

that it intends to end Roaster production within less than 50 days of the grant of this exemption than to any prior statements regarding its production plans made in the context of prior submissions to the agency.<sup>4</sup>

Based on the foregoing, we believe that any impact on safety from granting the petition would be negligible and that Tesla has satisfied the eligibility criteria for an exemption for the development or field evaluation of a low-emission motor vehicle.

The Advocates raise other issues in their comments that the agency need not address in detail. Specifically, the Advocates argue that Tesla had ample time to develop an FMVSS No. 126-compliant ESC system because the final rule mandating ESC systems was published in the same year that Roadster production first began. The Advocates also state that the cost of including an ESC system is small relative to the cost of the Roadster.<sup>5</sup> The Advocates further argue that the loss of income from sales of Roadsters that Tesla did not intend to produce cannot be considered an economic hardship. Each of these comments relate to requirements for economic hardship petitions. Because the agency has determined that Tesla's exemption is justified under a different basis, the agency need not address these three issues specifically in this notice.

We also find that this exemption would be consistent with the public interest and the objectives of the Safety Act. NHTSA has traditionally found that the public interest is served by affording consumers a wider variety of motor vehicles, by encouraging the development of fuel-efficient and alternative-energy vehicles, and providing additional employment opportunities. We believe that all three of these public interest considerations would be served by granting Tesla's petition.

We note that the denial of this request would remove one of the few electric vehicles that is currently being sold in the U.S. market and that granting this petition would afford U.S. consumers the continued choice of this all-electric vehicle. As explained above, granting this petition will ease the development of the Model S as well as other electric

vehicles, while conversely denial of the petition could compromise Tesla's ability to move forward with the Model S. We believe that granting this petition will have a positive impact on U.S. employment in the automotive industry, and that denial of the petition could directly impact the jobs of current Tesla employees supporting the Roadster.

Additionally, we believe that the requested exemption will have a limited impact on general motor vehicle safety because of the small number of vehicles that can be produced under this exemption. Finally, it is critical to the agency's decision that Tesla is requesting a very short exemption period and intends to sell only vehicles that comply with all applicable FMVSS after the exemption period.

We note that, as explained below, prospective purchasers will be notified that the vehicle is exempted from the ESC requirements of Standard No. 126. Under § 555.9(b), a manufacturer of an exempted vehicle must affix securely to the windshield or side window of each exempted vehicle a label containing a statement that the vehicle conforms to all applicable FMVSSs in effect on the date of manufacture "except for Standard Nos. [listing the standards by number and title for which an exemption has been granted] exempted pursuant to NHTSA Exemption No.

\_\_\_\_\_." This label notifies prospective purchasers about the exemption and its subject. Under § 555.9(c), this information must also be included on the vehicle's certification label.<sup>6</sup>

In consideration of the foregoing, we conclude that granting the requested exemption from FMVSS No. 126, *Electronic Stability Control Systems*, would facilitate the field evaluation or development of a low-emission vehicle, and would not unreasonably lower the safety or impact protection level of that vehicle. We further conclude that granting this exemption would be in the public interest and consistent with the objectives of the Safety Act.

In accordance with 49 U.S.C. 30113(b)(3)(B)(iii), Tesla is granted NHTSA Temporary Exemption No. EX 11-03 from FMVSS No. 126. The exemption is for the Roadster model and shall remain effective from the date on which notice of this decision is published in the **Federal Register** for a period of 40 days, as indicated in the **DATES** section of this document.

<sup>6</sup> Tesla's label would be required to list both its exemption from FMVSS No. 126 and its exemption from the advanced air bag requirements of FMVSS No. 208, which has been extended in a separate decision that is published in today's **Federal Register**.

**Authority:** (49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on: September 22, 2011.

**David L. Strickland,**  
*Administrator.*

[FR Doc. 2011-24899 Filed 9-27-11; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

September 22, 2011.

The Department of the Treasury will submit the following public information collection requirements 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. A copy of the submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections 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 October 27, 2011 to be assured consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0863.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* LR-218-78 (Final) Product Liability Losses and Accumulations for Product Liability Losses.

*Abstract:* Generally, a taxpayer who sustains a product liability loss must carry the loss back 10 years. However, a taxpayer may elect to have such loss treated as a regular net operating loss under section 172. If desired, such election is made by attaching a statement to the tax return. This statement will enable the IRS to monitor compliance with the statutory requirements.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 2,500.

*OMB Number:* 1545-1647.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Revenue Procedure 2001-21 Debt Roll-Ups.

*Abstract:* This revenue procedure provides for an election that will facilitate the consolidation of two or more outstanding debt instruments into a single debt instrument. Under the

<sup>4</sup> Furthermore, the effect of Tesla expressing different production plans in its submissions related to this petition than in its submissions on the advanced air bag petition are better addressed in the context of the agency's response to the advanced air bag petition because Tesla sought a longer exemption from the advanced air bag requirements.

<sup>5</sup> The agency does take note, however, that the cost of implementing design modifications to the Roadster to accommodate ESC would not be trivial.

election, taxpayers can treat certain exchanges of debt instruments as realization events for federal income tax purposes even though the exchanges do not result in significant modifications under 1.1001-33 of the Income Tax Regulations.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 75.

*OMB Number:* 1545-1650.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* REG-208156-91 (Final) Accounting for Long-Term Contracts.

*Abstract:* The information collected is required to notify the Commissioner of a taxpayer's decision to sever or aggregate one or more long-term contracts under the regulations. The statement is needed so the Commissioner can determine whether the taxpayer properly severed or aggregated its contract(s). The regulations affect any taxpayer that manufactures or constructs property under long-term contracts.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 12,500.

*OMB Number:* 1545-1945.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* TD 9328 (Final) Safe Harbor for Valuation Under Section 475.

*Abstract:* This document sets forth an elective safe harbor that permits dealers in securities and dealers in commodities to elect to use the values of positions reported on certain financial statements as the fair market values of those positions for purposes of section 475 of the Internal Revenue Code (Code). This safe harbor is intended to reduce the compliance burden on taxpayers and to improve the administrability of the valuation requirement of section 475 for the IRS.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 49,232.

*OMB Number:* 1545-2118.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Form 13562, Health Coverage Tax Credit (HCTC) General Registration Information Form; Form 13929, Health Coverage Tax Credit (HCTC) Paper Check Request.

*Forms:* 13562 and 13929.

*Abstract:* These forms are used to help manage the HCTC program. Health plan administrators will use these forms to

submit requests of; changes to their account information, waivers from the Federal requirement that mandates all payments to be made via Electronic Funds Transfer (EFT), and to provide the required registration information into the HCTC program.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 875.

*Bureau Clearance Officer:* Yvette Lawrence, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224; (202) 927-4374.

*OMB Reviewer:* Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395-7873.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2011-24858 Filed 9-27-11; 8:45 am]

**BILLING CODE 4810-01-P**

## DEPARTMENT OF THE TREASURY

### Senior Executive Service; Legal Division Performance Review Board

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of members of the Legal Division Performance Review Board (PRB).

**SUMMARY:** Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Legal Division PRB. The purpose of this Board is to review and make recommendations concerning proposed performance appraisals, ratings, bonuses, and other appropriate personnel actions for incumbents of SES positions in the Legal Division.

**DATES:** *Effective Date:* September 28, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 3000, Washington, DC 20220, *Telephone:* (202) 622-0283 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Composition of Legal Division PRB

The Board shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. Composition of the specific PRBs will be determined on an ad hoc basis from among the individuals listed in this notice.

The names and titles of the PRB members are as follows:

Rupa Bhattacharyya, Deputy Assistant General Counsel (International Affairs);

Peter A. Bieger, Deputy Assistant General Counsel (Banking and Finance); George Bostick, Benefits Tax Counsel; Michael Caballero, International Tax Counsel; Himamauli Das, Assistant General Counsel (International Affairs); Rochelle F. Granat, Assistant General Counsel (General Law, Ethics and Regulation); Elizabeth Horton, Deputy Assistant General Counsel (Ethics); Catherine E. Livingston, Special Counsel to the Chief Counsel Healthcare Program, Internal Revenue Service; M.J.K. Maher, Jr., Deputy Assistant General Counsel (Enforcement & Intelligence); Margaret V. Marquette, Chief Counsel, Financial Management Service; Christopher J. Meade, Principal Deputy General Counsel; Mark Monborne, Assistant General Counsel (Enforcement & Intelligence); Helen Morrison, Deputy Benefits Tax Counsel; Kevin Rice, Chief Counsel, Bureau of Engraving and Printing; Daniel P. Shaver, Chief Counsel, United States Mint; Brian Sonfield, Deputy Assistant General Counsel (General Law and Regulation); Sean M. Thornton, Chief Counsel, Office of Foreign Assets Control; Robert M. Tobiassen, Chief Counsel, Alcohol and Tobacco Tax and Trade Bureau; Jeffrey Van Hove, Tax Legislative Counsel; Christian A. Weideman, Deputy General Counsel; Curtis G. Wilson, Associate Chief Counsel (Passthroughs & Special Industries), Internal Revenue Service and; Paul Wolfeich, Chief Counsel, Bureau of Public Debt.

Dated: September 20, 2011.

**George W. Madison,**  
*General Counsel.*

[FR Doc. 2011-24923 Filed 9-27-11; 8:45 am]

**BILLING CODE 4810-25-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Proposed Information Collection; Submission for OMB Review

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

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

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning a renewal of an existing collection titled "Customer Complaint Form." The OCC