e)(4), 142(a), and 142(c) to enter into a “Charter Service Agreement,” contained in the Certifications and Assurances for FTA Assistance Programs, unless exempt under 49 CFR 604.2 or otherwise falls under an exception in 49 CFR Part 604. The Certifications and Assurances become a part of the Grant Agreement or Cooperative Agreement for federal assistance upon the recipient’s receipt of federal funds.

The January 14, 2008, amendments to 49 CFR Part 604 added Section 604.14, which requires that a recipient give email notification to registered charter providers in the recipient’s geographic service area upon receiving a request for charter service that the recipient is interested in providing pursuant to § 604.9. In addition, 49 CFR 604.12 requires that the recipient submit the records of all instances that it has provided charter service permitted under one or more of the exceptions under Subpart B of Part 604 to the charter registration Web site 30 days after the end of each calendar quarter. The recipient must also maintain the required notices and records electronically for three years from the date of the service or lease of FTA funded equipment and/or drivers.

In order for a private charter operator to become a registered charter provider, the private charter operator must register on FTA’s charter registration Web site, which can be found at http://www.fta.dot.gov/laws/leg_reg_179.html. Under 49 CFR 604.13, a registered charter provider must update its information on the charter registration Web site at least once every two years.

The January 14, 2008, final rule also added 49 CFR 604.7, allowing recipients to provide charter service to qualified human service organizations (QHSO) under limited circumstances. QHSOs seeking to receive free or reduced rate services from recipients and do not receive federal funding under programs listed in Appendix A to Part 604 must register on FTA’s charter registration Web site (49 CFR 604.15(a)).

Estimated Total Annual Burden: 1,819 hours.

ADDRESSES: All written comments must refer to the docket number that appears

at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, *Attention:* FTA 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.

Issued On: February 17, 2011.

Ann M. Linnertz,

Associate Administrator for Administration.

[FR Doc. 2011-4204 Filed 2-24-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2011-0020]

Reports, Forms, and Record Keeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before April 26, 2011.

ADDRESSES: You may submit comments identified by DOT Docket No. NHTSA-2011-0020 by any of the following methods:

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

• *Mail: Docket Management Facility:* U.S. Department of Transportation, 1200 New Jersey Avenue, 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 Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1-800-647-5527.

• *Fax:* 202-493-2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT:

George Stevens, NHTSA 1200 New Jersey Avenue, SE., Room W43-490, Washington, DC 20590. Mr. Steven's telephone number is (202) 366-5308. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

- (i) 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;
- (ii) the accuracy of the agency's estimate of the burden of the proposed

collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected;

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: 49 CFR Part 556, Petitions for Inconsequentiality.

OMB Control Number: 2127-0045.

Affected Public: Businesses or other for profit entities.

Abstract: If a motor vehicle or item of replacement motor vehicle equipment is determined to contain a defect related to motor vehicle safety or not to comply with an applicable Federal motor vehicle safety standard (FMVSS), the manufacturer is required under 49 U.S.C. 30118 to furnish NHTSA and owners, purchasers, and dealers of the motor vehicle or equipment with notification of the defect or noncompliance. The manufacturer must also remedy the defect or noncompliance without charge under 49 U.S.C. 30120.

A manufacturer may be exempted from these requirements under 49 U.S.C. 30118(d) if the agency decides, upon application of the manufacturer, that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. That section provides that the agency may only take such action after publishing notice in the **Federal Register** and providing an opportunity for any interested person to present information, views, and arguments.

Regulations implementing this provision are found in 49 CFR part 556 *Exemption for Inconsequential Defect or Noncompliance*. The regulations provide that "the effect of a grant of a petition is to relieve the manufacturer from any further responsibility to provide notice and remedy of the defect or noncompliance." See 49 CFR 556.7.

The regulations further provide that each petition submitted under part 556 must:

- (1) Be written in the English language;
- (2) Be submitted in three copies to NHTSA;
- (3) State the full name and address of the applicant, the nature of its organization (e.g., individual,

partnership, or corporation) and the name of the State or county under the laws of which it is organized;

(4) Describe the motor vehicle or item of replacement equipment, including the number involved and the period of production, and the defect or noncompliance concerning which an exemption is sought, and

(5) Set forth all data, views, and arguments of the petitioner supporting the petition.

See 49 CFR 556.4(b).

The regulations also provide that the petition must be accompanied by three copies of the report of the defect or noncompliance that the manufacturer has compiled for submission to NHTSA under 49 CFR part 573 *Defect and Noncompliance Responsibility and Reports*, and be submitted no later than 30 days after the manufacturer determines the existence of the defect or noncompliance or is notified that NHTSA has determined the existence of the defect or noncompliance. See 49 CFR 556.4(b)(6) and (c).

The agency receives, on average, 30 petitions per year seeking exemptions under part 556 for an inconsequential defect or noncompliance. The agency estimates that it would take, on average, five hours for a manufacturer to compile, organize, and submit the information needed to support each petition.

Estimated Annual Burden: 150 hours.

Number of Respondents: 30.

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.

Issued on: February 16, 2011.

Claude H. Harris,

Acting Associate Administrator, for Enforcement.

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