

exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by January 9, 2010 (7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34554 (Sub-No. 12), must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room #1920, Chicago, IL 60606.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: December 23, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-30880 Filed 12-30-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35328]

#### The Indiana Rail Road Company— Trackage Rights Exemption—CSX Transportation, Inc.

Pursuant to a written supplemental trackage rights agreement dated December 1, 2009 (Second Supplemental Agreement), CSX Transportation, Inc. (CSXT), has agreed to broaden the existing non-exclusive, limited overhead trackage rights granted to The Indiana Rail Road Company (INRD) over CSXT's line of railroad between the connection of CSXT and INRD trackage at Sullivan, IN, at approximately CSXT milepost OZA 204.5, and the connection between CSXT's line and tracks leading to the Oaktown Fuels Mine No. 1 LLC loading facility at Oaktown, IN (Oaktown Mine), at approximately CSXT milepost OZA 219.05, a distance of approximately 14.5 miles (Line).<sup>1</sup> According to INRD, the

<sup>1</sup> INRD states that Second Supplemental Agreement modifies the original trackage rights previously granted to INRD in *The Indiana Rail Road Company—Amended Trackage Rights Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 35137 (STB served May 22, 2008), which pertains to CSXT's grant of non-exclusive, limited local trackage rights to INRD between milepost OZA 204.5 and OZA 214.5, and first supplemented in *The Indiana Rail Road Company—Trackage Rights Exemption—CSX*

purpose of the transaction is to broaden the use INRD can make of its existing trackage rights over the Line, permitting INRD to use the trackage rights to move loaded coal trains and empty hopper trains between: (1) The Oaktown Mine and Duke Energy's Wabash River generating station near Terre Haute, IN, and Hoosier Energy's Merom generating station at Merom, IN; and (2) the Sunrise Mine at Carlisle, IN, and the Wabash River generating station and Indianapolis Power & Light's generating station at Petersburg, IN. INRD states that the broadened trackage rights will contribute to the economy and efficiency of operations by permitting INRD to serve the Merom and Wabash River generating stations from the mines in single-line service, and to serve the Petersburg generating station in interline service.<sup>2</sup>

The transaction is scheduled to be consummated on or after January 15, 2010, the effective date of the exemption (30 days after the exemption was filed).

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Stay petitions must be filed by January 8, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35328, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John Broadley, John H. Broadley & Associates, P.C., 1054 31st Street, NW., Suite 200, Washington, DC 20007.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: December 23, 2009.

*Transportation, Inc.*, STB Finance Docket No. 35287 (STB served Sep. 2, 2009), which pertains to CSXT's grant of non-exclusive, limited overhead trackage rights to INRD between milepost OZA 204.5 and OZA 219.05.

<sup>2</sup> INRD will interchange with the Indiana Southern Railroad Company (ISRR) at Beehunter, IN, and ISRR will deliver the coal to Petersburg.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-30895 Filed 12-30-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0167; Notice 2]

#### Volvo Cars of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

Volvo Cars of North America, LLC (Volvo), has determined that certain model year 2003-2009 multipurpose passenger vehicles (MPV) did not fully comply with paragraphs S4.4.2(a) and 4.4.2(c) of 49 CFR 571.110, Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims for Motor Vehicles With a GVWR of 4,536 Kilograms (10,000 pounds) or Less*. Volvo 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) and the rule implementing those provisions at 49 CFR Part 556, Volvo 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. Notice of receipt of the petition was published, with a 30-day public comment period, on November 17, 2008 in the **Federal Register** (73 FR 67926). No comments were received.

To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2008-0167."

For further information on this decision, contact Mr. John Finneran, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-0645, facsimile (202) 366-7097.

Affected are approximately 201,914 model years 2003-2009 XC90 MPV manufactured from August 5, 2002 through March 28, 2008, and 14,147 model years 2008-2009 XC70 MPV manufactured from May 21, 2007 through March 28, 2008. Paragraphs S4.4.2(a) and 4.4.2(c) of FMVSS No. 110 require in pertinent part:

S4.4.2. Rim markings for vehicles other than passenger cars. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, each wheel disc shall be marked with the information listed in S4.4.2(a) through (e), in lettering not less than 3 millimeters in height, impressed to a depth, or at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters. The information listed in S4.4.2(a) through (c) shall appear on the outward side. In the case of rims of multi-piece construction, the information listed in S4.4.2(a) through (e) shall appear on the rim base and the information listed in S4.4.2(b) and (d) shall also appear on each other part of the rim.

(a) A designation that indicates the source of the rim's published nominal dimensions, as follows:

(1) "T" indicates The Tire and Rim Association.

(2) "E" indicates The European Tyre and Rim Technical Organization.

(3) "J" indicates Japan Automobile Tire Manufacturers Association, Inc.

(4) "L" indicates ABPA (Brazil), a.k.a. Associacao Latino Americana De Pneus E Aros.

(5) "F" indicates Tire and Rim Engineering Data Committee of South Africa (Tredco).

(6) "S" indicates Scandinavian Tire and Rim Organization (STRO).

(7) "A" indicates The Tyre and Rim Association of Australia.

(8) "I" indicates Indian Tyre Technical Advisory Committee (ITTAC).

(9) "R" indicates Argentine Institute of Rationalization of Materials, a.k.a. Instituto Argentino de Racionalizacion de Materiales, (ARAM).

(10) "N" indicates an independent listing pursuant to S4.1 of Sec. 571.139 or S5.1(a) of Sec. 571.119 \* \* \*

(c) The symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable Federal motor vehicle safety standards.

In its petition, Volvo described the noncompliance as the omission of two markings from the subject vehicles' wheels, the certification symbol ("DOT") and the designation symbol (in this case "E") which indicates the source of the rims' published nominal dimensions.

Volvo argues that this noncompliance is inconsequential to motor vehicle safety for the following reasons: apart from S4.4.2(a) and S4.4.2(c), the subject rims contain all information required within FMVSS No. 110; the tires and rims of the affected vehicles are properly matched, and are appropriate for the load-carrying characteristics of these vehicles; the information on the wheel provides users with the information necessary to ensure that the wheel is mounted on the appropriate vehicle; and the omission of the "DOT-E" stamping will not result in misapplication of the wheels. Also, the rim markings and vehicle labeling,

which are used to identify the correct replacement rim, both contain the correct and complete size of rims installed on the subject vehicles.

Volvo stated that it is unaware of any accidents or injuries or customer complaints related to the lack of these markings and that the missing markings do not affect the performance of the wheels or the tire and wheel assemblies.

In addition, Volvo states that it has corrected the problem that caused these errors so that they will not be repeated in future production and that it believes that because the noncompliance is inconsequential to motor vehicle safety that no corrective action is warranted.

#### NHTSA Decision

The purpose of the labeling requirements in paragraphs S4.4.2(a) and S4.4.2(c) of FMVSS No. 110 is to provide safe operation of vehicles by ensuring that vehicles are equipped with rims of appropriate size and type designation mounted with compatible tires of appropriate size and load rating.

The purpose of the "DOT" marking is to certify that the rims comply with all applicable standards, the failure to mark rims with a DOT symbol is considered a violation of 49 U.S.C. 30115, *Certification*, which does not require notification or remedy. Consequently, that portion of Volvo's inconsequentiality petition is moot.

While NHTSA strongly encourages manufacturers to include the designation symbol required by S4.4.2(a), its omission does not prevent the proper matching of tires and rims in this unique situation because sufficient information about rim size is available from other markings on the rims as well as information available from the certification label required by 49 CFR Part 567 and the vehicle placard (tire information label) required by FMVSS No. 110 that are present on the affected vehicles. In addition, the omitted marking does not affect the ability to identify the rims in the event of recall and is not likely to have any effect on motor vehicle safety.

In consideration of the foregoing, NHTSA has decided that Volvo has met its burden of persuasion that the failure to provide the designation symbol, as required by paragraph S4.4.2(a) of FMVSS No. 110, is inconsequential to motor vehicle safety. Accordingly, Volvo's application is granted, and it is exempted from providing the notification of noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

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

501.8 otherwise required by the subject noncompliance.

Issued on: December 23, 2009.

**Claude Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. E9-31079 Filed 12-30-09; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

December 24, 2009.

The Department of the Treasury will submit the following public information collection requirement 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 this submission 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 PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

*Dates:* Written comments should be received on or before February 1, 2010 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0115.

*Type of Review:* Extension of a currently approved collection.

*Title:* Miscellaneous Income.

*Form:* 1099-MISC.

*Description:* Form 1099-MISC is used by payers to report payments of \$600 or more of rents, prizes and awards, medical and health care payments, nonemployee compensation, and crop insurance proceeds, \$10 or more of royalties, any amount of fishing boat proceeds, certain substitute payments, golden parachute payments, and an indication of direct sales of \$5,000 or more.

*Respondents:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 24,639,062 hours.

*OMB Number:* 1545-0160.

*Type of Review:* Extension of a currently approved collection.

*Title:* Annual Information Return of Foreign Trust With a U.S. Owner.

*Form:* 3520-A.

*Description:* Section 6048(b) requires that foreign trusts with at least one U.S. beneficiary must file an annual information return on Form 3520-A. The form is used to report the income and deductions of the foreign trust and