

OMB Control Number 2100–0019 to provide the Agency with data for use in its review of the ADA related requirements and to monitor compliance by OTRB companies. Such data are reported to FMCSA as the agency delegated by DOT for this purpose. DOT needs additional data from OTRB companies so that it can conduct an effective review and make an informed regulatory policy decision on whether there is a need to revise, modify or remove any of the ADA regulations involving OTRBs. Specifically, data about bus fleet accessibility, fulfillment of accessible bus requests, and ridership and volume of complaints by passengers with disabilities, are needed from OTRB companies.

DOT needs the new data to conduct the required review of the various requirements within the ADA regulations for OTRB companies. The Department, however, would need FMCSA to send letters to approximately 3,800 registered OTRB companies that will be asked to complete and submit an enclosed form or make an on-line data submission via a customized Web site.

As noted above, FMCSA published inadvertently a notice in the **Federal Register** with a 60-day public comment period to announce this new proposed ICR on April 22, 2008. Two comments were received. Peter Pan Bus Lines, Inc. and the American Bus Association questioned FMCSA's authority to publish this new ICR when DOT had the authority to do so under OMB Control Number 2100–0019. While this new information collection request seeks different data from DOT's OMB Control Number 2100–0019 Information Collection, the initial 60-day **Federal Register** notice on this issue should have been published by DOT, rather than by FMCSA. It is true that FMCSA would administer this new information collection upon OMB approval, but the Department and FMCSA determined that the new information collection request should be issued by DOT since it has the statutory authority to conduct the required review under the ADA regulations.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of DOT's functions; (2) the accuracy of the estimated burden; (3) ways for the DOT to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued in Washington, DC, on July 22, 2009.

Patricia Lawton,

DOT PRA Clearance Officer, Office of the Chief Information Officer.

[FR Doc. E9–18013 Filed 7–29–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2009–0084]

Agency Information Collection Activities: Notice of Request for Renewal of a Previously Approved Information Collection Titled: Federal Highway Administration (FHWA) State Reports for American Recovery and Reinvestment Act (ARRA)

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

ACTION: Notice of request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 27, 2009. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 31, 2009.

ADDRESSES: You may submit comments identified by DOT Docket ID Number FHWA–2009–0084, by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

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

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen White, 202–366–9474, Office of Policy and Governmental Affairs, HPTS, Federal Highway Administration,

Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Federal Highway Administration (FHWA) State Reports for American Recovery and Reinvestment Act (ARRA), OMB Control #2125–0623.

Background: The American Recovery and Reinvestment Act of 2009 (ARRA), provides the State Departments of Transportation and Federal Lands Agencies with \$27.5 billion for highway infrastructure investment. With these funds also comes an increased level of data reporting with the stated goal of improving transparency and accountability at all levels of government. According to President Obama “Every American will be able to hold Washington accountable for these decisions by going online to see how and where their tax dollars are being spent.” The Federal Highway Administration (FHWA) in concert with the Office of the Secretary of Transportation (OST) and the other modes within the U.S. Department of Transportation (DOT) will be taking the appropriate steps to ensure that this accountability and transparency is in place for all infrastructure investments.

The reporting requirements of the ARRA, are covered in Sections 1201, 1512 and 1609. Section 1201(c)(1) stipulates that “notwithstanding any other provision of law each grant recipient shall submit to the covered agency (FHWA) from which they received funding periodic reports on the use of the funds appropriated in this Act for covered programs. Such reports shall be collected and compiled by the covered agency (FHWA) and transmitted to Congress. Covered agencies (FHWA) may develop such reports on behalf of grant recipients (States) to ensure the accuracy and consistency of such reports.”

Section 1512 of the ARRA requires “any entity that receives recovery funds directly from the Federal Government (including recovery funds received through grant, loan, or contract) other than an individual,” including States, to provide regular “Recipient Reports.”

Section 1609 references the National Environmental Policy Act of January 1, 1970. The ARRA legislation requires that “The President shall report to the Senate Environment and Public Works Committee and the House National Resources Committee every 90 days * * * the status and progress of projects and activities funded by this Act with

respect to compliance with National Environmental Policy Act requirements and documentation.”

As the recipients or grantees for the majority of the ARRA funds, States and Federal Land Management Agencies (FLMA) are by statute responsible for the reporting to FHWA on the projects, use of ARRA funds, and jobs supported. States and FLMA that receive recovery fund apportionments directly from the Federal government are responsible for reporting to FHWA, which in turn is responsible for reporting periodically to Congress and quarterly to the *Recovery.gov* Web site. To achieve a high-quality, consistent basis for reporting, the FHWA has designed a system for obtaining and summarizing data for all purposes.

States and FLMA will be responsible for providing the data that are not currently available at the national level. Note every data element required to be reported by the ARRA needs to be specifically collected. To the maximum extent possible, FHWA will utilize existing data programs to meet the ARRA reporting requirements. For example, for the requirement to report aggregate expenditures of State funds, FHWA will use existing reports submitted by States and data collected in the Financial Management Information System (FMIS). While the reporting obligations in the ARRA are only applicable to the grant recipients, the States and FLMA may need to obtain certain information from their contractors, consultants, and other funding recipients in order to provide the FHWA with all of the required information. Additional information on the American Recovery and Reinvestment Act of 2009 is available at <http://www.fhwa.dot.gov/economicrecovery/index.htm>.

Respondents: In a reporting cycle, it is estimated that reports will be received from approximately 70 grant recipient respondents. Respondents include: 50 State Departments of Transportation, the District of Columbia and Puerto Rico, the U.S. territories, the following Federal Land Management Agencies; National Park Service, U.S. Fish and Wildlife, National Forest Service and the Bureau of Indian Affairs and several Native American Indian Governments who, by contract, manage their own transportation program. These reports will be submitted online and reviewed for accuracy by the FHWA Division Offices before being submitted to FHWA Headquarters for compilation and submission to OST for publication on *Recovery.gov*.

File Title: Initial Recovery Act Project Plan.

Background: This file is used to submit information concerning how each State and FLMA plans to invest its allotment of ARRA funding. The list needs to be consistent with the list of projects provided in the State's Section 1511 certification, as it may be amended. States and FLMA should provide their best estimates of a complete list of projects to be funded with ARRA grants as of the plan's due date. If a State has not programmed all ARRA funds by that time, that information should be provided as well. These data will be used for meeting the reporting requirements of Sections 1201, 1512 and 1609.

Frequency: Initial list was due March 31, 2009. Additional updates are due within 2 weeks of the State or FLMA issuing a new Section 1511 certification.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden Hours: 210 hours.

70 respondents $\times$ 1 hour per response $\times$ 3 responses annually = 210 annual burden hours.

File Title: Initial Recovery Act Award File.

Background: This file is used to submit information concerning how each State and FLMA awards its allotment of ARRA funding. The list needs to be consistent with the list of projects provided in the State's Section 1511 certification, as it may be amended. States and FLMA should provide their best estimates of a complete list of awards to projects funded with ARRA grants as of the plan's due date. These data will be used for meeting the reporting requirements of Sections 1201, 1512 and 1609.

Frequency: Initial list was due March 31, 2009. Additional updates are due within 2 weeks of the State or FLMA issuing a new Section 1511 certification.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden Hours: 210 hours.

70 respondents $\times$ 1 hour per response $\times$ 3 responses annually = 210 annual burden hours.

File Title: Monthly Employment and Project Status File.

Background: This file is submitted by States, FLMA and the FHWA to provide summary employment and project status for all active ARRA projects. These data will be used for meeting the reporting requirements of Sections 1201 and 1512.

Frequency: Monthly until September 2012.

Estimated Average Burden per Response: 1.5 hour.

Estimated Total Annual Burden Hours: 1,260 hours.

70 respondents $\times$ 1.5 hours per response $\times$ 12 responses annually = 1,260 annual burden hours.

File Title: Quarterly Status File.

Background: This file is submitted by States, FLMA and the FHWA to provide summary employment and funding status for all active ARRA projects. These data will be used for meeting the reporting requirements of Sections 1201 and 1512.

Frequency: Quarterly until September 2012.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden Hours: 280 hours.

70 respondents $\times$ 1 hour per response $\times$ 4 responses annually = 280 annual burden hours.

File Title: Recipient File.

Background: This file will be submitted by the States to provide information concerning sub-recipients and vendors for all Recovery Act projects. This data will be used for meeting the reporting requirements of Sections 1201, 1512 and 1609. States and FLMA shall provide the required information as individual vendors or sub-recipients.

Frequency: Once per vendor or sub-recipient.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden Hours: 385 hours.

70 respondents $\times$ 10 minutes per response $\times$ 33 responses annually = 385 annual burden hours.

File Title: Top Paid Officers File.

Background: This file will be submitted by the States to provide information concerning vendors for all Recovery Act projects. This data will be used for meeting the reporting requirements of Sections 1201, 1512 and 1609. States and FLMA shall provide the required information as individual vendors.

Frequency: Once per vendor.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden Hours: 385 hours.

70 respondents $\times$ 10 minutes per response $\times$ 33 responses annually = 385 annual burden hours.

Estimated Total Annual Burden Hours: 2,730.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 24, 2009.

Judi Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. E9-18144 Filed 7-29-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0114; Notice 1]

Bentley Motors, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Bentley Motors, Inc. (Bentley) has determined that certain passenger car headlamps manufactured for the 2005-2008 Bentley Arnage and Azure passenger cars do not fully comply with paragraph 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108 Lamps, Reflective Devices and Associated Equipment. Bentley has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Bentley has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Bentley's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Bentley estimated that 1,115 model year 2005-2008 Bentley Arnage and Azure passenger cars manufactured between January 13, 2004 and November 9, 2007 are involved. Bentley also stated that based on its preliminary investigation it believes that only 50% of those vehicles have the subject noncompliance.

Paragraphs S7.8.5.3(b) of FMVSS No. 108 require in pertinent part:

S7.8.5.3 Visual/optical aiming. Each visually/optically aimable headlamp shall be designed to conform to the following requirements: * * *

(b) Horizontal aim, lower beam. There shall be no adjustment of horizontal aim unless the headlamp is equipped with a horizontal VHAD. If the headlamp has a VHAD, it shall be set to zero.

Bentley explained that the noncompliance with FMVSS No. 108 is that horizontal aim adjustment of the subject lower beams is possible due to

the absence of a blanking cap over the lower beam horizontal adjustment screw.

Bentley also stated that it discovered this noncompliance as a result of a special production line quality audit investigation.

Bentley further states that it believes that this noncompliance is inconsequential to motor vehicle safety for three reasons. First, the adjustment screw is always hidden by an engine cover when the vehicle's hood is open. Second, when the engine cover is removed the screw is still hidden down a small dark guide hole, so the screw is not immediately visible and it is not immediately obvious that a disabling cap is not present. Last, the workshop manual clearly identifies that this screw is not functional on North American specification vehicles so no vehicle repairer would ever need to try to search for and adjust the screw in question.

Bentley also has informed NHTSA that it has corrected the problem that caused this noncompliance.

In summation, Bentley states that it believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. *By hand delivery to:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 am to 5 pm except Federal Holidays.

c. *Electronically:* by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments.

Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

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.). DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

You may view documents submitted to a docket at the address and times given above. You may also view the documents on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets available at that Web site.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 31, 2009.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: July 23, 2009.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2009-31]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.