

Congress passed and the president signed into law the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act on November 1, 2000. Public Law 106-414. 114 Stat. 1800.

One matter addressed by the TREAD Act was tire labeling. Section 11 of the TREAD Act required a rulemaking to improve the labeling of tires to assist consumers in identifying tires that may be the subject of a recall.

In response to the TREAD Act's mandate, NHTSA published a final rule that, among other things, required that the TIN be placed on a sidewall of the tire and a full or partial TIN be placed on the other sidewall. See 67 FR 69600, 69628 (November 18, 2002), as amended 69 FR 31306 (June 3, 2004). In the preamble to the 2002 final rule, the agency identified the safety problem which prompted the issuance of the rule. 67 FR at 69602, 69606 and 69610. The agency explained that when tires are mounted so that the TIN appears on the inward facing sidewalls, motorists have three difficult and inconvenient options for locating and recording the TINs. Consumers must either: (1) Slide under the vehicle with a flashlight, pencil and paper and search the inside sidewalls for the TINs; (2) remove each tire, find and record the TIN, and then replace the tire; or (3) enlist the aid of a garage or service station that can perform option 1 or place the vehicle on a vehicle lift so that the TINs can be found and recorded. Without any TIN information on the outside sidewalls of tires, the difficulty and inconvenience of obtaining the TIN by consumers results in a reduction of the number of people who respond to a tire recall campaign and the number of motorists who unknowingly continue to drive vehicles with potentially unsafe tires.

Goodyear suggests that a recall of these tires could include an instruction to check the inboard sidewall if the TIN is not found on the outboard sidewall. This approach is inadequate. The noncompliance here is the exact problem that plagued millions of Firestone tire owners in 2000 and one that Congress mandated that NHTSA address. When the TIN is placed on one sidewall of a tire and that sidewall is mounted on the inboard side of a wheel, it is very difficult and inconvenient for the consumer to locate and record the TIN. In such situations, consumers who attempt to determine if a tire is within the scope of a recall may not be able to read the inboard sidewall without taking one of the three inconvenient steps discussed above. The difficulty and inconvenience that locating a TIN under these circumstances poses serious

impediments to the successful recall of the noncompliant tire, which may result in motorists continuing to drive their vehicles with potentially unsafe tires.

While NHTSA has determined in the past that in some instances TIN marking omissions were inconsequential to motor vehicle safety, those determinations occurred prior to the adoption of FMVSS No. 139 pursuant to the TREAD Act. Following the enactment of the TREAD Act, NHTSA found that there is a safety need for a full TIN on one sidewall and a full or partial TIN on the other sidewall. As previously discussed, FMVSS No. 139 now requires TIN markings on both sidewalls of a tire so that consumers can readily determine if a tire is subject to a safety recall. Accordingly, the omission of a TIN or partial TIN on either sidewall is now considered to be a serious safety problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has not met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Goodyear's petition is hereby denied, and the petitioner must notify owners, purchasers and dealers pursuant to 49 U.S.C. 30118 and provide a remedy in accordance with 49 U.S.C. 30120.

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

Issued on: January 13, 2009.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

January 13, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before February 20, 2009 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545-1962.

*Type of Review:* Extension.

*Form:* 8899.

*Title:* Notice of Income Donated Intellectual Property.

*Description:* Form is filed by charitable org. receiving donations of intellectual property if the donor provides a timely notice. The initial deduction is limited to the donor's basis; additional deductions are allowed to the extent of income from the property, reducing excessive deductions.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 5,430 hours.

*OMB Number:* 1545-1231.

*Type of Review:* Revision.

*Title:* Final (T.D. 9436) Tax Return Prep/IA-38-90 Final Regulations (T.D. 8382) Penalty on Income Tax Return Preparers Who Understate Taxpayer's Liability on a Federal Income Tax Return or a Claim for Refund.

*Description:* This information is necessary to make the record of the name, taxpayer identification number, and principal place of work of each tax return preparer, make each return or claim for refund prepared available for inspection by the Commissioner of Internal Revenue, and to document that the tax return preparer advised the taxpayer of the penalty standards applicable to the taxpayer in order for the tax return preparer to avoid penalties under section 6694. The likely respondents are tax return preparers and their employers. These regulations implement amendments to the tax return preparer penalties under sections 6694 and 6695 of the Internal Revenue Code and related provisions under sections 6060, 6107, 6109, 6696, and 7701(a)(36) reflecting amendments to the Code made by section 8246 of the Small Business and Work Opportunity Tax Act of 2007 and section 506 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008. The final regulation affects tax return preparers and provides guidance regarding the amended provisions.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 10,679,320 hours.

*OMB Number:* 1545-0913.

*Type of Review:* Extension.

*Title:* Below-Market Loans LR-165-84 (NPRM).

*Description:* Section 7872 re-characterizes a below-market loan as a market rate loan and an additional transfer by the lender to the borrower equal to the amount of imputed interest. The regulation requires both the lender and the borrower to attach a statement to their respective income tax returns for years in which they have either imputed income or claim imputed deductions under section 7872.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 481,722 hours.

*OMB Number:* 1545–1955.

*Type of Review:* Extension.

*Form:* 8894.

*Title:* Request to Revoke Partnership Level Tax Treatment Election.

*Description:* IRC section 6231(a)(1)(B)(ii) allows small partnerships to elect to be treated under the unified audit and litigation procedures. This election can only be revoked with the consent of the IRS. Form 8894 will provide a standardized format for small partnerships to request this revocation and for the IRS to process it.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 186 hours.

*OMB Number:* 1545–1353.

*Type of Review:* Extension.

*Title:* FI–189–84 (TD 8517—Final)  
Debt Instruments With Original Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property.

*Description:* These regulations provide definitions, reporting requirements, elections, and general rules relating to the tax treatment of debt instruments with original issue discount and the imputation of, and accounting for, interest on certain sales or exchanges of property.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 185,500 hours.

*OMB Number:* 1545–1041.

*Type of Review:* Extension.

*Title:* PS–102–86 (TD 8316—Final)  
Cooperative Housing Corporations.

*Description:* This regulation provides an elective alternative to the proportionate share rule for allocating interest and taxes to the tenant stockholders of cooperative housing corporations.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 625 hours.

*OMB Number:* 1545–1466.

*Type of Review:* Extension.

*Title:* Third-Party Disclosure Requirements in IRS Regulations.

*Description:* This submission contains third-party disclosure regulations subject to the Paperwork Reduction Act of 1995.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 68,885,183 hours.

*Clearance Officer:* Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Nicholas A. Fraser, (202) 395–5887, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Celina Elphage,**

*Treasury PRA Clearance Officer.*

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Proposed Collection; Comment Request; Suspicious Activity Report by Insurance Companies

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”).

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

**SUMMARY:** FinCEN invites comment on a renewal without change of an information collection requirement contained in the form “Suspicious Activity Report by Insurance Companies,” or the SAR–IC, FinCEN Form 108. In the interim until Bank Secrecy Act database issues are resolved, insurance companies will report suspicious activities using the “Suspicious Activity Report by the Securities and Futures Industries,” (SAR–SF, FinCEN Form 101). This request for comments also covers 31 CFR 103.16. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

**DATES:** Written comments are welcome and must be received on or before March 23, 2009.

**ADDRESSES:** Written comments should be submitted to: Department of the Treasury, Financial Crimes Enforcement Network, Regulatory Policy and Programs Division, P.O. Box 39, Vienna, VA 22183, Attention: PRA Comments—SAR–Insurance Companies Reporting. Comments also may be submitted by

electronic mail to the following Internet address: [regcomments@fincen.treas.gov](mailto:regcomments@fincen.treas.gov), again with a caption, in the body of the text, “Attention: PRA Comments—SAR–Insurance Companies Reporting.”

*Inspection of comments.* Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–5034 (not a toll free call).

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Helpline at 800–949–2732, select option 7.

#### SUPPLEMENTARY INFORMATION:

*Title:* Suspicious Activity Reporting by Insurance Companies; 31 CFR 103.16.

*OMB Number:* 1506–0029.

*Form Number:* FinCEN Form 108.

*Abstract:* The statute generally referred to as the “Bank Secrecy Act,” Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–14, 5316–5332, authorizes the Secretary of the Treasury, *inter alia*, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.<sup>1</sup> Regulations implementing the Bank Secrecy Act appear at 31 CFR Part 103. The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of FinCEN.

The Secretary of the Treasury was granted authority in 1992, with the enactment of 31 U.S.C. 5318(g), to require financial institutions to report suspicious transactions. On October 17, 2002, FinCEN issued a notice of proposed rulemaking requiring insurance companies to report suspicious transactions (*See* 67 FR 64067). The final rule (*See* 70 FR 66761) can be found at 31 CFR 103.16.

In the preamble to the notice of proposed rulemaking, FinCEN indicated that we would be developing a suspicious activity reporting form for insurance companies entitled

<sup>1</sup> Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (the “USA Patriot Act”), Pub. L. 107–56.