

distinct. For example, Damon states that unlike the fixed ergonomics of conventional motorcycles, its adjustable ergonomics system (SHIFT) provides the user more freedom and control for different riding styles. Damon explains that using the left handlebar rear brake position to accommodate and implement this adjustable ergonomics system will be less complex and avoid the challenges of having the foot brake also change position. Further, Damon states that locating SHIFT on the handlebar brake position will allow it more design freedom to optimize bodywork for the vehicle to reduce drag and increase the overall efficiency of the HyperSport.

The second basis is that an exemption would make the development or field evaluation of a low-emission vehicle easier without unreasonably lowering the safety of that vehicle.<sup>4</sup> In support of this basis, Damon states that its HyperSport qualifies as a low-emission vehicle because no emissions are produced during operation. Damon explains that the HyperSport has an all-electric powertrain.

To demonstrate that the HyperSport meets the minimum safety levels required for an exemption under either 49 CFR 555.6(b)<sup>5</sup> or 49 CFR 555.6(c),<sup>6</sup> Damon states that the absence of a rear brake control at the right foot location does not significantly reduce the level of safety afforded to the user, and that the HyperSport's added safety features, including an advanced warning system and ABS, improve the overall level of safety of the motorcycle. Damon states the HyperSport's brake system is designed to surpass the performance requirements of FMVSS No. 122, which measures braking performance. Further, Damon points out that from 1999–2005 NHTSA granted exemptions for motor scooters with rear brake controls on the left handlebar, and that a 2000 Carter Engineering study submitted with a similar petition for exemption found no response-time detriment in moving the rear brake control from the right foot location to the left handlebar. Damon states the study found operators responded 21 percent faster to the braking stimulus with handlebar-mounted rear brake controls.

Damon contends that based on this report there is likely no difference in the physical response time for operators of motorcycles compared to operators of scooters. Damon also points out that motor scooter manufacturers were afforded the opportunity to bring their vehicles to market in support of gathering future data, and that the granting of this petition would allow Damon's HyperSport to do the same. Finally, Damon notes that although FMVSS No. 123 reserves the left handlebar for the clutch lever or as a supplemental position for the rear brake on motorcycles with an automatic transmission, other markets like Europe and Canada allow manufacturers to use the left handlebar for the rear brake control, and that this exemption would promote international harmonization.

#### IV. Comment Period

The agency seeks comment from the public on the merits of Damon's application for a temporary exemption from the motorcycle rear brake control requirements in paragraph S5.2.1 (table 1) of FMVSS No. 123. The agency has not made any judgment on the merits of the application and is placing a non-confidential copy of the petition in the docket. We are providing a 30-day comment period. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

*Authority:* 49 U.S.C. 30113; delegation of authority at 49 CFR 1.95 and 501.5.

**Sophie Shulman,**

*Deputy Administrator.*

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**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket ID Number: DOT–OST–2010–0140]

### Notice of Submission of Proposed Information Collection to OMB

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), as amended, this notice announces the Department of Transportation's (Department or DOT) intention to reinstate Office of Management and Budget (OMB) Control Number 2105–0561 for the collection and posting of certain aviation

consumer protection-related information from U.S. carriers and foreign carriers. The subject information collections relate to requirements in the Code of Federal Regulations (CFR) for the development and auditing of carrier customer service plans, reporting of tarmac delays, display of on-time performance, and the posting of various consumer protection documents on carrier websites. The Control Number expired on August 31, 2024.

**DATES:** Comments on this notice must be received by October 9, 2024. Interested persons are invited to submit comments regarding this proposal.

**ADDRESSES:** Written comments and recommendations for the proposed information collection review (ICR) should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular ICR by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Alexa Strong or Hannah Cohen, Office of the Secretary, Office of Aviation Consumer Protection (C–70), U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, at [Alexa.Strong@dot.gov](mailto:Alexa.Strong@dot.gov) or [Hannah.Cohen@dot.gov](mailto:Hannah.Cohen@dot.gov) (Email). Arrangements to receive this document in an alternative format may be made by contacting the above-named individuals.

**SUPPLEMENTARY INFORMATION:** *Title:* Submission of Miscellaneous Information Collection Systems as Required by the Department's Rules to Enhance Airline Passenger Protections. *OMB Control Number:* 2105–0561.

On December 30, 2009 and April 25, 2011, the Department issued two rules to enhance airline passenger protections that, among other things, required U.S. and foreign carriers to adopt and audit a customer service plan, retain information regarding tarmac delays, submit data regarding tarmac delays, and post tarmac delay plans, customer service plans, and contracts of carriage on their websites. The 2009 rule also required U.S. carriers that file on-time performance reports under 14 CFR part 234 (“reporting carriers”) to display the on-time performance of domestic flights on their websites. A 2016 rule then expanded the definition of U.S. carriers considered reporting carriers.

On May 3, 2021, the Department issued a rule amending its tarmac delay requirements. Among other things, the rule narrowed the tarmac delay data reporting requirements in 14 CFR part 244 to those delays considered

<sup>4</sup> 49 U.S.C. 30113(b)(3)(B)(iii).

<sup>5</sup> The exemption would make easier the development or field evaluation of a new motor vehicle safety or impact protection features providing a safety or impact protection level at least equal to that of the standard.

<sup>6</sup> The exemption would make the development or field evaluation of a low-emission vehicle easier and would not unreasonably lower the safety or impact protection level of that vehicle.

“excessive tarmac delays” (*i.e.*, those tarmac delays exceeding 3 hours on domestic flights and 4 hours on international flights). The amended rule also required carriers to file a narrative report regarding such tarmac delays and eliminated the requirement to retain the delay information for two years.

Currently, the Department’s Office of Aviation Consumer Protection (OACP) is implementing development of the Aviation Complaint, Enforcement, and Reporting System (ACERS), a database that it intends to require carriers to use when submitting tarmac delay information as required under 14 CFR part 259.<sup>1</sup> After implementation, ACERS will help streamline the process by which OACP receives, reviews, and analyzes the narrative reports submitted by carriers.

The PRA and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices, a 60-day notice followed by a 30-day notice, seeking public comment on information collection activities before OMB may approve paperwork packages. On May 21, 2024, the Department published a 60-day notice in the **Federal Register** soliciting comment on the information collections for which it is seeking OMB approval. See 89 FR 44758 (May 21, 2024). The Department received no comments after issuing this notice. Accordingly, the Department announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after

the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); see also 60 FR 44983 (Aug. 29, 1995).

This notice addresses five information collection requirements set forth in the Department’s airline passenger protection rules: (1) posting of tarmac delay plans, customer service plans, and contracts of carriage on carrier websites, (2) submission of a narrative report regarding tarmac delays that last over three hours for domestic flights and four hours for international flights, (3) adoption and audit of customer service plans and retention of results, (4) display of on-time performance data on carrier websites, and (5) submission of a data report for tarmac delays that last over three hours for domestic flights and four hours for international flights. It seeks reinstatement of the OMB control number with respect to all information collections set forth in this notice. For each of these information collections, the title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burdens are set forth below:

1. Requirement to post tarmac delay plans, customer service plans, and contracts of carriage on a carrier’s website. (14 CFR 259.2 and 259.6)

*Title:* Posting of Tarmac Delay Plan, Customer Service Plan, and Contract of Carriage on website.

*Respondents:* U.S. carriers that operate scheduled passenger or public charter service and foreign air carriers operating scheduled passenger or public charter service to or from the United States, using any aircraft with a designed seating capacity of 30 or more seats. Applicable to U.S. carriers that have a website and foreign carriers that have a website marketed toward U.S. consumers.

*Estimated Number of Respondents:* 44 U.S. air carriers and 112 foreign air carriers.

*Estimated Total Burden on Respondents:* 143 hours (8,580 minutes, average of 55 minutes per carrier to post plans and contracts of carriage on website). The burden calculation accounts for additional time carriers may spend updating the contents of their customer service plans to comply with recent amendments to 14 CFR

259.5, which the Department anticipates will be a one-time update for carriers.<sup>2</sup> See 89 FR 32760 (April 26, 2024) (required carrier customer service plans (1) to disclose that consumers are entitled to a refund if this is the case when offering travel credits, vouchers, or other compensation in lieu of refunds, and to disclose any material restrictions, conditions, or limitations on travel credits, vouchers, or other compensation offered, regardless of whether consumers are entitled to a refund and (2) to include a statement regarding compliance with the requirements of part 262 regarding vouchers for consumers in circumstances relating to serious communicable diseases).

*Frequency:* One time per respondent.

2. Requirement to file a narrative report with OACP of each flight that experiences a tarmac delay of more than three hours (domestic flights) and more than four hours (international flights) (14 CFR 259.4(g)).

*Title:* Reporting of Tarmac Delays in a Narrative Format That Complies with 49 U.S.C. 42301(h).

*Respondents:* U.S. Carriers that operate scheduled passenger service or public charter service using any aircraft with 30 or more seats, and foreign air carriers that operate scheduled passenger or public charter service to and from the United States using any aircraft with 30 or more seats.

*Estimated Number of Respondents:* 44 U.S. air carriers and 112 foreign air carriers.

*Estimated Annual Burden on Respondents:* 2 hours per report for U.S. carriers and 4 hours per report for foreign carriers. The expected burden per U.S. carrier is between 0 and 147 reports per year, and the expected burden per foreign carrier is between 0 and 2 reports per year (based on the highest annual number of tarmac delays experienced by a single U.S. and foreign carrier from 2022 and 2023), or 0.0 to 294.0 hours of burden per U.S. carrier and 0.0 to 8.0 hours of burden per foreign carrier.

*Estimated Total Annual Burden:* Based on the average number of tarmac delay reports filed with OACP by each type of carrier from 2022 through 2023, 358 reports for U.S. carriers and 10 reports for foreign carriers, or a total of 756 hours (358 reports multiplied by 2 hours per report for U.S. carriers, and 10

<sup>1</sup> OMB control number 2105–0568, which expires August 31, 2027, addresses the information collection relating to carriers uploading documents to ACERS.

<sup>2</sup> The burden hours for this information collection were previously 15 minutes per carrier. The burden hours have been increased to 55 minutes per carrier to account for additional time carriers may need to update their customer service plans prior to posting them on their websites.

reports multiplied by 4 hours for foreign carriers).

*Frequency:* One report per respondent for each tarmac delay.

3. Requirement that certain U.S. and foreign air carriers adopt a Customer Service Plan and retain for two years the results of its annual self-audit of its compliance with its Customer Service Plan. (14 CFR 259.2 and 259.5)

*Title:* Adopting a Customer Service Plan and Retaining Self-audit of Customer Service Plan.

*Respondents:* U.S. carriers that operate scheduled passenger service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the United States using any aircraft with a designed seating capacity of 30 or more seats.

*Number of Respondents:* 44 U.S. air carriers and 112 foreign air carriers.

*Estimated Annual Burden on Respondents:* 15 minutes per year for each respondent. The estimate was calculated by multiplying the estimated time for carriers to maintain an updated Customer Service Plan and to retain a copy of the carrier's self-audit of its compliance with its Customer Service Plan by the number of audits per carrier in a given year (1). The initial costs of adopting a Customer Service Plan are not included in this estimate as most covered carriers initially adopted such plans when the requirement was promulgated in 2009 (for U.S. carriers) and 2011 (for foreign carriers).

*Estimated Total Annual Burden:* A maximum of 39 hours (2,340 minutes) for all respondents. The estimate was calculated by multiplying the time in a given year for each carrier to maintain an updated Customer Service Plan and to retain a copy of its self-audit of its compliance with its Customer Service Plan (15 minutes) by the total number of covered carriers (156 carriers).

*Frequency:* One information set to maintain and retain per year for each respondent.

4. Requirement that each large U.S. carrier display on its website, at a point before the consumer selects a flight for purchase, the following information for each listed flight regarding its on-time performance during the last reported month: The percentage of arrivals that were on time (within 15 minutes of scheduled arrival time), the percentage of arrivals that were more than 30 minutes late (with special highlighting if the flight was more than 30 minutes late more than 50 percent of the time), and the percentage of flight cancellations if the flight is cancelled more than 5% of the time. In addition,

the requirement that a marketing/reporting carrier display delay data for its non-reporting codeshare carrier(s). (14 CFR 234.11)

*Title:* Displaying On-time performance Information on Carrier website.

*Respondents:* U.S. carriers that operate scheduled passenger service that account for at least 0.5 percent of domestic scheduled passenger revenue and that market flights directly to consumers via a website.

*Number of Respondents:* 15 carriers.  
*Estimated Annual Burden on Respondents:* 2 hours per month (24 hours annually) to cover both updates of a carrier's own delay data and updates of code-share delay data.

*Estimated Total Annual Burden:* No more than 360 hours (21,600 minutes) a year for all respondents. The estimate was calculated by multiplying the total number of hours per carrier per year for management of data links (24) by the number of covered carriers (15).

*Frequency:* Updating information for each flight listed on website 12 times per year (1 time per month) for each respondent (for both a carrier's own delay data and code-share delay data).

5. Requirement that carriers report certain tarmac delay data to BTS for each tarmac delay exceeding 3 Hours (for domestic flights) and exceeding 4 Hours (for international flights) (14 CFR 244.3)

*Title:* Reporting Tarmac Delay Data to BTS for Tarmac Delays Exceeding 3 Hours (for Domestic Flights) and 4 Hours (for International Flights).

*Respondents:* U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with 30 or more seats, and foreign air carriers that operate scheduled passenger or public charter service to and from the United States using any aircraft with 30 or more seats.

*Number of Respondents:* 44 U.S. air carriers and 112 foreign air carriers.

*Estimated Annual Burden on Respondents:* 30 minutes per report filed. The expected burden per U.S. carrier is between 0 and 147 reports per year, and the expected burden per foreign carrier is between 0 and 2 reports per year (based on the highest and lowest number of reports submitted by each individual U.S. and foreign carrier from 2022 and 2023), or 0.0 to 73.5 hours of burden per U.S. carrier and 0.0 to 1.0 hours of burden per foreign carrier.

*Estimated Total Annual Burden:* Based on an average number of tarmac delays reported to BTS for 2022 and 2023, the estimated annual burden is 368 reports for U.S. carriers and foreign

carriers, or a total of 184 hours (368 reports multiplied by 30 minutes per report).

*Frequency:* One report per respondent for each tarmac delay.

We invite comments on (a) whether the collection of information is necessary for the proper performance of the functions of DOT, including whether the information will have practical utility; (b) the accuracy of DOT's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) 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. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.26, 1.27, 1.48 and 1.49; DOT Order 1351.29.

Issued in Washington, DC.

**Liv Vaughn Chapman Jr.**

*Deputy Assistant General Counsel, Office of Aviation Consumer Protection.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to the Plan-Specific Substitute Mortality Tables for Determining Present Value**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to the Plan-Specific Substitute Mortality Tables for Determining Present Value.

**DATES:** Written comments should be received on or before November 8, 2024 to be assured of consideration.