

**(2) Block H2, CONTRACTING OFFICER.****(i) Block H2a, Typed Name.**

Enter the name (last, first, middle initial) of the contracting officer or representative.

**(ii) Block H2b, Signature.**

The person identified in Block H2a must sign.

**(iii) Block H2c, Telephone Number.**

Enter the telephone number (with area code) of the person identified in Block H2a. Installations with Defense Switched Network (DSN) must enter their DSN number.

**(3) BLOCK H3, DATE REPORT SUBMITTED.**

Enter the date that the DD Form 1057 is submitted. Enter four digits for the year, two digits for the month and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

18. Section 253.215-70 is amended by revising paragraphs (c)(2) and (c)(6) to read as follows:

**253.215-70 DD Form 1547, Record of Weighted Guidelines Application.**

\* \* \* \* \*

**(c) \* \* \*****(2) BLOCK 2—BASIC PROCUREMENT INSTRUMENT IDENTIFICATION NO.**

Enter the identifying contract number assigned per 204.70 (Block B1A of the DD 350).

\* \* \* \* \*

**(6) BLOCK 6—NAME OF CONTRACTOR**

Enter the contractor's name (including division name), (Block B5D of the DD 350).

\* \* \* \* \*

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 594**

[Docket No. 89-8; Notice 10]

RIN 2127-AG43

**Schedule of Fees Authorized by 49 U.S.C. 30141**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This document adopts fees for Fiscal Year 1997 and until further notice, as authorized by 49 U.S.C.

30141, relating to the registration of importers and the importation of motor vehicles not certified as conforming to the Federal motor vehicle safety standards (FMVSS).

NHTSA has adopted its proposal that the annual fee for the registration of a new importer be increased from \$456 to \$501, and the annual fee for renewal of registration be increased from \$240 to \$332. The fee required to reimburse the U.S. Customs Service for bond processing costs increases by \$0.20, from \$4.95 to \$5.15 per bond.

The fee payable for a determination that a nonconforming vehicle is capable of conversion to meet the FMVSS is increased from \$104 to \$199 if the determination results from a petition arguing that the nonconforming vehicle is substantially similar to conforming vehicles. With respect to vehicles that have no substantially similar counterpart, the fee rises from \$520 to \$721. In addition, the fee payable by the importer of each vehicle that benefits by a determination is increased from \$93 to \$134, regardless of whether the determination is made pursuant to a petition or by NHTSA on its own initiative.

**EFFECTIVE DATE:** The effective date of the final rule is October 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, Office of Safety Assurance, NHTSA (202-366-5306).

**SUPPLEMENTARY INFORMATION:****Introduction**

On June 24, 1996, NHTSA published the notice of proposed rulemaking on which this final rule is based (61 FR 32411). The reader is referred to that notice for a full discussion of the rulemaking history of part 594 and the fees authorized by the Imported Vehicle Safety Compliance Act of 1988, P.L. 100-562. The fees applicable in any fiscal year are to be established before the beginning of such year. The statute authorizes an annual fee to cover the costs of the importer registration program, an annual fee or fees to cover the cost of making import eligibility determinations, and an annual fee or fees to cover the cost of processing the bond furnished to the Customs Service. NHTSA last amended the fee schedule in 1993; it has applied in Fiscal Years 1994-96.

As a general statement applicable to consideration of all fees, there has been a slight increase in hourly costs in the past three fiscal years attributable to the approximately 2 percent raise in salaries of employees on the General Schedule that became effective on January 1 in the

years 1995, and 1996 (there was a locality raise only in 1994).

**Requirements of the Fee Regulation****Section 594.6—Annual Fee for Administration of the Importer Registration Program**

Section 30141(a)(3) of Title 49 U.S.C. provides that registered importers must pay "the annual fee the Secretary of Transportation establishes \* \* \* to pay for the costs of carrying out the registration program for importers \* \* \*." The annual fee attributable to the registration program is payable both by new applicants and by registered importers seeking to renew their registration.

In accordance with the statutory directive, NHTSA reviewed the existing fees and their bases in an attempt to establish fees which would be sufficient to recover the costs of carrying out the registration program for importers for at least the next fiscal year. The initial component of the Registration Program Fee is the portion of the fee attributable to processing and acting upon registration applications. The agency has determined that this portion of the fee should be decreased from \$356 to \$301 for new applications, and increased from \$100 to \$132 for renewals. The higher initial cost is warranted because the average cost of processing a new application is substantially greater than that of its renewal.

Other costs attributable to maintenance of the registration program arise from the agency's reviewing a registrant's annual statement and verifying the continuing validity of information already submitted. These costs also include costs attributable to revocation or suspension of a registration.

The total portion of the fee attributable to maintenance of the registration program as estimated by NHTSA is approximately \$200, an increase of \$100. This reflects the fact that costs have been incurred for processing suspensions or revocations. When this \$200 is added to the \$301 representing the registration application component, the cost to an applicant equals \$501, and was the fee proposed by NHTSA. It represents an increase of \$45. When the \$200 is added to the \$132 representing the renewal component, the cost to a renewing registered importer is \$332. This fee increase was also proposed. It represents an increase of \$92.

Sec. 594.6(h) recounts indirect costs that have been estimated at \$6.71 per

man-hour. This is raised to \$7.07, as proposed.

*Sections 594.7, 594.8—Fees to Cover Agency Costs in Making Importation Eligibility Determinations*

Section 30141(a)(3) also requires registered importers to pay "other fees the Secretary of Transportation establishes to pay for the costs of \* \* \* (B) making the decisions under this subchapter." Pursuant to part 593, these decisions are whether the vehicle sought to be imported is substantially similar to a motor vehicle originally manufactured for import into and sale in the United States, and certified as meeting the FMVSS, and whether it is capable of being readily altered to meet those standards. Alternatively, where there is no substantially similar U.S. motor vehicle, the decision is whether the safety features of the vehicle comply with or are capable of being altered to comply with the FMVSS. These decisions are made in response to petitions submitted by registered importers or manufacturers, or pursuant to the Administrator's initiative.

The fee for a vehicle imported under a decision pursuant to a petition is payable in part by the petitioner and in part by importers. However, the fee to be charged for a vehicle is a pro rata share of the costs in making all the eligibility determinations in the fiscal year.

As the agency noted in the final rule adopting the fees for FY94, only one petition had been granted for a vehicle which is not "substantially similar" to a certified model, and there was not yet an average cost figure for this category. Since that time, at least half a dozen other petitions have been received and NHTSA has found that these require noticeably more analysis and, at times, further correspondence with the petitioner in order to obtain sufficient data to reach a decision.

Inflation and the small raises under the General Schedule also must be taken into count in the computation of costs. Accordingly, NHTSA proposed that there be an increase from \$104 to \$199 in the fee required to accompany a "substantially similar" petition, and from \$520 to \$721 in the fee for petitions for vehicles that are not substantially similar and that have no certified counterpart. In the event that a petitioner requests an inspection of a vehicle, it was proposed that the fee remain at \$550 for each of those types of petitions. The proposed fees are adopted.

The importer of each vehicle covered by a petition currently must pay \$93 upon its importation, the same fee

applicable to those whose vehicles covered by a determination on the agency's initiative (other than Canadian vehicles covered by code VSA-1). It was proposed that this fee be increased to \$134, based upon an increase in administrative costs. This proposed fee is also adopted.

The fee for inspection of a vehicle to verify its conformance status remains unchanged.

*Section 594.9—Fee to Recover the Costs of Processing the Bond*

Section 30141(a)(3) also requires a registered importer to pay "any other fees the Secretary of Transportation establishes \* \* \* to pay for the costs of—(A) processing bonds provided to the Secretary of the Treasury" upon the importation of a nonconforming vehicle to ensure that the vehicle will be brought into compliance within a reasonable time or if the vehicle is not brought into compliance within such time, that it is exported, without cost to the United States, or abandoned to the United States.

The statute contemplates that NHTSA make a reasonable determination of the cost to the United States Customs Service of processing the bond. In essence, the cost to Customs is based upon an estimate of the time that a GS 9, Step 5 employee spends on each entry, which Customs judged to be 20 minutes. Because of the modest salary and locality raises in the General Schedule that were effective at the beginning of 1994, 1995, and 1996, NHTSA proposed that the current processing fee be increased by \$0.20, from \$4.95 per bond to \$5.15.

There were no comments on the proposed amendments. Therefore, NHTSA is adopting its proposal as a final rule.

*Effective Date*

The effective date of the final rule is October 1, 1996.

*Rulemaking Analyses*

*A. Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rulemaking action was not reviewed under Executive Order 12886. Further, NHTSA has determined that the action is not significant under Department of Transportation regulatory policies and procedures. Based on the level of the fees and the volume of affected vehicles, NHTSA currently anticipates that the costs of the final rule will be so minimal as not to warrant preparation of a full regulatory evaluation. The action does not involve any substantial public interest or

controversy. There will be no substantial effect upon State and local governments. There will be no substantial impact upon a major transportation safety program. Both the number of registered importers and determinations are estimated to be comparatively small. A regulatory evaluation analyzing the economic impact of the final rule adopted on September 29, 1989, was prepared, and is available for review in the docket.

*B. Regulatory Flexibility Act*

The agency has also considered the effects of this action in relation to the Regulatory Flexibility Act. I certify that this action will not have a substantial economic impact upon a substantial number of small entities. Although entities that currently modify nonconforming vehicles are small businesses within the meaning of the Regulatory Flexibility Act, the agency has no reason to believe that a substantial number of these companies cannot pay the fees adopted by this action which are only modestly increased from those now being paid, and which can be recouped through their customers. The cost to owners or purchasers of altering nonconforming vehicles to conform with the FMVSS may be expected to increase to the extent necessary to reimburse the registered importer for the fees payable to the agency for the cost of carrying out the registration program and making eligibility decisions, and to compensate Customs for its bond processing costs. Governmental jurisdictions will not be affected at all since they are generally neither importers nor purchasers of nonconforming motor vehicles.

*C. Executive Order 12612 (Federalism)*

The agency has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 "Federalism" and determined that the action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

*D. National Environmental Policy Act*

NHTSA has analyzed this action for purposes of the National Environmental Policy Act. The action will not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles imported through registered importers will not vary significantly from that existing before promulgation of the rule.

*E. Civil Justice*

This rule will not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety

standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### List of Subjects in 49 CFR Part 594

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 594 is amended as follows:

#### **PART 594—SCHEDULE OF FEES AUTHORIZED BY 49 U.S.C. 30141**

1. The heading of part 594 is revised to read as set forth above.

2. The authority citation for part 594 is revised to read as follows:

Authority: 49 U.S.C. 30141, 30166; delegation of authority at 49 CFR 1.50.

3. Section 594.1 is revised to read as follows:

##### **§ 594.1 Scope.**

This part establishes the fees authorized by 49 U.S.C. 30141.

4. Section 594.4 is amended by revising the introductory text to read as follows:

##### **§ 594.4 Definitions.**

All terms used in this part that are defined in 49 U.S.C. 30102 are used as defined in that section.

\* \* \* \* \*

5. Section 594.6 is amended by:  
a. revising the year "1993" in paragraph (d) to read "1996";

- b. revising the introductory text of paragraph (a);
- c. revising paragraph (b);
- d. revising the final sentence of paragraph (h); and
- e. revising paragraph (i), to read as follows:

##### **§ 594.6 Annual fee for administration of the registration program.**

(a) Each person filing an application to be granted the status of a Registered Importer pursuant to part 592 of this chapter on or after October 1, 1996, shall pay an annual fee of \$501, as calculated below, based upon the direct and indirect costs attributable to:

\* \* \* \* \*

(b) That portion of the initial annual fee attributable to the processing of the application for applications file on and after October 1, 1996, is \$301. The sum of \$301, representing this portion, shall not be refundable if the application is denied or withdrawn.

\* \* \* \* \*

(h) \* \* \* This cost is \$7.07 per man-hour for the period beginning October 1, 1996.

(i) Based upon the elements, and indirect costs in paragraphs (f), (g), and (h) of this section, the component of the initial annual fee attributable to administration of the registration program, covering the period beginning October 1, 1996, is \$200. When added to the costs of registration of \$301, as set forth in paragraph (b) of this section, the costs per applicant to be recovered through the annual fee are \$501. The annual renewal registration fee for the period beginning October 1, 1996, is \$332.

6. Section 594.7 is amended by revising the first two sentences of paragraph (e) to read as follows:

##### **§ 594.7 Fee for filing petition for a determination whether a vehicle is eligible for importation.**

\* \* \* \* \*

(e) For petitions filed on and after October 1, 1996, the fee payable for a petition seeking a determination under paragraph (a)(1) of this section is \$199. The fee payable for a petition seeking a determination under paragraph (a)(2) of this section is \$721. \* \* \*

\* \* \* \* \*

7. Section 594.8 is amended by revising the first sentence in paragraphs (b) and (c) to read as follows:

##### **§ 594.8 Fee for importing a vehicle pursuant to a determination by the Administrator.**

\* \* \* \* \*

(b) If a determination has been made pursuant to a petition, the fee for each vehicle is \$134. \* \* \*

(c) If a determination has been made pursuant to the Administrator's initiative, the fee for each vehicle is \$134. \* \* \*

8. Section 594.9(c) is revised to read as follows:

##### **§ 594.9 Fee for reimbursement of bond processing costs.**

\* \* \* \* \*

(c) The bond processing fee for each vehicle imported on and after October 1, 1996, for which a certificate of conformity is furnished, is \$5.15.

Issued on: September 11, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96-23794 Filed 9-27-96; 8:45 am]

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