

**SUPPORTING STATEMENT
FOR
49 CFR SECTION, SUPBART D DESIGNATION OF AGENT
(OMB Control Number 2127-0040)**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.

This collection of information applies to motor vehicle and motor vehicle equipment manufacturers located outside of the United States (“foreign manufacturers”). Section 110(e) of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C. § 30164) requires a foreign manufacturer offering a motor vehicle or motor vehicle equipment for importation into the United States to designate a permanent resident of the United States as its agent upon whom service of notices and processes may be made in administrative and judicial proceedings. These designations are required to be filed with NHTSA. The required contents of the designation of agent submission and the suggested format for the designation (NHTSA Form 1013) are prescribed under 49 CFR 551.45 -551.68 and the Appendix to the regulation.

This information collection and suggested format for the collection (NHTSA Form 1013) support the Department’s Strategic goal of safety (reducing the dollar loss from accidents) and customer service.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate actual use of information received from the current collection.

The designation must be made in legal form required to make it valid and binding on the manufacturer. The designation must disclose the full legal name, principal place of business, and mailing address of the manufacturer. The designation of agent must provide that it remains in effect until withdrawn or replaced by the manufacturer. The designation must bear a declaration of acceptance duly signed by the designated agent.

These designations are kept on file in NHTSA’s Office of the Chief Counsel. NHTSA requires this information in case it needs to advise a foreign manufacturer of a safety related defect in its products so that the manufacturer can, in turn, notify purchasers and correct the defect. This information also enables NHTSA to serve a foreign manufacturer with all administrative and judicial processes, notices, orders, decisions and requirements.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

NHTSA does not engage in the online collection of information or permit manufacturers to submit designation information other than in hard copy format via mail.

However, to assist manufacturers in compiling the information necessary to send to NHTSA under the regulation, NHTSA plans to set up a customer service tool that will be accessed at <http://www.nhtsa.dot.gov/cars/rules/manufacture/agent/customer.html>. That tool will permit a manufacturer to input information required under the regulation in order designate an agent for service of process. The customer will then receive, via email, a PDF that may be printed, signed and submitted in hardcopy to NHTSA via mail, as required by the regulation. The online customer service tool will mirror the format set forth in the Appendix to the regulation and will not generate a PDF until all required information is input. Consequently, it will greatly reduce the compliance burden on foreign manufacturers, who often send to NHTSA incomplete or incorrect designation information multiple times before achieving compliance with NHTSA's regulation.

4. Describe efforts to identify duplication. Show specifically why similar information cannot be used.

This item does not apply since no similar information is available.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Since all manufacturers importing vehicles into the U.S. must have an agent, the methods used are the same for large companies and small businesses. Each manufacturer provides the information once, and updates it as necessary.

6. Describe the consequence to Federal Program or policy activities if the collection is not collected or collected less frequently.

NHTSA requires this information in case it needs to advise a foreign manufacturer of a safety related defect in its products so that the manufacturer can, in turn, notify purchasers and correct the defect. This information also enables NHTSA to serve a foreign manufacturer with all administrative and judicial processes, notices, orders, decisions and requirements.

If the information was not collected and updated it would be difficult for NHTSA to locate the foreign manufacturer and to serve legal documents on a foreign corporation, as the laws vary from country to country.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The procedures specified for this information collection are consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the FEDERAL REGISTER document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's actions in response to the comments. Describe efforts to consult with

persons outside the agency to obtain their views.

The agency published a 60-day Notice Requesting Public Comment on Proposed Collections of Information on March 12, 2009 (74 FR 10804), soliciting public comments on the collection of information. No comments were received.

The agency published a 30-day Notice Requesting Public Comment on Proposed Collections of Information on XXXX, soliciting public comments on the collection of information.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided to any respondent.

10. Describe any assurance of confidentiality provided to respondents.

No assurances of confidentiality are given by the agency for this regulation.

11. Provide additional justification for any questions on matters that are commonly considered private.

The information provided is not of a private nature; therefore, no justification is necessary.

12. Provide estimates of the hour burden of the collection of information on the respondents.

(1) Estimated number of respondents.....	240
(2) Estimated hours per respondent.....	0.5
(3) Estimated annual burden hours.....	120

The estimated number of respondents is based on the average number of designations received each month. We estimate that it takes approximately one-half hour to collect the information and submit it to NHTSA.

Assuming a clerical cost of \$20.00 per hour to process the information, the annual cost of collecting and processing the information is.....\$2,400.

13. Provide estimates of the total annual cost to the respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in Question 12 or 14.

The estimated annual cost is the cost of the postage for manufacturers to submit their designations to NHTSA. NHTSA estimates this cost at \$1 per letter for a total cost of \$240 (240 respondents x \$1).

14. Provide estimates of annualized cost to the Federal Government.

The estimated annualized costs to the Federal Government are based on the amount of time spent on designations by attorneys and clerical staff in the Office of Chief Counsel. We estimated that 10 % of 1 attorney's and 1 clerical staff member's time is spent on designation for a total cost of \$ 15,000.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The reason for the program change was due to a reinstatement of the ICR, the ICR burden hours of 120 are being added to NHTSA's overall burden hour total.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

This item is not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Approval is not being sought to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This standard does not include the collection of statistical information.

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