

Final Supporting Statement  
for  
Information Collection Request

Motor Vehicle and Engine Compliance Program Fees (Renewal)

EPA ICR 2080.06

Compliance 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

Motor Vehicle and Engine Compliance Program Fees (Renewal), ICR 2080.06, 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, the most recent series was renewed until October 31, 2016 in ICR 2080.05. 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 2080.06 is a renewal of the current collection.

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, engine, evaporative emissions system, or evaporative component "equipment" to which it applies; the name of the vehicle, engine, evaporative, or component family; and the method of payment. This information is collected by the main Fee 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 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. It also provides part of the documentation used by EPA's Office of Financial Services in processing fee refunds. In model year 2015, 597 separate manufacturing and importing corporate entities filed forms associated with approximately 4635 actions concerning certification fees.

The fee form in use is an electronic form which is available online at [www.Pay.gov](http://www.Pay.gov). It incorporates fillable sections for fee filing, corrections, miscellaneous payments, and refund requests. The form can be filed online at Pay.gov with or without payment; payment can be made online by credit/debit card, electronic funds transfer (ACH), Paypal or Dwolla. Payments may be made offline using ACH or wire. The Pay.gov fee form has been issued 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 form is updated every year to reflect the current calendar year fee schedule, and therefore also carried the statement "This form expires 10/31/2016" (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 monetary value of the fees themselves); only the burden associated with completing and filing the form is 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 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).

### 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 record 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 form is necessary to link the fees paid with certificates being reviewed and issued. At this time, these data systems containing this information are linked so that certificates may not be issued before a fee has been paid, however, without the fee 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 Treasury 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 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 would not 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 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 (\_\_\_\_ FR \_\_\_\_, March \_\_\_\_, 2016).

### 3(c) Consultations

EPA consulted with the following individuals in preparing this ICR:

<u>Individual</u>	<u>Firm</u>
Thomas Hofmann	BMW
Alan Parker	Yanmar America
Kim Sinacola	General Motors

Kim Sinacola of General Motors had some specific suggestions that would make filling out the fee form more streamlined and user friendly.

Thomas Hofmann of BMW stated that the current online fee form filing process is easy to use and works very well.

### 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:

<b>Category</b>	<b>NAICS Codes (1)</b>	<b>SIC Codes(2)</b>	<b>Examples of Potentially Regulated Entities</b>
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. A copy of the electronic form has been submitted to the docket. The regulatory provisions governing the 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 form with the applicant’s name and address, the family being certified, the amount being paid, the name and email address of a contact person, 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 submits the information on the correction portion of the fee form. If there is an underpayment, the applicant normally prepares and submits a fee form with the additional payment. If there has been an overpayment or the application is denied or withdrawn, the applicant may submit the refund request portion of the fee form. The fee form will also 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 alternative fuel vehicle converters; a few are independent commercial importers (ICIs), covering certain importers of past model year light vehicles. 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 forms. It is the reduced fee payer's obligation to reconcile sales, actual retail 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. Fees program staff track all fee payments and fee forms. They list as paid and cleared for certification review those families, and only those families, for which a fee form as well as the proper fee payment (including a reduced fee calculation where applicable) have been received. A database of this information is maintained using a computer program dedicated to fees tracking and processing. Fees information is entered from data on the fee forms and then verified. The data file is shared with EPA's certification program, Verify, which prevents the certification of engine families that do not have correct fee payments recorded. The data file is prepared and updated work days within the Agency. EPA certification representatives and fees staff use information on fee forms to contact manufacturer representatives in case of problems or other fees business, such as to obtain account information for refund purposes or to clarify necessary procedures. With the aid of the fees computer program, a semi-automated email is sent to the address of the contact listed on the form acknowledging payment, short payment, or overpayment. EPA's Office of Financial Services records deposits to EPA's certification account, which serves as a quality control for the accuracy of the fees program's payment information, and processes fee refund payments.

### 5(b) Collection Methodology and Management

Fee payment documentation as well as fee forms are downloaded by EPA fees staff. This documentation and the forms come from Pay.gov forms and payment records and queries to the Federal Transaction Reporting System database. The 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 alternative fuel converters, or a few Independent Commercial Importers, 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 must be submitted prior to EPA's processing the application for emission certification. Corrections, refunds, and miscellaneous payments are submitted as the need arises. Reconciliation of reduced fee payments must occur within 45 days of the end of the model year and refunds must be requested within six months 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 the fee transaction (0.2 hours) was determined from the consultations with industry representatives. EPA consulted with three manufacturer representatives in 2016 because the process for filling fees and fee related documents had significantly changed. The fee form now is now only available in fully electronic format with a single form for filing all fee related documents. This significantly reduces the time necessary to prepare and send fee forms which, for the most part, had to be printed out and completed by hand then mailed or faxed to the EPA.

This is an estimated average; in the latest consultations the time per form estimates ranges from 3 minutes to 10 minutes per form. There was also a slight difference of time estimated that depended upon the function selected such as a refund request or regular fee payment. The average accounts for these differences. Responses to the online payment option from those using it have been universally positive although there were suggestions for improvement. Manufacturers and importers can also file forms online while paying offline (such as by wire).

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. The number of such problems has declined considerably. Online payment methods include electronic funds transfer (ACH), PayPal, Dwolla and credit/debit card. Off line payment options include ACH and wire payments. We have found that the problem rate for electronic payments 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 fee forms with the engine families being reviewed for certification.

### 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 managers, mechanical engineers, and secretaries (except legal, medical, and executive) are from the May 2014 National Industry-Specific Occupational Employment and Wage Estimates ([http://www.bls.gov/oes/current/naics4\\_336100.htm](http://www.bls.gov/oes/current/naics4_336100.htm), accessed March 2, 2016). With a 160% overhead multiplier, these are \$88.55, \$61.58, and \$32.05, 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. Manufacturers' estimates of time were used to estimate the time spent by each labor category per activity.

#### (ii) Estimating Capital and Operations and Maintenance Costs

The paperwork cost estimate includes a recordkeeping cost of \$2.15 per item. This cost includes an increase over the previous estimate for inflation (\$0.10) and a \$0.05 increase to account for the additional recordkeeping cost for reduced fee filings and refund requests which have now been averaged into the cost for each filing. Reduced fee recordkeeping had an additional burden specified in the regulations (40 CFR 1027.120(e)) and therefore is estimated as requiring more per filing. Refund recordkeeping is also more burdensome. The additional cost for these two operations has been distributed over the 4635 responses. The prior ICR contained O&M Reporting costs that accounted for postage costs for those manufacturers who chose to submit checks and fee forms by surface mail. Paper forms and payments are no longer accepted. Therefore the cost for O&M Reporting has been eliminated.

#### (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 Division. Secondly, 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. Updates have been made to the certification portion of Verify that shows whether fees have been paid for an engine family. This reduces the amount of time that certification engineers need to spend researching the fees before certification. If the system shows that a fee has not been paid, the certification engineer will need to do some research, as in prior years, but this situation represents a small fraction of applications for certification that are received. In addition, EPA's Office of Financial Services (OFS) keeps deposit records and processes fee refunds. Forty percent of one GS 12/3 full time equivalent (FTE) employee, and sixty-four percent of one FTE 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 three quarters of one percent of nineteen FTE and eight SEE employees is also allocated to fees-related activity in the process of certification reviews. Although the numbers of FTEs and SEEs may fluctuate, the amount of hours spent on this activity remains the same because fees must be checked before each certificate is issued. Government cost is based on a GS-12/3 general schedule salary for (\$66,241 per year) obtained from the Office of Personal Management 2016 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 estimated as \$100,000. The OFS cost is estimated as 302 hours and \$9,618 annually. The estimated total Agency cost is \$272,065. (Recent annual fees receipts are from \$17.2 to \$19 million per fiscal year, so administrative costs are 1.6% or less.)

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

Our certification fees database for model year 2015 lists 597 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 and evaporative component certification processes.

EPA queried its certification fees database and records for the numbers of activities where a fee form was submitted including fee payments, corrections, miscellaneous payments, reduced fee payments and refund requests received for MY 2015 vehicles. Because EPA was transitioning to an electronic format, the transactions were filed in paper, as attachments to emails, or downloaded from Pay.gov. These tallies include both on-road and off-road categories:

Total full fee filing or miscellaneous payments forms	4242
Total reduced fee forms	118
Correction forms	208
Refund request forms	67
TOTAL	4635

#### 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 4635 responses and 927 hours per year for the next three years at a total cost to the industry of \$59,683, of which \$9,965 is allocated to O&M and the rest, \$49,718, to labor.

##### (ii) Agency tally

EPA estimates that it takes approximately 4966 hours and \$272,065 per year to administer the entire certification fees program.

#### 6(f) Reasons for Change in Burden

This cost estimate includes new cost assumptions based on changes to the fees process. Changes in burden reflect a labor decrease due to time savings from filing electronically instead of manually printing, filling and mailing paper forms and, also, a decrease in the volume of forms received and processed.

##### *Change in Filing*

Previously, a manufacturer could find forms and filing instructions for accomplishing different fees-related tasks on EPA's webpage. Once the forms were printed and completed they

would be mailed along with the fee payment to EPA's bank. There the bank processed the fee payment and forwarded the fee forms to EPA. Forms without payment could be faxed or mailed directly to EPA. Alternatively, a manufacturer could have used Pay.gov to fill out the individual forms and either submit them electronically or mail them to EPA. Pay.gov allowed electronic fee payments made using credit/debit cards or electronic funds transfer from a bank account. A significant number of manufacturers chose to mail checks and fee filing forms for fee payment.

The forms offered on EPA's website included 1) a basic fee filing forms (for highway and non-road vehicles and engines), 2) a refund request form, 3) a corrections form and 4) a miscellaneous payments form. The time estimate per transaction (form completion, mailing or submission and fee submission) was estimated to be 0.3 hours in the last renewal for this ICR.

Currently, EPA only accepts electronic fee forms and fee payments. Manufacturers use the Pay.gov website for all fee form submittals. The electronic form is now a single, consolidated form that has an opening page in which the manufacturer enters identification information then selects from a drop down menu the process to be completed. These processes correspond with the four previous forms: fee filing, refund request, correction and miscellaneous fees. The questions that were on the individual forms are now on the corresponding process pages. Because the forms have been consolidated into one electronic form, renewal for the old, individual forms are not being pursued.

The Pay.gov website has expanded its accepted electronic payments so that, besides credit/debit cards and electronic funds transfers (ACH), payments may be made using a Dwolla account, and Paypal account making fee payments more convenient. Furthermore, all payments must be made electronically so the time allotted for filling and mailing fees checks has been eliminated. Between the last ICR renewal and the current renewal, manufacturers that make several fee payments, which represented a large number of payments, have transitioned to filing fee forms electronically and using electronic payments resulting in a substantial time savings. The following time savings represented in this renewal are due to changes in filing: 1) having all filing fee forms available as one electronic form, 2) forms and fees must be submitted electronically, and 3) more options for electronic fee payments and 4) fees and forms may be submitted in the same transaction. Because of these changes, the time estimate for a fee transaction has been decreased to 0.2 hours.

#### *Change in volume of forms and fees received by EPA*

The model year 2012 fees payment database, used for the counts in the last renewal, estimated 4,845 forms, whereas the count for model year 2015 is 4,635, a four percent decrease.

#### *Total changes in burden*

Total costs, including labor, have decreased from \$112,873 to \$59,683, a decrease of 47 percent. This decrease reflects several changes: a significant decrease in labor because of the electronic form, the elimination of the O&M reporting cost (which had been estimated at \$3 per response for mailing costs) because forms and payments now are only accepted electronically, a decrease in the number of forms filed, and a decrease in labor rates for all three labor categories

from the previous renewal to the present. All of these factors resulted in a substantial reduction in burden.

Table 1

Information Collection Activity with Fee Form	Annual average burden and cost per response							Number of responses	Annual O&M costs	Annual capital startu costs
	Mgr. @ \$88.85/hr	Tech. @ \$61.58/hr	Clerical @ \$32.05/hr	Hours per response total	Labor cost per response	O&M reporting per resp.	O&M recordkeeping per resp			
Regular Fees, Reduced Fees, Refund Requests, Correction Forms	0.05	0.05	0.1	0.2	\$10.73	\$0.00	\$2.15	4635	\$9,965.25	0
TOTAL								4635	\$9,965.25	0

### 6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.2 hours for each fee transaction. The total burden is 927 hours per year with a total cost of \$59,683 per year. These estimates include time to review applicable regulations and guidance documents, generate and gather the necessary information, and submit documents. 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-2013-0119. Submit any comments related to this ICR to EPA and OMB. Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2013-0119, by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.
- Fax: (202) 566-1741.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket, Mail Code 6102T, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2013-0119. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 7th St. NW., Washington, DC 20503.
- Hand Delivery: Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC., Attention Docket ID No. OAR-2013-0119. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information

Docket ID No. EPA-HQ-OAR-2013-0119, is available for public viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. 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 also (202) 566-1744. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at [www.regulations.gov](http://www.regulations.gov).

## 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 determined under this section consistent with the prescribed bases.