

**SUPPORTING STATEMENT
(Notice 161190-05)**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 30B of the Internal Revenue Code allows a credit for alternative motor vehicles. Section 30B(a)(2) and (c) of the Internal Revenue Code provides a credit for advanced lean burn vehicles and the new qualified hybrid motor vehicle credit is provided under § 30B(a)(3) and (d).

This notice provides procedures that a domestic manufacturer, or the domestic distributor of a foreign manufacturer, (collectively, manufacturer) may follow to certify both that a particular make, model, and year of passenger automobile or light truck that is an advanced lean burn technology motor vehicle or hybrid motor vehicle meets certain requirements of § 30B, as well as the type of credit (the advanced lean burn vehicle credit or the hybrid vehicle credit) and amount of the credit allowable with respect to the vehicle.

Under the procedures prescribed in this notice, a manufacturer submits to the Service, under penalties of perjury, a certification containing certain information relevant to the determination that a particular make, model, and year of vehicle qualifies for either the advanced lean burn vehicle credit or the hybrid vehicle credit, as well as the amount of the credit. After reviewing the original signed certification, the Service will issue an acknowledgement letter stating whether purchasers may rely on the certification. The acknowledgment letter, however, will not constitute a determination by the Service that a vehicle qualifies for a credit, or that the amount of the credit is correct. Because both the advanced lean burn vehicle credit and the hybrid vehicle credit for passenger automobiles and light trucks begin to phase out in the second quarter after the quarter in which a manufacturer records its 60,000th sale of a qualified vehicle, a manufacturer that has received an acknowledgement letter is required to file quarterly reports of sales of qualified vehicles. If a manufacturer files an erroneous certification or quarterly report, or fails to file a quarterly report, the manufacturer's right to provide a certification to future purchasers of vehicles will be withdrawn. However, purchasers may continue to rely on the

certification for vehicles they acquired before the date of withdrawal (including in cases in which the vehicle is not placed in service and the credit is not claimed until after the withdrawal).

2. USE OF DATA

The data will be used by (1) manufacturers to certify both that a particular make, model, and year of passenger automobile or light truck that is an advanced lean burn technology motor vehicle or hybrid motor vehicle that meets certain requirements of § 30B, as well as the type of credit (the advanced lean burn vehicle credit or the hybrid vehicle credit) and amount of the credit allowable with respect to the vehicle; and (2) the data will notify purchasers of these vehicles (passenger automobiles and light trucks) if the vehicles qualify for the credit and the amount of the credit.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

There are no plans to provide electronic filing because electronic filing is not appropriate for the collection of information in this submission.

4. EFFORTS TO IDENTIFY DUPLICATION

We have attempted to eliminate duplication within the agency wherever possible.

5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

Not applicable.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

Not applicable.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

Not applicable.

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON

AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

The notice was published in the **Internal Revenue Bulletin** on February 6, 2006 (2006-6 I.R.B. 413).

In response to the **Federal Register Notice** dated **April 9, 2009 (74 FR 16261)**, we received no comments during the comment period regarding Notice 161190-05.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

Not applicable.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

Not applicable.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Section 30B(i) provides that the Secretary shall promulgate regulations as necessary to carry out the provisions of section 30B.

It is estimated that the total annual average reporting burden will be 280 hours. The estimated average annual burden per respondent will be 40 hours to complete the requests for certification required under this notice. This estimated burden is based upon the approximated amount to time it will take the average respondent to gather the necessary data and mail that data to the IRS. The estimated number of respondents is 7. This estimate is based upon the approximated number of total manufacturers of the different advanced lean burn and hybrid vehicles.

Estimates of the annualized cost to respondents for the hour burdens shown are not available at this time.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our **Federal Register Notice** dated **April 9, 2009 (74 FR 16261)**, requested public comments on estimates of cost burden that are not captured in the estimates of burden hours, i.e., estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. However, we did not receive any response from taxpayers on this subject. As a result, estimates of the cost burdens are not available at this time.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Not applicable.

15. REASONS FOR CHANGE IN BURDEN

There is a change to the number of responses to correct an error in the previous submission.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

Not applicable.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

We believe that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulations sunset as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT ON OMB FORM 83-I

Not applicable.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the

administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.