

FINAL
Supporting Statement
for
Information Collection Request

Motor Vehicle and Engine Compliance Program Fees (Renewal)

EPA ICR 2080.04

Compliance and Innovative Strategies Division
Office of Transportation and Air Quality
Office of Air and Radiation
U.S. Environmental Protection Agency

Part A Of The Supporting Statement

1. Identification of the Information Collection

1(a) Title and Number of the Information Collection

Information Collection Request Renewal for Motor Vehicle and Engine Compliance Program Fees, ICR 2080.04, OMB 2060-0545.

1(b) Short Characterization

As required by the Clean Air Act (42 USC 7401 *et seq.*), the Environmental Protection Agency (EPA) has regulations establishing emission standards (and other requirements) for various classes of vehicles and engines. In accordance with the Clean Air Act, these regulations also require that compliance be demonstrated prior to EPA granting a "Certificate of Conformity". Such certification is necessary before the product can be introduced into commerce.

In the case of passenger cars, highway motorcycles, light trucks, and heavy-duty truck engines, EPA has charged fees for administering these compliance programs since 1992. These regulations appeared in 40 CFR part 86, subpart J. In 2004, EPA promulgated regulations to add several classes of recently regulated vehicles and engines (referred to as "off-road" for convenience) to the fees program (69 FR 2621, May 11, 2004, effective July 12, 2004; 40 CFR part 86, subpart Y). The Information Collection Request for that rule was 2080.02, OMB 2060-0545, approved by OMB on March 18, 2004, through March 31, 2007, subsequently renewed until July 31, 2010 in ICR 2080.03. As a part of a rulemaking primarily covering emissions standards for certain nonroad spark-ignition engines and evaporative emissions standards covering a wide variety of engines, vehicles, and evaporative "components" (the "Bond Rule"), the fees regulations were restated with minor amendments in 40 CFR Part 1027 (73 FR 59034, October 8, 2008). Most notably, these regulations added evaporative component applications to the categories of certifications requiring fees covered by this ICR. This affected the size of the respondent class but did not create any new category of burden.

The present ICR 2080.04 is a renewal of the current collection. It reflects five and a half years of experience administering the new fees regulations.

In order to collect fees and accurately account for them, a certain amount of information is required, such as who is paying the fee, the category of vehicle or engine to which it applies, the name of the engine family, and the method of payment. This information is collected by the main Fee Filing Form. By regulation, fees must be paid before EPA begins its review of a manufacturer's application. This information is used by EPA's Office of Air and Radiation, Office of Transportation and Air Quality, Compliance and Innovative Strategies Division, to insure that the required fee has been paid before an application for certification is processed; to be sure that we know which vehicle, engine, evaporative, or component family (hereafter "family") a payment is

intended to be for; to have a contact person and address in case of payment issues and an address to which acknowledgment of receipt of the payment can be sent; and to provide an early check on other problems, such as failure to name a family following EPA's naming rules or failure to go through EPA's manufacturer registration process to obtain a unique manufacturer code. It also provides part of the documentation used by EPA's Office of Financial Services in processing fee refunds. In model year 2008, 495 separate manufacturing and importing corporate entities filed forms associated with approximately 3517 payment actions concerning certification fees.

The forms in use are the paper on-road and off-road fee filing forms, a correction form, a miscellaneous payments form, and a refund request form. These forms can be downloaded in fillable .pdf format at EPA's motor vehicle forms website, www.EPA.gov/OTAQ/fees.htm. Paper forms are particularly necessary for some of the large, old manufacturers with legacy payment systems as well as some small businesses, both of whom may need to pay by check and consequently need a paper form to accompany the payment by surface mail. The above-named forms also exist online at www.Pay.gov, with the difference that the on-road and off-road filing forms are combined. Forms can be filed online at Pay.gov with or without payment; payment can be made online by credit card or electronic funds transfer. The forms carry the EPA Form Number 3520-29. We request a waiver from placing the expiration date of the OMB clearance on the paper forms on the grounds that, although we have included it in the past, it causes confusion because the fee filing form is updated every year to reflect the current calendar year fee schedule, and therefore also carried the statement "This form expires 1/1/2011" (in the current instance). The routine yearly updating of the form also makes including the OMB expiration date impractical.

It should be noted that this ICR does not include the burden of complying with the actual certification requirements, including the fees themselves; only the burdens associated with completing and filing the fee forms are covered here. Substantive certification burdens have been addressed elsewhere, including the on-road certification ICR, 0783 (OMB 2060-0104), and the various ICRs covering the off-road certification programs.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

Information supplied on the fee filing form assures that the correct fee for certification has been paid and is posted to the appropriate account. This collection is authorized by the Clean Air Act (42 USC 7552) and the Independent Offices Appropriations Act (31 USC 9701); see Attachment I.

2(b) Practical Utility/Users of the Data

EPA uses the information collected to verify that appropriate fees have been paid and that the amounts are posted to the proper account, that corrections are accurately entered, that fees match the engine families certified, that refunds are properly processed, and to provide a paper trail in the case of need to audit fee matters. In addition, the forms help insure that a knowledgeable person can be contacted in case of payment issues and that the applicant is applying for a valid family and has a valid manufacturer code attesting completion of EPA's registration process.

3. Nonduplication, Consultations and Other Collection Criteria

3(a) Nonduplication

The information contained on the fee forms is necessary to link the fees paid with certificates being reviewed and issued. At this time, these two data systems are separate, and without the fee filing form there would be no way to insure that fees are paid for each engine family prior to certification. In some but not all cases, financial documents (EPA's deposit records and online Cashlink resources) contain engine family information in relevant data fields that could be used to associate payments with engine families, but since this information is not always available, it is at present necessary to rely on the fee filing form. In cases where it is clear what a payment is intended to be used for, the necessity to provide a separate form for each family being certified may seem to constitute unnecessary duplication. Nonetheless, this requirement has in many cases disclosed problems and mistakes that wouldn't have come to light otherwise. In addition, it is important to have a contact name of someone who is familiar with the fee payment, who is not necessarily the same person as the one who is familiar with the application for certification, particularly in large organizations. It is possible that, in the future, we may be able to make better use of deposit information, although there are significant barriers to doing so. It is worth noting in this regard that manufacturers who register with pay.gov can save their filled-in forms and use them as a template for multiple filings, thus eliminating the need to replicate fields in the forms that do not change from one payment to another.

3(b) Public Notice

An announcement soliciting public comment on this ICR was published in the Federal Register (75 FR 3723, January 22, 2010). No comments were received.

3(c) Consultations

EPA consulted with the following individuals in preparing this ICR:

<u>Individual</u>	<u>Firm</u>	<u>Telephone</u>
Bob Bock	Motor Science	(800) 806-2495
Sylvia Wahab	Automobile Concepts	(305) 893-1950
Kim Sinacola	General Motors	(248) 685-5641

3(d) Effects of Less Frequent Collection

The Clean Air Act requires that emission certification be done on a yearly basis (42 USC 7525(a)). EPA allows applicants to define their own annual production period, thus granting some flexibility in this regard. However, as certification is an annual event, and the fee is for the work involved in reviewing the certification application, submission of the fee payment information is generally annual.

3(e) General Guidelines

This information collection activity complies with the requirements of 5 CFR 1320.5(d).

3(f) Confidentiality

After a certificate of conformity has been issued, most information associated with the manufacturer/importer's application is available to the public. Under section 208 of the Clean Air Act (42 USC 7542(c)) all information, other than trade secret processes or methods, must be publicly available. Information about fee payments are treated as confidential information prior to certification.

3(g) Sensitive Questions

No sensitive questions are asked in this information collection. This collection complies with the Privacy Act and OMB Circular A-108.

4. Respondents and Information Requested

4(a) Respondents/SIC Codes

The respondents are manufacturers or importers of various engines, vehicles, and evaporative components (fuel lines, fuel tanks, and related parts). The following Standard Industrial Classification codes are associated with this information collection:

Category	NAICS Codes (1)	SIC Codes(2)	Examples of Potentially Regulated Entities
Industry	333111	3523	Farm Machinery and Equipment Manufacturing
Industry	333112	3524	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing
Industry	333120	3531	Construction Machinery Manufacturing
Industry	333131	3532	Mining Machinery and Equipment Manufacturing
Industry	333132	3533	Oil & Gas Field Machinery
Industry	333210	3553	Sawmill & Woodworking Machinery
Industry	333924	3537	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing
Industry	333991	3546	Power Driven Handtool Manufacturing
Industry	336111	3711	Automotive and Light-Duty Motor Vehicle Manufacturing
Industry	336120	3711	Heavy Duty Truck Manufacturing
Industry	336213	3716	Motor Home Manufacturing
Industry	336311	3592	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
Industry	336312	3714	Gasoline Engine & Engine Parts Manufacturing
Industry	336991	3751	Motorcycle, Bicycle, and Parts Manufacturing
Industry	336211	3711	Motor Vehicle Body Manufacturing
Industry	333618	3519	Gasoline, Diesel & dual-fuel engine Manufacturing
Industry	811310	7699	Commercial & Industrial Engine Repair and Maintenance
Industry	336999	3799	Other Transportation Equipment Manufacturing
Industry	421110	-----	Independent Commercial Importers of Vehicles and Parts
Industry	333612	3731	Manufacturers of marine vessels
		3732	Boat building and repairing
Industry	333613	3568	Mechanical Power Transmission Equipment Manufacturing
Industry	333618	3519	Other Engine Equipment Manufacturing
Industry	811112	7533	Commercial importers of vehicles and vehicle components

Industry	811198	7549	Automotive services
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- (1) North American Industry Classification System (NAICS)
- (2) Standard Industrial Classification (SIC) system code.

4(b) Information Requested

(i) Data items, including recordkeeping requirements.

Manufacturers of regulated vehicles and engines are required to pay fees to support EPA’s compliance activities. As such, they are required to submit certain information and undertake certain actions. Copies of the current paper forms and electronic pay.gov versions have been submitted with this ICR. The regulatory provisions governing their content are as follow:

Indication of fee category	40 CFR 1027.105
Request for fee reduction, if applicable	40 CFR 1027.120
Request for refund, if applicable	40 CFR 1027.125
Applicant information	40 CFR 1027.130

Reduced fee certificate holders are required to retain records pertaining to the reduced fee calculation for three years after the date of the certificate and produce them within thirty days upon request (40 CFR 1027.120(e)).

(i) Respondent Activities

Respondents prepare the fee filing form with the applicant’s name, address, the engine family being certified, the amount being paid, and the form of payment. If there is a mistake in the form (wrong engine family name, model year, change in manufacturer code, etc.) then the applicant prepares and submits a correction form. If there is an underpayment, the applicant normally prepares and submits an additional fee filing form, or a miscellaneous payments due form, with the additional payment. If there has been an overpayment or the application is denied or withdrawn, the applicant may prepare and submits a refund request form. Recently, the correction form has been modified to allow application of an overpayment to the fee for an upcoming certification request. This saves manufacturers the trouble and delay in preparing and receiving a refund, and saves EPA the burden of processing such refund requests.

If the aggregate estimated retail sales value of the vehicles, engines, or evaporative components (or, in the case of alternative fuels converters, of the value added by the conversion kit) covered by the family certified is less than one percent of the full fee, the applicant may file a reduced fee equal to that one percent or \$750, whichever is greater. Most such reduced fee applicants are independent commercial importers (ICIs), covering certain importers of past model year light vehicles; a few are alternative fuels converters. Such submissions are for a specific number of vehicles. Additional vehicles, engines, or units (such as additional imports) require an amended certificate and

submission of additional one percent payments with accompanying fee filing forms. Previously, reduced fee payees who initially paid for five or fewer vehicles were required to submit a model year reduced fee payment report at the end of the model year. Compliance was unsatisfactory and burdensome and EPA eliminated this reporting requirement in the Bond Amendments. It is still the reduced fee payer's obligation to reconcile sales, actual retain sales, retail sales values, fees paid, and the number of vehicles covered by the certificate.

5. The Information Collected--Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

Prior to reviewing an application for certification, EPA certification staff verify that the appropriate fee has been paid. EPA has hired a contractor to track all fee payments and fee forms. The contractor lists those families, and only those families, for which a fee filing form as well as the proper fee payment (including a reduced fee calculation where applicable) have been received. EPA certification representatives are instructed not to issue certificates for engine families not listed in this database, which is prepared and distributed twice weekly within the Agency. For the light duty, motorcycle, recreational, and other programs as they are brought into Verify, this is currently a manual process. For certificates issued through CISD's Information Management System, the fees data is downloaded and each family shows as paid or not; certificates can not be issued if the family doesn't show as paid. EPA fees staff use information on fee filing forms to contact manufacturer representatives in case of problems or other fees business, such as obtaining account information for refund purposes or clarification of necessary procedures. The contractor sends out standard emails to the addresses on the forms acknowledging payment, short payment, or overpayment provided the fee forms with those addresses have been received. EPA's Office of Financial Services records deposits to EPA's certification account and processes fee refund payments.

5(b) Collection Methodology and Management

Fee payment documentation (such as bank batch reports and "ACT Reports") as well as fee forms are collected by EPA's contractor. This documentation and the forms come from a variety of sources: downloaded Pay.gov forms and payment records, deposit records from EPA's bank send by mail, forms received by the bank in connection with those payments, queries to the Federal Cashlink database, confirmatory deposit records from EPA's Office of Financial Services, and forms emailed or faxed to EPA and forwarded to the contractor. The Office of Financial Services confirms payments using the same methods and receives duplicates of fee filing forms that have been processed through EPA's bank. The contractor's paper records and fees database as well as the Financial Services Division's deposit records are available as an ongoing permanent record of fees payments and paperwork.

5(c) Small Entity Flexibility

Although the reduced fee provisions are not explicitly limited to small entities, nearly all of such applications are from small business Independent Commercial Importers or alternative fuel converters, who qualify for all of EPA's provisions for small volume manufacturers.

5(d) Collection Schedule

While the manufacturer or importer must obtain certification on an annual basis, they have considerable flexibility in defining their annual production period. The fee filing form must be submitted prior to EPA's processing the application for emission certification. Correction forms, refund forms, and miscellaneous payments due forms are submitted as the need arises. Reconciliation of reduced fee payments must occur within 45 days of the end of the model year.

6. Estimating the Burden and Cost of the Collection

(a) Estimating Respondent Burden

The burden estimate for completing and sending the fee filing form, correction form, or miscellaneous payments form (0.3 hours) was determined from the consultations with industry representatives during the rulemaking covered by the its ICR in this series. This is an estimated average; in the latest consultations the time per form estimates ranges from 2 minutes to 45 minutes per form. Some larger manufacturers have automated the process of preparing the fee filing form and wiring payment; their burden will be less than 0.3 hours. Responses to the on-line payment option from those using it has been universally positive and on the low end of the time estimates. In model year 2008, 20 percent of fees payments were made online. Manufacturers and importers can also file forms online while paying offline (such as by check or wire).

Handling reduced fee payments, including additional payments and certificate modifications as new units are sold, entails a significant paperwork burden for small entities who wish to save money availing themselves of this provision. A separate issue is that some foreign entities have experienced problems with transaction fees being deducted from their payments before they reach EPA, resulting in the need for additional payments to be filed before their applications can be cleared for processing. Such transactions can involve considerable correspondence with EPA. On the other hand, we have provided forms that can be filled out and filed on-line, and either paid on-line or off-line. Online payment methods include electronic funds transfer and credit card. We have received very positive response to this option, and the problem rate has been much lower than for paper filings. This burden estimate does not include the financial arrangements that manufacturers make for effectuating these and other payments in the course of doing business (i.e., banking arrangements). Manufacturers may make one payment covering several certification fees, as long as the payment can be linked through the proper forms

with the engine families being reviewed for certification. We have recently provided forms in fillable .pdf formats so that manufacturers can more easily fill out non-pay.gov forms at their computer rather than copying and filling them out by hand, although some still do so.

EPA estimates requesting a reduced fee or refund will take about 0.6 hours per submission. This time may be greater in the case of additional payments for additional vehicles under the same reduced fee engine family, but it will be less in simpler cases. Prior to the 2004 fees regulations, a reduced fee had to have been applied for and received separately from and prior to the fee payment. Currently, reduced fee payments only require stating the estimated aggregate sales value of the vehicles covered and the one percent calculation thereof in support of the payment; this calculation has been incorporated into the online and paper fee filing forms. We do expect manufacturers to be able to support such estimates upon request. While there is no standard form for this information, at a minimum it requires a statement of projected sales and prices; such information is necessary for ordinary business planning purposes in any event.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs.

Because of the wide variety of industries covered, labor costs are considered to be approximated by the motor vehicle manufacturing industry, NAICS 336100. Rates for engineering managers, mechanical engineers, and secretaries (except legal, medical, and executive) are from the May 2008 National Industry-Specific Occupational Employment and Wage Estimates (http://www.bls.gov/oes/2008/may/naics4_336100.htm, accessed December 10, 2009). With a 160% overhead multiplier, these are \$87.30, \$60.40, and \$30.50, respectively. For some manufacturers, filing fee forms is largely secretarial; many others use technicians, and many foreign manufacturers hire local agents to handle application mechanics. We allocate labor for form filing as 10, 40, and 50 percent respectively among these three categories for regular fees and as 100 percent managerial for reduced fees and refunds.

(ii) Estimating Capital and Operations and Maintenance Costs

The paperwork cost estimate continues to include a recordkeeping cost of \$2 per item, increased to \$4 for reduced fee filings and refund requests. These costs are not easily separable from such costs for certification in general, but reduced fee recordkeeping had an additional burden specified in the regulations (40 CFR 1027.120(e)) and therefore is estimated as requiring an additional \$2 per filing. Refund recordkeeping is also more burdensome and estimated at an additional \$2 per filing. There are some postage costs for those manufacturers who choose to submit checks and fee filing forms by surface mail; their number is expected to decrease as online payments and online or email form filing options continue to increase in use. Many manufacturers who submit forms and checks through the mails rely on private mail services (such as

FedEx). We have added a \$3.00 reporting cost per submission as O&M cost for getting the forms to EPA (i.e., postage and handling).

(iii) Capital/Start-up vs. Operating and Maintenance (O&M) Costs

There are no capital or start-up costs associated with this collection.

6(c) Estimating Agency Burden

The overall administration of the fees program is conducted by a fees team in EPA's Compliance and Innovative Strategies Division. Secondarily it is administered by each of the certification representatives in the Division, who have a responsibility to determine that fees have been paid prior to certification review, and by EPA's contractor. In addition, EPA's Office of Financial Services (OFS) keeps deposit records and processes fee refunds. Forty percent of one GS 12 full time equivalent (FTE) employee, and sixty percent of one Senior Environmental Employee (SEE) Program employee (the SEE Program is an employment program for older workers authorized by the Environmental Programs assistance Act, passed by Congress in 1984, and provides employment opportunities to senior citizens age 55 and over), are allocated to the fees team. An additional one percent of seven FTE and 17 SEE employees is also allocated to fees-related activity in the process of certification reviews. Government cost is based on a GS-12 salary for professional engineers (\$59,383 per year) obtained from the Office of Personal Management 2009 Salary Table; and \$12.74 per hour for SEE employees, with a 1.6 multiplier for overhead applied to both. The contract work for the upcoming period is \$140,000 for fiscal year 2010. The OFS cost is estimated as 302 hours and \$9,565 annually. The estimated total Agency cost is \$226,170. (Recent annual fees receipts are from \$18 to \$20 million a year, so administrative costs are less than 1.5%.)

6(d) Estimating the Respondent Universe and Total Burden and Costs

Our certification fees database for model year 2008 lists 495 separate manufacturers that submitted fees. These respondents vary from large, multinational corporations to small independent commercial importers. Many small foreign manufacturers have recently entered the motorcycle and small, off-road spark ignition engine certification processes. Roughly 236 of the 495 can be considered small businesses.

EPA queried its certification fees database and records for the numbers of fee filing forms, correction forms, miscellaneous payment forms, and refund request forms received, in paper, as attachments to emails, or downloaded from Pay.gov. Twenty percent of all payments received were made via Pay.gov. We also queried the number of fee filing forms that were associated with reduced fee payments. These tallies are considered accurate to within five percent, except for correction forms, which is accurate to within ten percent. (Correction form filings were estimated by a hand count of forms processed during November, 2009, multiplied by twelve.) It includes both on-road and off-road categories:

Total full fee filing or miscellaneous payments forms	3458
Total reduced fee forms	59
Correction forms	312
Refund request forms	68
TOTAL	3897

6(e) Bottom Line Burden Hours and Cost

(i) Respondent Tally

Bottom-line burden and costs per year for the combined on-road and off-road certification fees program are summarized in Table 1. EPA estimates a total of 3,897 responses and 1207.2 hours per year for the next three years at a total cost to the industry of \$100,577, of which \$19,739 is allocated to O&M and the rest to labor.

(ii) Agency tally

EPA estimates that it takes approximately 2,049 hours and \$226,170 per year to administer the entire certification fees program.

6(f) Reasons For Change In Burden

This cost estimate makes the same cost assumptions as the previous renewal. Changes in burden reflect nothing other than the changes in the volume of forms received. The model year 2005 fees payment database contained 2096 payment entries, whereas the model year 2008 has 3517, an increase of 68%. Likewise the previous ICR estimated a total of 2132 forms, whereas the count for model year 2008 is 3897, an 83% increase. Total costs, including labor, have correspondingly increased from \$57,226 to \$100,577, an increase of 76%. This increase in fees traffic reflects new programs subject to fees (notably component certification of evaporative components), and large increases in several categories of certification requests, particularly small nonroad compression-ignition engines and motorcycles, with a large increase in applications from China.

Table 1

Information Collection Activity	Annual average burden and cost per response							Number of responses	Annual capital & startup costs	Total Hours and Costs	
	Mgr. @ \$87.30/hr	Tech. @ \$60.40/hr	Clerical @ \$30.50/hr	Hours per response total	Labor cost per response	O&M reporting per resp.	O&M recordkeeping per resp			Total hours per year	Total costs per year
Fee Filing Form	0.03	0.12	0.15	0.3	\$14.44	\$3.00	\$2.00	3458	0	1037.4	\$67,230.44
Reduced Fee	0.6	0	0	0.6	\$52.38	\$3.00	\$4.00	59	0	35.4	\$3,503.42
Correction Form	0.03	0.12	0.15	0.3	\$14.44	\$3.00	\$2.00	312	0	93.6	\$6,065.90
Fee Refund Form	0.6	0	0	0.6	\$52.38	\$3.00	\$4.00	68	0	40.8	\$4,037.84
TOTAL	Total O&M Cost = \$19,739							3897	0	1207.2	\$80,837.60

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.31 hours for each fee transaction. The total burden is 1,207.2 hours per year with a total cost of \$100,577 per year. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2009-0981, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2009-0981 and OMB Control Number 2060-0545 in any correspondence.

Attachment I

Legal Authority

42 USC 7552. - Motor vehicle compliance program fees

(a) Fee collection. Consistent with section 9701 of title 31, the Administrator may promulgate (and from time to time revise) regulations establishing fees to recover all reasonable costs to the Administrator associated with -

(1) new vehicle or engine certification under section 7525(a) of this title or part C of this subchapter,

(2) new vehicle or engine compliance monitoring and testing under section 7525(b) of this title or part C of this subchapter, and

(3) in-use vehicle or engine compliance monitoring and testing under section 7541(c) of this title or part C of this subchapter.

The Administrator may establish for all foreign and domestic manufacturers a fee schedule based on such factors as the Administrator finds appropriate and equitable and nondiscriminatory, including the number of vehicles or engines produced under a certificate of conformity. In the case of heavy-duty engine and vehicle manufacturers, such fees shall not exceed a reasonable amount to recover an appropriate portion of such reasonable costs.

(b) Special Treasury fund. Any fees collected under this section shall be deposited in a special fund in the United States Treasury for licensing and other services which thereafter shall be available for appropriation, to remain available until expended, to carry out the Agency's activities for which the fees were collected.

(c) Limitation on fund use. Moneys in the special fund referred to in subsection (b) of this section shall not be used until after the first fiscal year commencing after the first July 1 when fees are paid into the fund.

(d) Administrator's testing authority. Nothing in this subsection shall be construed to limit the Administrator's authority to require manufacturer or confirmatory testing as provided in this part

31 USC. 9701. - Fees and charges for Government services and things of value

(a) It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

(b)The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be -

- (1) fair; and
- (2) based on -
 - (A) the costs to the Government;
 - (B) the value of the service or thing to the recipient;
 - (C) public policy or interest served; and
 - (D) other relevant facts.

(c)This section does not affect a law of the United States -

- (1) prohibiting the determination and collection of charges and the disposition of those charges; and
- (2) prescribing bases for determining charges, but a charge may be redetermined under this section consistent with the prescribed bases.