government authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck or ambulance.

Fleet means, except as provided by § 490.3, a group of 20 or more light duty motor vehicles, used primarily in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census as of December 31, 1992, with a 1980 Census population of more than 250,000 (listed in Appendix A to this Subpart or in an annual notice in the **Federal Register**), that are centrally fueled or capable of being centrally fueled, and are owned, operated, leased, or otherwise controlled-

- (1) By a person who owns, operates, leases, or otherwise controls 50 or more light duty motor vehicles within the United States and its possessions and territories:
- (2) By any person who controls such
- (3) By any person controlled by such person; and

(4) By any person under common control with such person.

Law Enforcement Motor Vehicle means any vehicle which is primarily operated by a civilian or military police officer or sheriff, or by personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the Federal government, or by state highway patrols, municipal law enforcement, or other similar enforcement agencies, and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.

Lease means the use and control of a motor vehicle for transportation purposes pursuant to a rental contract or similar arrangement with a term of 120 days or more.

*Light Duty Motor Vehicle* means a light duty truck or light duty vehicle, as such terms are defined under section 216(7) of the Clean Air Act (42 U.S.C. § 7550(7)), having a gross vehicle weight rating of 8,500 pounds or less.

*Model Year* means the period from September 1 of the previous calendar

year through August 31.

*Motor Vehicle* has the meaning given such term under section 216(2) of the Clean Air Act (42 U.S.C. 7550(2)).

Original Equipment Manufacturer means a manufacturer that provides the original design and materials for assembly and manufacture of its product.

Original Equipment Manufacturer Vehicle means a vehicle engineered, designed and produced by an Original Equipment Manufacturer.

Person means any individual, partnership, corporation, voluntary association, joint stock company, business trust, Governmental entity, or other legal entity in the United States except United States Government entities.

Public Building means any closed structure owned, leased, or controlled by a state, or any instrumentality of a state.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

## § 490.3 Excluded vehicles.

When counting light duty motor vehicles for the purpose of determining under this part whether a person has a fleet or whether acquisitions are for addition to a fleet, the following vehicles are excluded-

- (a) Motor vehicles held for lease or rental to the general public, including vehicles that are owned or controlled primarily for the purpose of short-term rental or extended-term leasing, without a driver, pursuant to a contract;
- (b) Motor vehicles held for sale by motor vehicle dealers, including demonstration motor vehicles;
- (c) Motor vehicles used for motor vehicle manufacturer product evaluations or tests, including but not limited to, light duty motor vehicles owned or held by a university research department, independent testing laboratory, or other such evaluation facility, solely for the purpose of evaluating the performance of such vehicle for engineering, research and development or quality control reasons;
  - (d) Law enforcement vehicles:
  - (e) Emergency motor vehicles;
- (f) Motor vehicles acquired and used for purposes that the Secretary of Defense has certified to DOE must be exempt for national security reasons;
- (g) Nonroad vehicles, including farm and construction motor vehicles; and
- (h) Motor vehicles which under normal operations are garaged at personal residences at night.

## § 490.4 General information inquiries.

DOE responses to inquiries with regard to the provisions of this part that are not filed in compliance with §§ 490.5 or 490.6 of this part constitute general information and the responses provided shall not be binding on DOE.

## § 490.5 Requests for an interpretive ruling.

- (a) Right to file. Any person who is or may be subject to this part shall have the right to file a request for an interpretive ruling on a question with regard to how the regulations apply to particular facts and circumstances.
- (b) How to file. A request for an interpretive ruling shall be filed-
- (1) With the Assistant Secretary; (2) In an envelope labeled "Request for Interpretive Ruling under 10 ČFR Part 490;" and
- (3) By messenger or mail at the Office of Energy Efficiency and Renewable Energy, EE-33, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 or at such other address as DOE may provide by notice in the Federal Register.
- (c) Content of request for interpretive ruling. At a minimum, a request under this section shall-
  - (1) Be in writing;
- (2) Be labeled "Request for Interpretive Ruling Under 10 CFR Part 490;
- (3) Identify the name, address, telephone number, and any designated representative of the person requesting the interpretive ruling;
- (4) State the facts and circumstances relevant to the request;
- (5) Be accompanied by copies of relevant supporting documents, if any;
- (6) Specifically identify the pertinent regulations and the related question on which an interpretive ruling is sought with regard to the relevant facts and circumstances; and
- (7) Contain any arguments in support of the terms of an interpretation the requester is seeking.
- (d) Public comment. DOE may give public notice of any request for an interpretive ruling and invite public comment.
- (e) Opportunity to respond to public comment. DOE may provide an opportunity for any person who requested an interpretive ruling to respond to public comments.
- (f) Other sources of information. DOE may
- (1) Conduct an investigation of any statement in a request;
- (2) Consider any other source of information in evaluating a request for an interpretive ruling; and
- (3) Rely on previously issued interpretive rulings dealing with the same or a related issue.
- (g) Informal conference. DOE, on its own initiative, may convene an informal conference with the person requesting an interpretive ruling.
- (h) Effect of an interpretive ruling. The authority of an interpretive ruling shall be limited to the person requesting