tribunal record-keeping that could lead to errors and lessens the burden on employers who would need to respond to constantly adjusting income withholding orders to address small differences in the amount withheld.

It is important to note that § 303.8 continues to require States to review child support orders at least every 3 years, upon request of a parent in any case, and upon request of the State if there is an assignment of support rights under title IV–A of the Act, and make adjustments, if appropriate, if the reasonable quantitative standard for an adjustment is met. Further, under paragraph (b)(5) of this section, a State must have procedures under which a parent or other person who has standing may request a review and adjustment outside the regular 3-year (or shorter) cycle, and if the requesting party demonstrates a substantial change in circumstance, the State must adjust the order in accordance with its support guidelines.

Paperwork Reduction Act of 1995

No new information collection requirements are imposed by these regulations, nor are any existing requirements changed as a result of their promulgation. Therefore, the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), regarding reporting and record keeping, do not apply.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this rule will not result in a significant impact on a substantial number of small entities. The primary impact is on State governments. State governments are not considered small entities under the Act.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles because there is broad agreement among state IV–D agencies that removal of the burden, and reinstatement of prior policy, is necessary. Individuals, either those owing or those entitled to receive child support, will not be harmed, as only small adjustments (either up or down) in the amount of the child support obligation will be avoided. This regulation is considered a ''significant regulatory action'' under 3f of the Executive Order, and therefore has been reviewed by the Office of Management and Budget.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

If a covered agency must prepare a budgetary impact statement, section 205 further requires that it select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with the statutory requirements. In addition, section 203 requires a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

We have determined that the interim final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year. Accordingly, we have not prepared a budgetary impact statement, specifically addressed the regulatory alternatives considered, or prepared a plan for informing and advising any significantly or uniquely impacted small governments.

Congressional Review

This regulation is not a major rule as defined in 5 U.S.C. chapter 8.

Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a proposed policy or regulations may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. These regulations will not have an impact on family well-being as defined in the legislation.

Executive Order 13132

Executive Order 13132 on Federalism applies to policies that have Federalism implications, defined as ''regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, or on the distributions of power and responsibilities among the various levels of government''. This rule does not have Federalism implications for State or local governments as defined in the Executive Order.

List of Subjects in 45 CFR Part 303

Child support, Grant programs—social programs.

(Catalog of Federal Domestic Assistance Programs No. 93.563, Child Support Enforcement Program.)

Dated: May 25, 2004.

Wade F. Horn,

Assistant Secretary for Children and Families.

Date Approved: September 29, 2004.

Tommy G. Thompson,

Secretary of Health and Human Services.

■ For the reasons discussed above, title 45 CFR chapter III is amended as follows:

PART 303—STANDARDS FOR PROGRAM OPERATIONS

■ 1. The authority citation for part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

§ 303.8 [Amended]

■ 2. In § 303.8, paragraph (c) is amended by removing ''using automated methods under paragraph (b)(1)(iii) of this section''.

[FR Doc. 04–28410 Filed 12–27–04; 8:45 am]

BILLING CODE 4184–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 504

GSAR Amendment 2004–04; GSAR Case 2004–G509 (Change 12)

RIN 3090–AI00

General Services Administration Acquisition Regulation; Access to the Federal Procurement Data System

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Interim rule with request for comments.

SUMMARY: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) by adding coverage to specify the rate that will be charged to non-governmental entities in exchange for permitting them to establish a direct computer connection with the Federal Procurement Data System database.

DATES: *Effective Date*: December 28, 2004.

Comment Date: Interested parties should submit comments in writing on or before February 28, 2005, to be considered in the formulation of a final rule.

ADDRESSES: Submit comments, identified by GSAR Amendment 2004–04, GSAR case 2004–G509, by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

• E-mail: *gsarcase.2004–G509@gsa.gov*. Include GSAR Amendment 2004–04, GSAR case 2004–G509, in the subject line of the message.

• Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Amendment 2004–04, GSAR case 2004–G509, in all correspondence related to this case. All comments received will be posted without change to *http://www.acqnet.gov/GSAM/gsamcomments.htm*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jerry Olson at (202) 501–3221. Please cite GSAR Amendment 2004–04, GSAR case 2004–G509.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Procurement Data System (FPDS) is the primary database of the Federal Government for information relating to Federal procurement. GSA, in keeping with its vision of providing greater transparency into Government contracting, announced that it will pay the costs to provide three years of free access to the public to data in the FPDS and to provide for a reduced cost for a special direct web services connection to the database.

Following is a description of the methods the public will be able to use to get data from FPDS.

The public will have access to the FPDS data using several methods:

• A copy of data can be made available using FTP (file transfer protocol) from the FPDS web site.

• Prewritten queries (that can be customized to produce data for specified period and organizations) can be used that will produce reports.

• Ad hoc queries can be written by members of the public to produce reports on nearly any desired set of FPDS data.

• Direct web services connection can be established between a public computer and the FPDS computers to use FPDS as a data source.

The first three methods are free. This rule concerns the fee for the fourth.

This interim rule establishes the one-time hook-up fee that will be charged to individuals, companies, or organizations wishing direct web services access to the database. They will be required to pay a $2,500 fee to partially cover the cost of technical support, testing, and certification of direct integration to the FPDS web services. However, they will not be required to pay a fee for the data itself. Direct access to the database may be restricted to non-peak hours, depending on level of demand and FPDS's ability to service the demand without degradation of service to other users.

We expect only a few requests for the direct integration to the FPDS web services. We expect that nearly all of the public users will use the free data and report generation tools that will also be available. The public will use the same report generation tools as Federal employees to access the database. They will have access to the same data as Federal employees and they can generate the same reports as Federal employees, with minor exceptions. Certain data may be delayed and will not be available in real-time in order to guard against inappropriate release of data that could reveal pace of operations information.

GSA previously charged citizens a price for FPDS data, representing the costs incurred by GSA for providing the information.

This rule is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This interim rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

We certify that the amendments will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because we do not expect a substantial number of small entities to request direct web services access to the FPDS database. Nearly all public access to the FPDS database is expected to occur via the free report generation tools and free data provided by GSA. GSA will consider comments from small entities concerning the affected GSAR Subpart 504.6 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite GSAR case 2004–G509, in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim rule does not contain any information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Administrator of General Services that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This rule is necessary to establish the rate of payment for the connection fee for direct web access to the FPDS database. Access is planned to begin immediately after December 31, 2004, and there is insufficient time to obtain public comments prior to that date. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 504

Government procurement.

Dated: December 20, 2004

David A. Drabkin,

Senior Procurement Executive,General Services Administration.

■ Therefore, GSA amends 48 CFR part 504 as set forth below:

PART 504—ADMINISTRATIVE MATTERS

■ 1. The authority citation for 48 CFR part 504 continues to read as follows:

Authority: 40 U.S.C. 121(c).

■ 2. Add Subpart 504.6, consisting of section 504.602–71, to read as follows:

Subpart 504.6—Contract Reporting

Sec.

504.602–71 Federal Procurement Data System-Public Access to Data.

504.602–71 Federal Procurement Data System-Public Access to Data.

(a) *The FPDS database*. The General Services Administration awarded a contract for creation and operation of the Federal Procurement Data System (FPDS) database. That database includes information reported by departments and agencies as required by Federal Acquisition Regulation (FAR) Subpart 4.6. One of the primary purposes of the FPDS database is to provide information on Government procurement to the public.

(b) Fee for direct hook-up. To the extent that a member of the public requests establishment of real-time integration of reporting services to run reports from another application, a one-time charge of $2,500 for the original integration must be paid by the requestor. This one-time charge covers the setup and certification required for an integrator to access the FPDS database and for technical assistance to help integrators use the web services. The fee will be paid to the FPDS contractor and credited to invoices submitted to GSA by the FPDS contractor.

[FR Doc. 04–28280 Filed 12–27–04; 8:45 am]

BILLING CODE 6820–61–S

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 534

[Docket No. NHTSA 2004–19940]

RIN 2127–AG97

Fuel Economy Standards—Credits and Fines—Rights and Responsibilities of Manufacturers in the Context of Changes in Corporate Relationships

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This document establishes a new regulation governing the use of rights (credits) and liabilities (fines) under the Corporate Average Fuel Economy program in the face of changes in corporate relationships. This final rule fulfills a statutory responsibility to issue a regulation addressing these issues.

DATES: The rule is effective January 27, 2005.

Petitions for Reconsideration must be received by February 11, 2005. Petitions for reconsideration should refer to the docket and notice number of this document and be submitted to the Administrator of NHTSA 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Otto Matheke, Office of the Chief Counsel, Suite 5219, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (202–366–5263)

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I. Introduction and History

This final rule establishes a regulation governing the treatment of corporate assets and liabilities arising from the agency's Corporate Average Fuel Economy (CAFE) program in the face of changes in corporate relationships. It fulfills a statutory responsibility to define by regulation the use of CAFE credits and liabilities in light of changes in corporate structure.

In December 1975, Congress enacted the Energy Policy and Conservation Act (EPCA). The EPCA established the Corporate Average Fuel Economy (CAFE) program by adding a new Title V to the Motor Vehicle Information and Cost Saving Act. Congress has made various amendments to the fuel economy provisions since 1975, and the fuel economy provisions are now codified in Chapter 329 of Title 49 of the United States Code.

The CAFE statute requires that a manufacturer meet average fuel economy standards, as established by regulation, separately for fleets of light trucks, domestic passenger cars and imported passenger cars. A manufacturer's average fuel economy for a particular model year is calculated in accordance with 49 U.S.C. 32904. The establishment of CAFE standards and the calculation of average fuel economy is statutorily tied to ''automobiles manufactured by a manufacturer'' for any given model year. (49 U.S.C. 32902, 32904)

The statute specifically provides that, with regard to each individual fleet, a manufacturer may earn credits by exceeding the applicable standard and may use those credits, for three years forward and three years back, to offset any shortfalls in CAFE compliance applicable in a particular model year. Again the statute makes clear that the number of credits earned is tied to the volume of automobiles manufactured by the manufacturer. (49 U.S.C. 32903)

Manufacturers failing to meet the established fleet standard for a particular model year must, if they do not have credits available to offset their shortfall, pay fines to the United States Treasury. Over the history of the CAFE program, manufacturers have paid over 140 fines totaling more than $600 million. The highest fine ever paid by a single manufacturer was almost $28 million, with the average approximating $4 million.

The provisions of EPCA recognize that changes in corporate structures are common and that a ''manufacturer,'' as defined by the CAFE statute, may change in light of new corporate relationships. In 1980, Congress amended the definition of a manufacturer to explicitly contemplate corporate successors and predecessors. Congress recognized at that time that CAFE credits and responsibilities would become assets and liabilities in the course of such changes, and directed the Secretary of Transportation to promulgate regulations defining how such credits and responsibilities should be treated when corporate changes occur. (49 U.S.C. 32901(13))

The agency did not immediately move to establish the regulation Congress prescribed. Nonetheless, in 1991, the Administrator authorized the agency's Complaint Counsel to initiate an administrative complaint against the Chrysler Corporation (Chrysler). As Congress anticipated, structural corporate change gave rise to issues relating to the application of CAFE rights and responsibilities. Chrysler had purchased the assets of American Motors Company (AMC) and Chrysler had fallen short of an applicable CAFE. AMC had available credits that Chrysler wished to apply to its existing shortfall. Chrysler took the position that AMC's CAFE credits were available to the new corporate entity. Complaint Counsel disagreed and sought to impose CAFE fines for Chrysler's failure to meet the applicable CAFE standard.[1]

On January 8, 1992, an Administrative Law Judge issued an Initial Decision and Order. While expressing in dictum support for Complaint Counsel's position, the ALJ ruled that the agency could not enforce that position because it had not, as the statute anticipates, promulgated regulations in accordance with the Administrative Procedures Act. NHTSA's Administrator terminated the prosecution and directed the agency to initiate rulemaking. In an order dated March 31, 1992, NHTSA's Administrator found:

> Upon further consideration of the matters at issue in this proceeding, I have decided that NHTSA should prescribe regulations

[1] Complaint Counsel's position in the administrative proceeding was consistent with the position taken by the agency's Acting Chief Counsel in a 1990 letter to the Chrysler Corporation setting forth the agency's interpretation of the law as applied to Chrysler's acquisition of AMC. Pursuant to 49 CFR part 501.8(d)(5), the NHTSA Administrator has delegated to the Chief Counsel the authority ''to issue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.''