

§ 490.6

10 CFR Ch. II (1–11 Edition)

§ 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.

§ 490.8 Replacement fuel production goal.

The goal of the replacement fuel supply and demand program established by section 502(b)(2) of the Act (42 U.S.C. 13252(b)(2)) and revised by DOE pursuant to section 504(b) of the Act (42 U.S.C. 13254(b)) is to achieve a production capacity of replacement fuels sufficient to replace, on an energy equivalent basis, at least 30 percent of motor fuel consumption in the United States by the year 2030.

[72 FR 12060, Mar. 15, 2007]

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