regulatory objectives. In addition, agencies shall seek to harmonize Federal regulatory actions with regulated state, local and tribal regulatory and other governmental functions." Executive Order 12875 ("Enhancing Intergovernmental Partnership"), 58 FR 58093 (October 26, 1993) provides for reduction or mitigation, to the extent allowed by law, of the burden on State, local, and tribal governments of unfunded Federal mandates not required by statute.

Section 507(o) of the Act explicitly prescribes the alternative fueled vehicle acquisition mandate which is reflected in subpart C of today's proposed regulations, but does not specifically authorize appropriation of funds to defray the costs of compliance. However, it is important to observe that the effect of the mandate is mitigated in terms of its impacts and costs in a number of respects.

First, section 507(o) authorizes approval of acceptable alternative State plans to comply with the acquisition mandate by enlisting the voluntary commitments from other fleet operators with fleets that are not subject to vehicle acquisition requirements under the Energy Policy Act of 1992. Second, section 507(i) authorizes the Department to grant exemptions from vehicle acquisition requirements for States in cases of financial hardship. Third, Congress has authorized and appropriated some fiscal year 1994 and fiscal year 1995 funds for financial assistance to State alternative fuel transportation programs some of which may include plans to fund the incremental costs of acquiring alternative fueled vehicles. Section 409 of the Act specifically authorizes financial assistance to States for this purpose. However, the funds, even if exclusively used to pay for such incremental costs, may not be sufficient to fund all such costs incurred by each State annually.

The Department preliminarily estimates that, in the aggregate, the costs to States in model year 1996 will be between \$3.3 million and \$7.4 million. The annual aggregate costs should never exceed \$13 million in FY 1995 dollars. A copy of the analysis which includes these figures is in the public file in the DOE Freedom of Information Reading Room and is available upon request from the information contact identified at the outset of this notice. The Department does not have estimates for each State. The Department would welcome comments from State financial officials knowledgeable about near term State plans for replacing existing vehicles so that DOE can refine its

estimates of incremental costs attributable solely to the section 507(o) mandate.

In developing today's notice of proposed rulemaking, the Department consulted with a focus group of State officials from the National Association of State Energy Officials which represents energy offices in 53 States, territories and the District of Columbia. The principal concern expressed by some of these officials was conflict between the DOE program and similar programs operating under EPA or State regulations. With respect to EPA, DOE has attempted to avoid unnecessary differences between its proposed regulations and those already promulgated by EPA. When asked for comments on a draft of today's notice, EPA did not suggest any changes to eliminate or mitigate unnecessary differences.

Earlier in this notice, DOE noted that the overlap between the proposed regulations and the EPA regulations is limited because the DOE program would apply in MSAs and CMSAs with a 1980 Bureau of Census population of 250,000 or more and the EPA program applies only in non-attainment areas. EPA has published a table, 59 FR 50043, listing the 22 non-attainment areas as follows:

# STATES AND AREAS AFFECTED BY THE CLEAN FUEL FLEET PROGRAM

Affected area	State(s)
1. Atlanta	Georgia. Maryland.
3. Baton Rouge	Louisiana.
4. Beaumont-Port Arthur	Texas.
<ol> <li>Boston-Lawrence- Worcester (Eastern Mas- sachusetts).</li> </ol>	Massachusetts, New Hamp- shire.
6. Chicago-Gary-Lake	Illinois, Indiana.
County.	minois, maiana.
7. Denver-Boulder	Colorado.
8. El Paso	Texas.
9. Greater Connecticut	Connecticut.
<ol><li>Houston-Galveston- Brazoria.</li></ol>	Texas.
11. Los Angeles-South Coast Air Basin.	California.
12. Milwaukee-Racine	Wisconsin.
13. New York-Northern	Connecticut,
New Jersey-Long Island.	New Jersey, New York.
<ol> <li>Philadelphia-Wilming- ton-Trenton.</li> </ol>	Delaware, Mary- land, New Jer sey, Penn- sylvania.
15. Providence (All Rhode Island).	Rhode Island.
16. Sacramento Metro	California.
17. San Diego	California.
18. San Joaquin Valley	California.
<ol> <li>Southeast Desert Modified AQMA.</li> </ol>	California.
20. Springfield (Western	Massachusetts.

Massachusetts).

STATES AND AREAS AFFECTED BY THE CLEAN FUEL FLEET PROGRAM—Continued

Affected area	State(s)
21. Ventura County	California. Maryland, Vir- ginia.

As indicated above, 11 of these 22 areas have applications to opt out of the EPA Clean Fuel Fleet Program which are still pending as of the date of publication of this notice.

With respect to the State programs, DOE is unaware of any that would be in conflict with the program proposed today. If DOE has overlooked any such conflicts, State officials are invited to submit comments explaining the conflicts.

# List of Subjects in 10 CFR Part 490

Appeal procedures, Energy, Energy conservation, Fuel, Gasoline, Motor vehicles, Oil imports, Petroleum, Recordkeeping and Reporting requirements, and Utilities.

Issued in Washington, D.C. on February 2, 1995.

## Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the Preamble, Title 10, Chapter II, Subchapter D, of the Code of Federal Regulations is proposed to be amended by adding a new Part 490 as set forth below:

# PART 490—ALTERNATIVE FUEL TRANSPORTATION PROGRAM

### Subpart A—General Provision

Sec

§ 490.1 Purpose and Scope.

§ 490.2 Definitions.

§ 490.3 Excluded vehicles.

§ 490.4 General information inquiries.

§ 490.5 Requests for an interpretive ruling.

§ 490.6 Petitions for general applicable rulemaking.

§ 490.7 Relationship to other law.

Appendix A to Subpart A of Part 490— Metropolitan Statistical Areas/Consolidated Metropolitan Statistical Areas with 1980 Populations of 250,000 or More

# Subpart B—[Reserved]

#### Subpart C—Mandatory State Fleet Program

§ 490.200 Purpose and scope.

§ 490.201 Alternative fueled vehicle acquisition mandate schedule.

§ 490.202 Acquisitions satisfying the mandate.

§ 490.203 Light Duty Alternative Fueled Vehicle plan.

§ 490.204 Process for granting exemptions.

§ 490.205 Reporting requirements.

§ 490.206 Violations.