

§ 52.970 Identification of plan. (c) * * *

EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

State citation	Title/subject	State submittal/approval date	EPA approval date	Comments
* * * * *				
LAC Title 55. Part III. Motor Vehicles, Chapter 8. Motor Vehicle Inspections				
Subchapter A. General				
Section 801	Definitions	Dec. 1999, LR 25:2421	September 26, 2002 [67 FR 60594].	
Section 803	Forward	Dec. 1999, LR 25:2421	September 26, 2002 [67 FR 60594].	
Subchapter B. Safety Inspections				
Section 805	Requirements, Duties, Responsibilities	Dec. 2001, LR 27:2260	September 26, 2002 [67 FR 60594].	
Section 807	Operation as an Official Motor Vehicle Inspection Station.	Dec. 2001, LR 27:2260	September 26, 2002 [67 FR 60594].	
Section 809	General Inspection Requirements	Dec. 1999, LR 25:2426	September 26, 2002 [67 FR 60594].	
Section 811	Inspection Procedures	Dec. 1999, LR 25:2427	September 26, 2002 [67 FR 60594].	
Section 813	Required Equipment	Dec. 1999, LR 25:2428	September 26, 2002 [67 FR 60594].	
Section 815	Miscellaneous Inspection Procedures	Dec. 1999, LR 25:2433	September 26, 2002 [67 FR 60594].	
Subchapter C. Vehicle Emission Inspection and Maintenance Program				
Section 817	General Information	Dec. 1999, LR 25:2433	September 26, 2002 [67 FR 60594].	
Section 819	Anti-tampering and Inspection and Maintenance Parameters.	Dec. 2001, LR 27:2260	September 26, 2002 [67 FR 60594].	
Subchapter E. Administrative and Audit Procedures				
Section 833	Investigations; Administrative Actions; Sanctions	Dec. 2001, LR 27:2260	September 26, 2002 [67 FR 60594].	
Section 835	Declaratory Orders and Rulings	Dec. 1999, LR 25:2442	September 26, 2002 [67 FR 60594].	

* * * * *
 [FR Doc. 02-24338 Filed 9-25-02; 8:45 am]
 BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 594

[Docket No. NHTSA 2002-12939; Notice 2]

RIN 2127-A177

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 (FY) 2003 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).

We are increasing the fee for the registration of a new registered importer (RI) from \$584 to \$655, and the annual fee for renewing an existing registration from \$416 to \$455. These fees include the costs of maintaining the RI program. The fee required to reimburse the U.S. Customs Service for conformance bond processing costs will increase from \$5.75 to \$6.20 per bond. The fee that a RI must pay as a processing cost for review of each conformity package that it submits to NHTSA will increase from \$16 to \$18 per certificate. However, if the vehicle has been entered electronically with the U.S. Customs Service through the Automated Broker Interface and the registered importer has

an e-mail address, the fee for processing the conformity package will continue to be \$6, provided that the fee is paid by credit card. If NHTSA finds that the information in the entry or the conformity package is incorrect, the processing fee will be \$18, but if the importer electronically corrects that information, the processing fee will be \$12.

DATES: The effective date of the final rule is October 1, 2002.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Mr. Luke Loy, Office of Vehicle Safety Compliance, Office of Safety Assurance, NHTSA (202-366-5308).

For legal issues, you may call Mr. Coleman Sachs, Office of Chief Counsel, NHTSA (202-366-5238).

SUPPLEMENTARY INFORMATION:

Introduction

The National Traffic and Motor Vehicle Safety Act, as amended by the Imported Vehicle Safety Compliance Act of 1988, and recodified as 49 U.S.C. 30141–30147 (“the Act”), provides for fees to cover the costs of the importer registration program, the cost of making import eligibility determinations, and the cost of processing the bonds furnished to the Customs Service. Certain fees became effective on January 31, 1990, and have been in effect, with modifications, since then. On June 24, 1996, we published a notice in the **Federal Register** at 61 FR 32411 that discussed the rulemaking history of 49 CFR part 594 and the fees authorized by the Act. The reader is referred to that notice for background information relating to this rulemaking action.

The Act requires us to “review and make appropriate adjustments at least every 2 years in the amounts of the fees required to be paid. * * *” 49 U.S.C. 30141(e). The fees applicable in any fiscal year (FY) are to be established before the beginning of such year. *Ibid.* We last amended the fee schedule in 2000. See final rule published on September 19, 2000 at 65 FR 56497. Those amendments have applied in FY 2001 and 2002. On August 16, 2002, we proposed fees that would become effective on October 1, 2002, the beginning of FY 2003 (67 FR 53552). There were no comments on this notice. As a result, we are adopting the proposal as the final rule.

The fees are based on actual time and costs associated with the tasks for which the fees are assessed, and reflect the slight increase in hourly costs in the past two fiscal years attributable to the 3.57 and 4.52 percent raises (including the locality adjustment for Washington, DC) in salaries of employees on the General Schedule that became effective, respectively, on January 1, 2001 and January 1, 2002.

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 RIs must pay “the annual fee the Secretary of Transportation establishes * * * to pay for the costs of carrying out the registration program for importers * * *” This fee is payable both by new applicants and by existing RIs. For an RI to maintain its registration, it must file a statement at the time it submits its annual fee affirming that the information it previously furnished in its registration

application (or in later amendments) remains correct (49 CFR 592.5(e)).

In compliance with the statutory directive, we reviewed the existing fees and their bases for the purpose of establishing fees that would be sufficient to recover the costs of carrying out the registration program for importers for at least the next two fiscal years. The initial component of the Registration Program Fee is the fee attributable to processing and acting upon registration applications. We will increase this fee from \$345 to \$395 for new applications. We will increase the fee representing the review of the annual statement from \$177 to \$195. The adjustments reflect our recent experience in time spent reviewing both new applications and annual statements with accompanying documentation, as well as the inflation factor attributable to Federal salary increases and locality adjustments in the past two years since the regulation was last amended.

We must also recover costs attributable to maintenance of the registration program that arise from our need to review a registrant’s annual statement and to verify the continuing validity of information already submitted. These costs also include anticipated costs attributable to possible revocation or suspension of registrations.

Based upon our review of the costs associated with this program, the portion of the fee attributable to the maintenance of the registration program is approximately \$260 for each RI, an increase of \$21. When this \$260 is added to the \$395 representing the registration application component, the cost to an applicant equals \$655, which is the fee we are adopting. This represents an increase of \$71 from the existing fee. When the \$260 is added to the \$195 representing the annual statement component, the total cost to the RI is \$455, which represents an increase of \$39.

Sec. 594.6(h) recounts indirect costs that were previously estimated at \$13.90 per man-hour. This will be raised \$0.95, to \$14.85, based on the agency costs discussed above.

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.” This includes decisions on whether a 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.-certified 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 RIs or manufacturers, or pursuant to the Administrator’s initiative.

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

Inflation and the small raises under the General Schedule also must be taken into account in the computation of costs. However, we have been able to reduce our processing costs through combining several decisions in a single **Federal Register** notice as well as achieving efficiencies through improved word processing techniques. Accordingly, we are maintaining the fee of \$175 presently required to accompany a “substantially similar” petition at the same level, and are also maintaining at the same level the \$800 fee that accompanies petitions for vehicles that are not substantially similar and that have no U.S.-certified counterpart. In the event that a petitioner requests an inspection of a vehicle, the fee will remain at \$550 for each of those types of petitions.

The importer of each vehicle determined to be eligible for importation pursuant to a petition currently must pay \$125 upon its importation, the same fee applicable to those whose vehicles are covered by an eligibility determination on the agency’s initiative (other than vehicles imported from Canada that are covered by vehicle eligibility numbers VSA–80 through VSA–83, for which no eligibility determination fee is assessed). The importation fee varies depending upon the basis on which the agency made the import eligibility decision. For vehicles covered by eligibility decisions resulting from petitions under 49 CFR 593.6(b), based on the safety features of the vehicle complying with, or being capable of being modified to comply with all applicable FMVSS, the fee will remain at \$125. For vehicles covered by eligibility decisions resulting from petitions under 49 CFR 593.6(a), based on the substantial similarity of the

vehicle to a vehicle that was originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with all applicable FMVSS, the fee will remain at \$105. Costs associated with previous eligibility decisions on the agency's own initiative will have been recovered by October 1, 2002. We will apply the fee of \$125 per vehicle only to vehicles covered by decisions made by the agency on its own initiative on and after October 1, 2002.

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 we will 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 has judged to be 20 minutes.

Because of the modest salary and locality raises in the General Schedule that were effective at the beginning of 2001 and 2002, we are increasing the current processing fee by \$0.45, from \$5.75 per bond to \$6.20.

Section 594.10—Fee for Review and Processing of Conformity Certificate

This fee requires each RI to pay \$16 per vehicle to cover the cost of the agency's review of any certificate of conformity furnished to the Administrator. However, if a RI enters a vehicle with the U.S. Customs Service through the Automated Broker Interface (ABI), has an e-mail address to receive communications from NHTSA, and pays the fee by credit card, the fee is \$6. Based upon an analysis of the direct and indirect costs for the review and processing of these certificates, we have found the costs for processing non-automated entries to have increased on the average of \$2 per vehicle. We are therefore increasing the fee for recovering these costs to \$18. Since there has been no change in the cost to the agency for processing automated entries, we are maintaining the fee for

recovering these costs at the current \$6 level. However, if an ABS entry contains one or more errors, the timesaving advantages of electronic entry are not realized. Accordingly, we will be assessing the full \$18 fee for processing certificates based on ABS entries with one or more errors. However, if an acceptable electronic correction of the erroneous entry is sent to NHTSA, the fee will be \$12 rather than \$18.

EFFECTIVE DATE: NHTSA is required under 49 U.S.C. 30141(e) to "review and make appropriate adjustments at least every 2 years in the amounts of the fees" relating to the registration of importers and the importation of motor vehicles that are not certified as conforming to the FMVSS. The statute further requires the agency to "establish the fees for each fiscal year before the beginning of that year." Fiscal year 2003 begins on October 1, 2002. In the NPRM, we proposed to make this rule effective October 1, 2002, and did not receive any comments on this issue. In order to meet the statutory deadline, the agency finds under 5 U.S.C. § 553(d)(3) that it has good cause to make this final rule effective less than thirty days after its publication in the **Federal Register**. Accordingly, the effective date of this final rule is October 1, 2002.

Rulemaking Analyses

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12866, "Regulatory Planning and Review." 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 NHTSA docket.

B. Regulatory Flexibility Act

The agency has also considered the effects of this action in relation to the

Regulatory Flexibility Act (5 U.S.C. Sec. 601 *et seq.*). I certify that this action will not have a substantial economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. Sec. 605(b)). The amendment will primarily affect entities that currently modify nonconforming vehicles and that are small businesses within the meaning of the Regulatory Flexibility Act; however, the agency has no reason to believe that a substantial number of these companies cannot pay the fees established by this action, which are either unchanged or only modestly increased from those now being paid by these entities, and which can be recouped from their customers. Costs to owners or purchasers for the alteration of nonconforming vehicles to conform with the FMVSS may be expected to increase (or decrease) 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 13132 (Federalism)

Executive Order 13132 on "Federalism" requires NHTSA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." Executive Order 13132 defines the term "Policies that have federalism implications" to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, NHTSA may not issue a regulation that has federalism implication, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rulemaking action.

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 Reform

This rule does not have a retroactive or preemptive effect. Judicial review of the rule may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the cost, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Because this rule will not have an effect of this magnitude, no Unfunded Mandates assessment has been prepared.

List of Subjects in 49 CFR Part 594

Imports, Motor vehicle safety, Motor vehicles.

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

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

1. The authority citation for part 594 continues to read as follows:

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

- 2. Section 594.6 is amended by
 - A. Revising the introductory text of in paragraph (a),
 - B. Revising paragraph (b),
 - C. Changing the year “2000” in paragraph (d) to read “2002,”
 - D. Revising paragraph (h); and
 - E. Revising paragraph (i).
- The revised text reads 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, 2002, must pay an annual fee of \$655, 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 filed on and after October 1, 2002, is \$395. The sum of \$395, representing this portion, shall not be refundable if the application is denied or withdrawn.

(h) * * * This cost is \$14.85 per man-hour for the period beginning October 1, 2002.

(i) Based upon the elements, and indirect costs of 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, 2002, is \$260. When added to the costs of registration of \$395, as set forth in paragraph (b) of this section, the costs per applicant to be recovered through the annual fee are \$655. The annual renewal registration fee for the period beginning October 1, 2002, is \$455.

3. Section 594.7 is amended by revising paragraph (e) to read as follows:

§ 594.7 Fee for filing petitions for a determination whether a vehicle is eligible for importation.

(e) For petitions filed on and after October 1, 2002, the fee payable for seeking a determination under paragraph (a)(1) of this section is \$175. The fee payable for a petition seeking a determination under paragraph (a)(2) of this section is \$800. If the petitioner requests an inspection of a vehicle, the sum of \$550 shall be added to such fee. No portion of this fee is refundable if the petition is withdrawn or denied.

4. Section 594.8 is amended by revising the first sentence of paragraph (c) to read as follows:

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

(c) If a determination has been made on or after October 1, 2002, pursuant to the Administrator’s initiative, the fee for each vehicle is \$125. * * *

5. Section 594.9 is amended by revising paragraph (c) 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, 2002, for which a certificate of conformity is furnished, is \$6.20.

6. Section 594.10 is amended by revising paragraph (d) to read as follows:

§ 594.10 Fee for review and processing of conformity certificate.

(d) The review and processing fee for each certificate of conformity submitted on and after October 1, 2002 is \$18. However, if the vehicle covered by the certificate has been entered electronically with the U.S. Customs Service through the Automated Broker Interface and the registered importer submitting the certificate has an e-mail address, the fee for the certificate is \$6, provided that the fee is paid by a credit card issued to the registered importer. If NHTSA finds that the information in the entry or the certificate is incorrect, requiring further processing, the processing fee shall be \$18. However, if the importer electronically corrects the incorrect information, the processing fee shall be \$12 rather than \$18.

Issued on: September 19, 2002.

Annette M. Sandberg,
Deputy Administrator.

[FR Doc. 02-24309 Filed 9-25-02; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 020430101-2101-01; I.D.082802C]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 10 - Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Adjustments; request for comments.

SUMMARY: NMFS announces that the commercial fishery in the area from the U.S.-Canada Border to Cape Falcon, OR was modified to reopen on August 9, 2002, and close at midnight, August 18, 2002, with a vessel limit of 400 chinook salmon for the entire 10-day open period. In addition, the gear restriction