DOE Proposes Rule Under Section 133 of the Energy Independence and Security Act

The U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) under Section 133 of the Energy Independence and Security Act of 2007 (EISA). The official NOPR appears in the October 31, 2011, Federal Register at *http://www.gpo.gov/fdsys/pkg/FR-2011-10-31/pdf/2011-26761.pdf*

DOE is proposing credit allocation levels for electric drive vehicles that do not otherwise qualify as alternative fuel vehicles. *Photo by Pat Corkery, NREL/PIX 18150*

Impact of the NOPR

The NOPR focuses on Section 133 of EISA, which directs DOE to allocate credits to covered fleets that acquire various types of electric drive vehicles, and that invest in emerging technologies related to those vehicles, qualified alternative fuel infrastructure, and nonroad equipment. Some of the vehicles Section 133 identifies meet the Energy Policy Act (EPAct) definition of AFV already and so are entitled to credit. DOE proposes credit allocations for covered fleets that acquire Section 133–identified vehicles that do not already qualify as AFVs, and for fleets that make the qualified investments.

Proposed Credits and Changes

DOE proposes the following credit allocation levels under the program's Standard Compliance mechanism for vehicles that do not otherwise qualify as AFVs:

- Hybrid electric vehicle: one-half credit
- Plug-in electric drive vehicle: one-half credit
- Fuel cell electric vehicle: one-half credit
- Neighborhood electric vehicle: one-fourth credit.

Section 133–identified vehicles that qualify as AFVs (e.g., battery electric vehicles) already are entitled to and receive one AFV credit. DOE maintains that non-AFVs should not receive as much credit as AFVs because they do not achieve as great an effect as do AFVs toward EPAct's petroleum replacement goal.

DOE proposes to allocate one-half credit for the acquisition of a medium- or heavy-duty electric vehicle that does not otherwise qualify as an AFV, and credit for investments in qualified alternative fuel infrastructure (i.e., fueling or charging stations), alternative fuel nonroad equipment (e.g., mobile construction or material/cargo handling equipment), and emerging technologies (i.e., preproduction electric drive vehicles), with one credit for every $25,000 invested.

DOE also proposes modifications to the use of program credits, the exemption process, the Alternative Compliance option, and other amendments and provisions to make the program regulations clearer.

Public Participation

Comments on the NOPR are due December 30, 2011. Identify all comments by Docket ID No. EERE-2011-OT-0066 and submit through one of these methods:

1. Federal eRulemaking Portal at *http://www.regulations.gov*
2. Email at *regulatory.info@nrel.gov*
3. Mail or deliver eight copies to:

   U.S. Department of Energy
   Office of Energy Efficiency and Renewable Energy
   EE–2G, RIN 1904–AB81
   1000 Independence Avenue, SW
   Washington, DC 20585–0121.

Prepared by the National Renewable Energy Laboratory (NREL), a national laboratory of the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy; NREL is operated by the Alliance for Sustainable Energy, LLC.

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