

§ 490.6

§ 490.6 Petitions for generally applicable rulemaking.

(a) *Right to file.* Pursuant to 42 U.S.C. 7191 and 5 U.S.C. 553(e), any person may file a petition for generally applicable rulemaking under titles III, IV, and V of the Act with the DOE General Counsel.

(b) *How to file.* A petition for generally applicable rulemaking under this section shall be filed by mail or messenger in an envelope addressed to the Office of General Counsel, GC-1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

(c) *Content of rulemaking petitions.* A petition under this section must—

(1) Be labeled “Petition for Rulemaking Under 10 CFR Part 490”;

(2) Describe with particularity the terms of the rule being sought;

(3) Identify the provisions of law that direct, authorize, or affect the issuance of the rules being sought; and

(4) Explain why DOE should not choose to make policy by precedent through interpretive rulings, petitions for exemption, or other adjudications.

(d) *Determination upon rulemaking petitions.* After considering the petition and other information deemed to be appropriate, DOE may grant the petition and issue an appropriate rulemaking notice, or deny the petition because the rule being sought—

(1) Would be inconsistent with statutory law;

(2) Would establish a generally applicable policy in an area that should be left to case-by-case determinations;

(3) Would establish a policy inconsistent with the underlying statutory purposes; or

(4) For other good cause.

§ 490.7 Relationship to other law.

(a) Nothing in this part shall be construed to require or authorize sale of, or conversion to, light duty alternative fueled motor vehicles in violation of applicable regulations of any Federal, State or local government agency.

(b) Nothing in this part shall be construed to require or authorize the use of a motor fuel in violation of applicable regulations of any Federal, State, or local government agency.

10 CFR Ch. II (1–1–05 Edition)

APPENDIX A TO SUBPART A OF PART 490—METROPOLITAN STATISTICAL AREAS/CONSOLIDATED METROPOLITAN STATISTICAL AREAS WITH 1980 POPULATIONS OF 250,000 OR MORE

Albany-Schenectady-Troy MSA NY
Albuquerque MSA NM
Allentown-Bethlehem-Easton MSA PA
Appleton-Oshkosh-Neenah MSA WI
Atlanta MSA GA
Augusta-Aiken MSA GA-SC
Austin-San Marcos MSA TX
Bakersfield MSA CA
Baton Rouge MSA LA
Beaumont-Port Arthur MSA TX
Binghamton MSA NY
Birmingham MSA AL
Boise City MSA ID
Boston-Worcester-Lawrence CMSA MA-NH-ME-CT
Buffalo-Niagara Falls MSA NY
Canton-Massillon MSA OH
Charleston MSA SC
Charleston MSA WV
Charlotte-Gastonia-Rock Hill MSA NC-SC
Chattanooga MSA TN-GA
Chicago-Gary-Kenosha CMSA IL-IN-WI
Cincinnati-Hamilton CMSA OH-KY-IN
Cleveland-Akron CMSA OH
Colorado Springs MSA CO
Columbia MSA SC
Columbus MSA OH
Columbus MSA GA-AL
Corpus Christi MSA TX
Dallas-Fort Worth CMSA TX
Davenport-Moline-Rock Island MSA IA-IL
Dayton-Springfield MSA OH
Daytona Beach MSA FL
Denver-Boulder-Greeley CMSA CO
Des Moines MSA IA
Detroit-Ann Arbor-Flint CMSA MI
Duluth MSA MN-WI
El Paso MSA TX
Erie MSA PA
Eugene-Springfield MSA OR
Evansville-Henderson MSA IN-KY
Fort Wayne MSA IN
Fresno MSA CA
Grand Rapids-Muskegon-Holland MSA MI
Greensboro-Winston Salem-High Point MSA NC
Greenville-Spartanburg-Anderson MSA SC
Harrisburg-Lebanon-Carlisle MSA PA
Hartford MSA CT
Hickory-Morganton MSA NC
Honolulu MSA HI
Houston-Galveston-Brazoria CMSA TX
Huntington-Ashland MSA WV-KY-OH
Indianapolis MSA IN
Jackson MSA MS
Jacksonville MSA FL
Johnson City-Kingsport-Bristol MSA TN-VA
Johnstown MSA PA
Kalamazoo-Battle Creek MSA MI
Kansas City MSA MO-KS

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Knoxville MSA TN
 Lakeland-Winter Haven MSA FL
 Lancaster MSA PA
 Lansing-East Lansing MSA MI
 Las Vegas MSA NV-AZ
 Lexington MSA KY
 Little Rock-N. Little Rock MSA AR
 Los Angeles-Riverside-Orange County CMSA CA
 Louisville MSA KY-IN
 Macon MSA GA
 Madison MSA WI
 McAllen-Edinburg-Mission MSA TX
 Melbourne-Titusville-Palm Bay MSA FL
 Memphis MSA TN-AR-MS
 Miami-Fort Lauderdale CMSA FL
 Milwaukee-Racine CMSA WI
 Minneapolis-St. Paul MSA MN-WI
 Mobile MSA AL
 Modesto MSA CA
 Montgomery MSA AL
 Nashville MSA TN
 New London-Norwich MSA CT-RI
 New Orleans MSA LA
 New York-N. New Jersey-Long Island CMSA NY-NJ-CT-PA
 Norfolk-Virginia Beach-Newport News MSA VA-NC
 Oklahoma City MSA OK
 Omaha MSA NE-IA
 Orlando MSA FL
 Pensacola MSA FL
 Peoria-Pekin MSA IL
 Philadelphia-Wilmington-Atlantic City CMSA PA-NJ DE-MD
 Phoenix-Mesa MSA AZ
 Pittsburgh MSA PA
 Portland-Salem CMSA OR-WA
 Providence-Fall River-Warwick MSA RI-MA
 Raleigh-Durham-Chapel Hill MSA NC
 Reading MSA PA
 Richmond-Petersburg MSA VA
 Rochester MSA NY
 Rockford MSA IL
 Sacramento-Yolo CMSA CA
 Saginaw-Bay City-Midland MSA MI
 St. Louis MSA MO-IL
 Salinas MSA CA
 Salt Lake City-Ogden MSA UT
 San Antonio MSA TX
 San Diego MSA CA
 San Francisco-Oakland-San Jose CMSA CA
 San Juan MSA PR
 Santa Barbara-Santa Maria-Lompoc MSA CA
 Scranton-Wilkes Barre-Hazleton MSA PA
 Seattle-Tacoma-Bremerton CMSA WA
 Shreveport-Bossier City MSA LA
 Spokane MSA WA
 Springfield MSA MA
 Stockton-Lodi MSA CA
 Syracuse MSA NY
 Tampa-St. Petersburg-Clearwater MSA FL
 Toledo MSA OH
 Tucson MSA AZ
 Tulsa MSA OK
 Utica-Rome MSA NY

Washington-Baltimore CMSA DC-MD-VA-WV
 West Palm Beach-Boca Raton MSA FL
 Wichita MSA KS
 York MSA PA
 Youngstown-Warren MSA OH

Subpart B [Reserved]

Subpart C—Mandatory State Fleet Program

§ 490.200 Purpose and scope.

This subpart sets forth rules implementing the provisions of Section 507(o) of the Act which requires, subject to some exemptions, that certain percentages of new light duty motor vehicles acquired for State fleets be alternative fueled vehicles.

§ 490.201 Alternative fueled vehicle acquisition mandate schedule.

(a) Except as otherwise provided in this part, of the new light duty motor vehicles acquired annually for State government fleets, including agencies thereof but excluding municipal fleets, the following percentages shall be alternative fueled vehicles for the following model years;

- (1) 10 percent for model year 1997;
- (2) 15 percent for model year 1998;
- (3) 25 percent for model year 1999;
- (4) 50 percent for model year 2000; and
- (5) 75 percent for model year 2001 and thereafter.

(b) Each State shall calculate its alternative fueled vehicle acquisition requirements for the State government fleets, including agencies thereof, by applying the alternative fueled vehicle acquisition percentages for each model year to the total number of new light duty motor vehicles to be acquired during that model year for those fleets.

(c) If the calculation performed under paragraph (b) of this section produces a number that requires the acquisition of a partial vehicle, an adjustment to the acquisition number will be made by rounding the number of vehicles down the next whole number if the fraction is less than one half and by rounding the number of vehicles up to the next whole number if the fraction is equal to or greater than one half.

(d) A State fleet that first becomes subject to this part after model year