

(ii) For light trucks manufactured in model year 2008 and beyond, for vehicles equipped with at least 3 rows of designated seating positions as standard equipment, permit expanded use of the automobile for cargo-carrying purposes or other nonpassenger-carrying purposes through the removal or stowing of foldable or pivoting seats so as to create a flat, leveled cargo surface extending from the forwardmost point of installation of those seats to the rear of the automobile's interior.

(b) An automobile capable of off-highway operation is an automobile—

(1)(i) That has 4-wheel drive; or

(ii) Is rated at more than 6,000 pounds gross vehicle weight; and

(2) That has at least four of the following characteristics (see Figure 1) calculated when the automobile is at curb weight, on a level surface, with the front wheels parallel to the automobile's longitudinal centerline, and the tires inflated to the manufacturer's recommended pressure—

(i) Approach angle of not less than 28 degrees.

(ii) Breakover angle of not less than 14 degrees.

(iii) Departure angle of not less than 20 degrees.

(iv) Running clearance of not less than 20 centimeters.

(v) Front and rear axle clearances of not less than 18 centimeters each.

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976)

[42 FR 38362, July 28, 1977, as amended at 43 FR 12013, Mar. 23, 1978; 58 FR 18029, Apr. 7, 1993; 71 FR 17676, Apr. 6, 2006; 71 FR 19450, Apr. 14, 2006]

**PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS**

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525.12 Public inspection of information.

AUTHORITY: 15 U.S.C. 2002; 49 CFR 1.50.

SOURCE: 42 FR 38376, July 28, 1977, unless otherwise noted.

**§ 525.1 Scope.**

This part establishes procedures under section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2002) for the submission and disposition of petitions filed by low volume manufacturers of passenger automobiles to exempt them from the average fuel economy standards for passenger automobiles and to establish alternative average fuel economy standards for those manufacturers.

**§ 525.2 Purpose.**

The purpose of this part is to provide content and format requirements for low volume manufacturers of passenger automobiles which desire to petition the Administrator for exemption from applicable average fuel economy standards and for establishment of appropriate alternative average fuel economy standards and to give interested persons an opportunity to present data, views and arguments on those petitions.

**§ 525.3 Applicability.**

This part applies to passenger automobile manufacturers.

**§ 525.4 Definitions.**

(a) *Statutory terms.* (1) The terms *fuel, manufacture, manufacturer, and model year*, are used as defined in section 501 of the Act.

(2) The terms *average fuel economy, fuel economy, and model type* are used as defined in 40 CFR 600.002-77.

(3) The term *automobile* means a vehicle determined by the Administrator under 49 CFR part 523 to be an automobile.

(4) The term *passenger automobile* means an automobile determined by the Administrator under 49 CFR part 523 to be a passenger automobile.

(5) The term *customs territory of the United States* is used as defined in 19 U.S.C. 1202.

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(b) *Other terms.* (1) The term *base level* and *vehicle configuration* are used as defined in 40 CFR 600.002-77.

(2) The term *vehicle curb weight* is used as defined in 40 CFR 85.002.

(3) The term *interior volume index* is used as defined in 40 CFR 600.315-77.

(4) The term *frontal area* is used as defined in 40 CFR 86.129-79.

(5) The term *basic engine* is used as defined in 40 CFR 600.002-77(a)(21).

(6) The term *designated seating position* is defined in 49 CFR 571.3.

(7) As used in this part, unless otherwise required by the context:

*Act* means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163);

*Administrator* means the Administrator of the National Highway Traffic Safety Administration;

*Affected model year* means a model year for which an exemption and alternative average fuel economy standard are requested under this part;

*Production mix* means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and

*Total drive ratio* means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

(Sec. 301, Pub. L. 94-163, 89 Stat. 871 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976; sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657))

[42 FR 38376, July 28, 1977, as amended at 44 FR 55579, Sept. 27, 1979]

### § 525.5 Limitation on eligibility.

Any manufacturer that manufactures (whether or not in the customs territory of the United States) 10,000 or more passenger automobiles in the second model year preceding an affected model year or in the affected model year is ineligible for an exemption for that affected model year.

### § 525.6 Requirements for petition.

Each petition filed under this part must—

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(a) Identify the model year or years for which exemption is requested;

(b) Be submitted not later than 24 months before the beginning of the affected model year, unless good cause for later submission is shown;

(c) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, Washington, DC 20590;

(d) Be written in the English language;

(e) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the manufacturer;

(f) Set forth in full data, views and arguments of the petitioner supporting the exemption and alternative average fuel economy standard requested by the petitioner, including the information and data specified by § 525.7 and the calculations and analyses used to develop that information and data. No documents may be incorporated by reference in a petition unless the documents are submitted with the petition;

(g) Specify and segregate any part of the information and data submitted under this part that the petitioner wishes to have withheld from public disclosure in accordance with part 512 of this chapter.

(Sec. 301, Pub. L. 94-163, 89 Stat. 871 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976; sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657))

[42 FR 38376, July 28, 1977, as amended at 44 FR 55579, Sept. 27, 1979; 46 FR 2063, Jan. 8, 1981]

### § 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragraphs (b) through (h) in its petition.

(b) Whether the petitioner controls, is controlled by, or is under common control with another manufacturer of passenger automobiles, and if so, the nature of that control relationship, and the total number of passenger automobiles manufactured by such other manufacturer or manufacturers.

(c) The total number of passenger automobiles manufactured or likely to be manufactured (whether or not in the customs territory of the United States) by the petitioner in the second model