Department of Energy

(3) Operate by majority vote with the head of the panel casting the decisive vote in the event of a tie.

§473.24 Final action and certification by manager.

(a) Upon consideration of the recommendation of the interagency review panel and other pertinent information, the manager—

(1) Shall determine whether the research and development to be performed complies with the standards and criteria of §473.30;

(2) Shall obtain the concurrence of the DOE if the manager is not an employee of the DOE;

(3) Shall, in the event of a negative determination under this section, advise the applicant, in the case of a grant, cooperative agreement, or contract, and any interested person who filed a statement of objection; and

(4) Shall, in the event of an affirmative determination under this section, prepare a certification—

(i) Explaining the determination;

(ii) Discussing any allegedly related or comparable industrial research and development considered and deemed to be an inadequate basis for not certifying the grant or contract;

(iii) Discussing issues regarding cost sharing and patent rights related to the standards and criteria of §473.30 of these regulations; and

(iv) Discussing any other relevant issue.

(b) After complying with paragraph (a) of this section, the manager shall sign the certification and distribute copies to the applicant, if any, and any interested person who filed a statement of objections—

(1) Immediately in the case of a DOE or agency project; and

(2) After the agreement has been negotiated in the case of a grant, cooperative agreement, or contract.

§473.25 Reviewability of certification.

Any certification issued under these rules is—

(a) Subject to disclosure under 5 U.S.C. 552 (1970) and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5918 (1970); (b) Subject neither to judicial review nor to the provisions of 5 U.S.C. 551–559 (1970), except as provided under paragraph (a) of this section; and

(c) Available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

§473.30 Standards and criteria.

Research and development to be performed under a grant, under a cooperative agreement, under a contract, as a DOE project, or as an agency project under the Act may be certified under these regulations only if the research and development to be conducted—

(a) Supplements the automotive propulsion system research and development efforts of industry or any other private researcher;

(b) Is not duplicative of efforts previously abandoned by private researchers unless there has been an intervening technological advance, promising conceptual innovation, or justified by other special consideration;

(c) Would not be performed during the annual funding period but for the availability of the Federal funding being sought;

(d) Is likely to produce an advanced automobile propulsion system suitable for steps toward technology transfer to mass production in a shorter time period than would otherwise occur;

(e) Is not technologically the same as efforts by any person conducted previously or to be conducted during the annual funding period regarding a substantially similar advanced automobile propulsion system; and

(f) Is not likely to result in a decrease in the level of private resources expended on advanced automotive research and development by substituting Federal funds without justification.

PART 474—ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOP-MENT, AND DEMONSTRATION PROGRAM; PETROLEUM-EQUIVA-LENT FUEL ECONOMY CALCULA-TION

Sec.

- 474.1 Purpose and scope.
- 474.2 Definitions.
- 474.3 Petroleum-equivalent fuel economy calculation.
- 474.4 Test procedures.
- 474.5 Review and update.
- APPENDIX TO PART 474—SAMPLE PETROLEUM-EQUIVALENT FUEL ECONOMY CALCULA-TIONS

AUTHORITY: 49 U.S.C. 32901 et seq.

SOURCE: 65 FR 36991, June 12, 2000, unless otherwise noted.

§474.1 Purpose and Scope.

This part contains procedures for calculating a value for the petroleumequivalent fuel economy of electric vehicles, as required by 49 U.S.C. 32904(a)(2). The petroleum-equivalent fuel economy value is intended to be used by the Environmental Protection Agency in calculating corporate average fuel economy values pursuant to regulations at 40 CFR Part 600—Fuel Economy of Motor Vehicles.

§474.2 Definitions.

For the purposes of this part, the term:

Combined energy consumption value means the weighted average of the Urban Dynamometer Driving Schedule and the Highway Fuel Economy Driving Schedule energy consumption values (weighted 55/45 percent, respectively), as determined by the Environmental Protection Agency in accordance with 40 CFR parts 86 and 600.

Electric vehicle means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided that:

(1) Recharge energy must be drawn from a source off the vehicle, such as residential electric service; and

(2) The vehicle must comply with all provisions of the Zero Emission Vehicle definition found in 40 CFR 88.104-94(g).

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Highway Fuel Economy Driving Schedule energy consumption value means the average number of watt-hours of electrical energy required for an electric vehicle to travel one mile of the Highway Fuel Economy Driving Schedule, as determined by the Environmental Protection Agency.

Petroleum equivalency factor means the value specified in \$474.3(b) of this part, which incorporates the parameters listed in 49 U.S.C. 32904(a)(2)(B)and is used to calculate petroleumequivalent fuel economy.

Petroleum-equivalent fuel economy means the value, expressed in miles per gallon, that is calculated for an electric vehicle in accordance with §474.3(a) of this part, and reported to the Administrator of the Environmental Protection Agency for use in determining the vehicle manufacturer's corporate average fuel economy.

Petroleum-powered accessory means a vehicle accessory (e.g., a cabin heater, defroster, and/or air conditioner) that:

(1) Uses gasoline or diesel fuel as its primary energy source; and

(2) Meets the requirements for fuel, operation, and emissions in 40 CFR part 88.104-94(g).

Urban Dynamometer Driving Schedule energy consumption value means the average number of Watt-hours of electrical energy required for an electric vehicle to travel one mile of the Urban Dynamometer Driving Schedule, as determined by the Environmental Protection Agency.

§474.3 Petroleum-equivalent fuel economy calculation.

(a) The petroleum-equivalent fuel economy for an electric vehicle is calculated as follows:

(1) Determine the electric vehicle's Urban Dynamometer Driving Schedule energy consumption value and the Highway Fuel Economy Driving Schedule energy consumption value in units of Watt-hours per mile;

(2) Determine the combined energy consumption value by averaging the Urban Dynamometer Driving Schedule energy consumption value and the Highway Fuel Economy Driving Schedule energy consumption value using a weighting of 55 percent urban/45 percent highway; and