

# Rules and Regulations

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### 10 CFR Part 490

#### Alternative Fuel Transportation Program; Emergency Exemption

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of availability of "Documentation Guidelines for Emergency Repair and Restoration Vehicle Exclusions."

**SUMMARY:** This notice announces the availability of a Department of Energy (DOE) document that provides guidelines to fleets covered under 10 CFR part 490 for submission of documentation for exclusion of vehicles directly used in the emergency repair or restoration of electricity service following power outages.

**ADDRESSES:** U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Office of FreedomCAR and Vehicle Technologies, EE-2G, 1000 Independence Avenue, SW., Washington, DC 20585-0121.

The entire document with complete instructions for interested parties, "Documentation Guidelines for Emergency Repair and Restoration Vehicle Exclusions," may be found at the Web site address [http://www.eere.energy.gov/vehiclesandfuels/epact/state/state\\_resources.shtml](http://www.eere.energy.gov/vehiclesandfuels/epact/state/state_resources.shtml).

**FOR FURTHER INFORMATION CONTACT:** Linda Bluestein on (202) 586-6116 or [linda.bluestein@ee.doe.gov](mailto:linda.bluestein@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** Section 707 of the Energy Policy Act of 2005 (Pub. L. 109-58) amended the list of excluded vehicles in section 301(9) of the Energy Policy Act of 1992 (Pub. L. 102-486, 42 U.S.C. 13211(9)) to add a new category of vehicles. Excluded

vehicles are not counted when determining if an entity is covered and also are not counted when determining a covered entity's annual alternative fueled vehicle acquisition requirements. The vehicles excluded by this amendment are "\* \* \* vehicles directly used in the emergency repair of transmission lines and in the restoration of electricity service following power outages \* \* \*."

Written requests for exclusion will be evaluated by DOE and considered on a case-by-case basis. Under this process, the requesting entity must justify that its vehicles are used directly in repair/restoration activities. DOE's review is expected to take no more than 45 days from the time sufficient information is provided to make a decision. Based upon DOE's decision, the requesting party will know how many vehicles it can then exclude (subtract) from its covered light-duty vehicle count, which is used to calculate its annual requirements.

Issued in Washington, DC, on November 17, 2005.

**Douglas L. Faulkner,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

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## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 106

#### RIN 3245-AF37

#### Cosponsorships, Fee and Non-Fee Based SBA-Sponsored Activities, and Gifts

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** The Small Business Reauthorization and Manufacturing Assistance Act of 2004 requires the U.S. Small Business Administration (SBA or Agency) to promulgate regulations to carry out the Agency's statutory authority to provide assistance for the benefit of small business through activities sponsored with outside entities (for-profit and not-for-profit entities and Federal, state and local government officials or entities) as well as activities solely sponsored by SBA. This final rule implements that

authority and sets forth minimum requirements for these activities as well as the Agency's solicitation and acceptance of gifts.

**DATES:** This rule is effective on November 23, 2005.

**FOR FURTHER INFORMATION CONTACT:** Robert Gangwere, Deputy General Counsel, (202) 205-6642.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On July 11, 2005, SBA published a proposed rule in the **Federal Register**, 70 FR 39667, to solicit comments on its proposal to promulgate regulations required by the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (reauthorization Act), signed into law on December 8, 2004. Pub. L. 108-447, Division K, 118 Stat. 2809-644 (2004). The statute reauthorized SBA's cosponsorship authority, provided SBA with authority to conduct and charge fees for certain SBA-sponsored activities (Fee Based SBA-Sponsored Activities), and expanded SBA's authority to use certain gift funds for marketing and outreach activities. The statute also made significant changes to the approval process for outreach activities and gift acceptance. With this new authority added to its continuing authority under section 8(b)(1)(a) of the Small Business Act, the Agency has three major vehicles by which it may provide information, training, and/or conduct marketing and outreach for the benefit of or to small businesses: Cosponsored Activities, Fee Based SBA-Sponsored Activities, and Non-Fee Based SBA-Sponsored Activities.

To facilitate these activities and to implement the recent statutory changes, SBA proposed adding part 106 to title 13 of the Code of Federal Regulations. The proposed regulations defined each of these vehicles and set forth the minimum requirements applicable to each. In addition, the proposed regulations set forth minimum requirements and the conflict of interest authority for solicitation and acceptance of gifts under certain Agency gift authorities.

##### B. Discussion of Comments

These rules were published as proposed rules on July 11, 2005 in the **Federal Register**, (70 FR 39667-39672). Comments were solicited in that