

minute to store/maintain documents at the motor carrier's principal place of business [49 CFR 387.7(d); 49 CFR 387.31(d)]; and 1 minute per vehicle to place the respective document on board the vehicle as required for non U.S.-domiciled carriers with the exception of Non North American(NNA) who are required to maintain a copy at their Principal Place of Business (PPOB) and file with FMCSA[49 CFR 387.7(f); 49 CFR 387.31(f) 49 CFR part 387.7(e)(2)].

*Expiration Date:* March 31, 2021.

*Frequency of Response:* On a one-time basis or as needed.

*Estimated Total Annual Burden:* 4,146 hours.

FMCSA published the 60-day **Federal Register** notice on October 8, 2020 (85 FR 63648), and received 2 comments in response. The first comment, from the National School Transportation Association (NSTA), supports the proposal to renew the MCS-82B and MCS-90B information collection to verify proof of motor carrier financial responsibility. The second comment, from The American Property Casualty Insurance Association (APCIA), raised three issues: (1) That [t]he MCS-90 form is sometimes erroneously treated by trucking regulators as a simple certification of insurance coverage" and that extension of an insurer's liability "could be easily fixed by limiting the MCS-90 to apply only to accidents occurring inside the United States . . ."; (2) that keeping the expiration date on the financial responsibility forms creates confusion; and (3) that the unintended consequence related to changes of the MCS-90 web pages is that some users believe a change in the web page equates to a change in the MCS-90 itself.

With regard to the first issue, Property Casualty Insurers of America (PCI), a predecessor to APCIA, previously filed a Petition for Rulemaking with FMCSA pertaining to the extension of MCS-90 liability to Mexico. However, given the decision in *Lincoln General Ins. Co. v. De La Luz Garcia*, 501 F.3d 436 (5th Cir. 2007) that effectively granted (PCI) the relief it was seeking in its Petition for Rulemaking, FMCSA decided not to address PCI's petition further at that time. The *Minimum Levels of Financial Responsibility for Motor Carriers*, is noted in the **Federal Register** Notice 74 FR 27485, 27487 dated (June 10, 2009). Therefore, given that APCIA's concerns have been previously addressed, FMCSA does not believe changing the MCS-90 is necessary. Additionally, FMCSA does not believe that even if a change was necessary that an ICR proceeding is an appropriate forum for such a change. FMCSA welcomes

discussing APCIA's concerns informally and is happy to have a meeting with APCIA to discuss further. With regard to the comment on the expiration date, the commenter noted that the regulation requires that the MCS-90 and its accompanying insurance filing be continuous until canceled, but that having expiration dates on the forms "creates confusion and could change the meaning of the endorsement in the eyes of a court. It needlessly causes motor carriers to worry that their insurance coverage might not satisfy federal requirements, especially as this bureaucratic date often falls behind its intended expiration." APCIA goes on to argue that the date often confuses law enforcement as to if the date refers to the insurer's insurance policy rather than the form. FMCSA agrees with the comment and requests permission to exclude the expiration date from all forms.

With regard to the comment on website updates, FMCSA will look into ensuring that any future updates to our web page are more clear.

*Background:* The Secretary of Transportation is responsible for implementing regulations which establish minimum levels of financial responsibility for: (1) For-hire motor carriers of property to cover public liability, property damage, and environmental restoration, and (2) for-hire motor carriers of passengers to cover public liability and property damage. The forms MCS-90/90B and forms MCS-82/82B contain the minimum amount of information necessary to document that a motor carrier of property or passengers has obtained, and has in effect, the minimum levels of financial responsibility as set forth in applicable regulations (49 CFR 387.9 (motor carriers of property) and 49 CFR 387.33T (motor carriers of passengers)). FMCSA and the public can verify that a motor carrier of property or passengers has obtained, and has in effect, the required minimum levels of financial responsibility by reviewing the information enclosed within these documents.

*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 FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA 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 under the authority delegated in 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

[FR Doc. 2021-05718 Filed 3-18-21; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket ID Number DOT-OST-2014-0031]

#### Agency Information Collection; Activity Under OMB Review; Report of Financial and Operating Statistics for Small Aircraft Operators

**AGENCY:** Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting financial, traffic and operating statistics from small certificated and commuter air carriers. Small certificated air carriers (operate aircraft with 60 seats or less or with 18,000 pounds of payload capacity or less) currently must file the two quarterly schedules listed below:

F-1 *Report of Financial Data,*

F-2 *Report of Aircraft Operating Expenses and Related Statistics,* and Commuter air carriers must file the Schedule F-1 *Report of Financial Data,*

Commenters should address whether BTS accurately estimated the reporting burden and if there are other ways to enhance the quality, utility, and clarity of the information collected.

**DATES:** Written comments should be submitted by May 18, 2021.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Robinson, Office of Airline Information, RTS-42, Room E34-110, OST-R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, Telephone Number (202) 366-4405, Fax Number (202) 366-3383 or EMAIL [cecelia.robinson@dot.gov](mailto:cecelia.robinson@dot.gov).

Jennifer Rodes, Office of Airline Information, RTS-42, Room E32-103, OST-R, BTS, 1200 New Jersey Avenue SE, Washington DC 20590-0001, Telephone Number (202) 366-8513, Fax Number (202) 366-3383 or EMAIL [jennifer.rodes@dot.gov](mailto:jennifer.rodes@dot.gov).

*Comments:* Comments should identify the associated OMB approval #2138-0009 and Docket ID Number DOT-OST-2014-0031. Persons wishing the Department to acknowledge receipt of

their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138-0009, Docket—DOT—OST—2014-0031. The postcard will be date/time stamped and returned.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number DOT—OST—2014-0031 by any of the following methods:

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

**Mail:** Docket Services: 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.

**Fax:** 202-366-3383.

**Instructions:** Identify docket number, DOT—OST—2014-0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at <http://www.regulations.gov>. All comments are posted electronically without charge or edits, including any personal information provided.

**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.

**Electronic Access:** You may access comments received for this notice at <http://www.regulations.gov>, by searching docket DOT—OST—2014-0031.

#### **SUPPLEMENTARY INFORMATION:**

**OMB Approval No.** 2138-0009.

**Title:** Report of Financial and Operating Statistics for Small Aircraft Operators.

**Form No.:** BTS Form 298-C.

**Type Of Review:** Extension of a currently approved collection for the financial data.

**Respondents:** Small certificated (22) and commuter air carriers (41).

#### **Schedule F1:**

*Number of Respondents:* 63.

*Number of Annual Responses:* 252.

*Total Burden per Response:* 4 hours.

*Total Annual Burden:* 1,008 hours.

#### **Schedule F2:**

*Number of Respondents:* 22.

*Number of Annual Responses:* 88.

*Total Burden per Response:* 12 hours.

*Total Annual Burden:* 1,056 hours.

**Needs and Uses:** Program uses for Form 298-C financial data are as follows:

#### **Mail Rates**

The Department of Transportation sets and updates the Intra-Alaska Bush mail rates based on carrier aircraft operating expense, traffic, and operational data. Form 298-C cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carriers receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' economic well-being.

#### **Essential Air Service**

DOT often has to select a carrier to provide a community's essential air service. The selection criteria include historic presence in the community, reliability of service, financial stability and cost structure of the air carrier.

#### **Carrier Fitness**

Fitness determinations are made for both new entrants and established U.S. domestic carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 298-C for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

The quarterly financial submissions by commuter and small certificated air carriers are used in determining each carrier's continuing fitness to operate. Section 41738 of Title 49 of the United States Code requires DOT to find all commuter and small certificated air carriers fit, willing, and able to conduct passenger service as a prerequisite to providing such service to an eligible essential air service point. In making a

fitness determination, DOT reviews three areas of a carrier's operation: (1) The qualifications of its management team, (2) its disposition to comply with laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier begins conducting flight operations, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed and advised of all current and developing economic issues affecting the airline industry. In preparing financial condition reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers prepared for senior DOT officials may use the same information.

**The Confidential Information Protection and Statistical Efficiency Act of 2002** (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 15, 2021.

**William Chadwick, Jr.,**

*Director, Office of Airline Information,  
Bureau of Transportation Statistics.*

[FR Doc. 2021-05730 Filed 3-18-21; 8:45 am]

**BILLING CODE 4910-9X-P**

## **DEPARTMENT OF THE TREASURY**

### **Proposed Collection; Comment Request**

**AGENCY:** Departmental Offices; Department of the Treasury.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on the revision of a currently approved information collection that is to be proposed for approval by the Office of Management and Budget. The Office of International Affairs of the Department of the Treasury is soliciting comments concerning Treasury International Capital Form D, "Report of Holdings of, and Transactions in, Financial