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**Standby Conservation Plan No. 1:
Emergency Weekend Gasoline
Sales Restrictions.**

February 1979

U.S. Department of Energy
Economic Regulatory Administration
Office of Regulations and Emergency Planning

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U.S. Department of Energy
Economic Regulatory Administration
Office of Regulations and Emergency Planning
Washington, D.C.

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EMERGENCY WEEKEND GASOLINE SALES RESTRICTIONS

Prepared by the Department of Energy and transmitted by the President to the Senate and the House of Representatives in Congress assembled, pursuant to the provisions of sections 6261, 6262, 6393(a) and 6422(a) of Title 42 of the United States Code.

CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President:

(1) has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program; and

(2) has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

DEFINITIONS

Section 2. As used in this Plan:

- (a) "Combination" means a truck-tractor plus truck-trailer.
- (b) "Commercial aircraft" means only aircraft for which either a commercial pilot's or an airline transport pilot's certificate, as defined in the Federal Aviation Regulations, Part 61, Section 61.139 and 61.171 are required for the pilot in command.
- (c) "Commercial marine craft" means a vessel designed and used primarily for commercial activities as evidenced by a Federal, State or local registration document, insurance document or the presence of commercial equipment or cargo.
- (d) "Diesel fuel" means No. 2-D diesel fuel as defined in American Society of Testing and Materials (ASTM) D975-71 and No. 1-D diesel fuel as defined in ASTM D975-71. Excluded from the definition is No. 4-D diesel fuel as defined in ASTM D975-71.
- (e) "DOE" means Department of Energy.
- (f) "Emergency vehicle" means a motor vehicle equipped and used for law enforcement, emergency road service, fire fighting, emergency medical and health services (including private vehicles used for health services upon presentation of a statement of need from a licensed practitioner or health care institution) or emergency utility service.

(g) "Energy production vehicle" means any vehicle engaged in the exploration, drilling, mining, refining, processing, production or distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, shale oil, nuclear fuels and electrical energy.

(h) "Federal, State and local motor vehicle" means a motor vehicle owned by or under lease to the Federal government, a State government or a local unit of government.

(i) "Gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390°F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

(j) "Gross vehicle weight (GVW)" means the empty weight of the motor vehicle ready for the road with fuel and driver plus the weight of the heaviest load which the motor vehicle is licensed or registered to carry.

(k) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(l) "Heavy construction equipment" means a motor vehicle such as a crane, backhoe, or grader which is designed and used primarily as equipment for hoisting, digging, or grading in construction.

(m) "Heavy farm equipment" means a motor vehicle such as a tractor, harvester, or mowing machine which is designed and used primarily as farm equipment in agricultural production.

(n) "In charge of" means to have the care or custody of, or to be entrusted with the management, administration or direction of.

(o) "Motor vehicle" means every device which is self-propelled and equipped with driver controls in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(p) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a retail filling station.

(q) "Owner" means the person in whom is vested legal title.

(r) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, the United States or any State or political subdivision thereof, the District of Columbia,

Puerto Rico, any U.S. territory or possession, or any agency of the United States or any State or political subdivision thereof, or any other organization or institution.

(s) "Restricted hours" is the period of time between Friday noon and midnight Sunday, or any hours within such period as are established by the Secretary.

(t) "Retail filling station" means a station which purchases diesel fuel or gasoline in bulk for distribution of all or some portion of such supplies to the ultimate consumer. Included are stations which pump diesel fuel or gasoline primarily for marine vessels or aircraft. Excluded are gasoline or diesel fuel stations which are operated exclusively to pump gasoline or diesel fuel for the fleets of companies.

(u) "Secretary" means the Secretary of Energy or his delegate.

(v) "Single unit truck" means a truck on which the primary cargo space is permanently affixed.

(w) "Taxicabs, limousines, buses and other commercial passenger carriers for hire" means passenger carriers for hire which are registered as such at the Federal, State or local level.

(x) "Truck" means a motor vehicle designed and maintained primarily for the transportation of property.

(y) "Truck-tractor" means the power unit designed for drawing and/or supporting a truck-trailer.

(z) "Truck-trailer" means a vehicle with or without auxiliary motor power designed to be drawn by a truck or truck-tractor.

EMERGENCY WEEKEND RESTRICTIONS

Section 3. (a) The owner of a retail filling station shall not sell or otherwise transfer gasoline or diesel fuel during restricted hours.

(b) Notwithstanding the provisions of subsection (a) of this section, during restricted hours, the owner of a retail filling station may:

(1) sell diesel fuel to trucks;

(2) sell gasoline to single unit trucks with six tires or more in contact with the road surface and/or with a gross vehicle weight or gross vehicle weight rating of 10,000 pounds or more, or combinations; and

(3) sell gasoline or diesel fuel to:

(A) emergency vehicles;

(B) vehicles operated pursuant to certificates and permits issued by the Interstate Commerce Commission;

(C) taxicabs, limousines, buses and other commercial passenger carriers for hire;

(D) Federal, State and local motor vehicles;

- (E) heavy construction and farm equipment;
- (F) commercial marine craft;
- (G) commercial aircraft;
- (H) energy production vehicles;
- (I) such other vehicle classification as the Secretary may determine.

REPORTS AND RECORDKEEPING

Section 4. (a) The owner of a retail filling station shall, for such retail filling station, complete and post in a prominent location of the station, within 30 days after the effective date of this Plan, and shall update at such times as the Secretary may require, a Self-Certification Form which shall indicate compliance with the requirements of this Plan, in accordance with forms and instructions provided by the Secretary.

(b) In addition to the Self-Certification Form, the owner of a retail filling station shall keep such records and in such form, and shall submit reports and other information, as the Secretary may require.

OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a retail filling station is not the operator of such retail filling station, the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

RELATION TO STATE LAW

Section 6. (a) This Plan shall apply in every State (including the District of Columbia, Puerto Rico, or any territory or possession of the United States) and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, the President or his delegate may, on his own initiative or in response to a request for exemption, exempt a State or political subdivision thereof from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which

(1) the President or his delegate determines a comparable program of such State or political subdivision is in effect, or (2) the President or his delegate finds special circumstances exist in such State or political subdivision.

(c) A State which seeks an exemption for itself or a political subdivision thereof on the ground that a comparable program is in effect shall submit to the Secretary a request for exemption which shall include: (1) a full description of the comparable program, (2) the amount of energy which such program will conserve, (3) the period of time during which such program will be in effect, and (4) such other information as the Secretary may require, and the Secretary shall review the request and make a recommendation thereon to the President or his delegate.

(d) A State which seeks an exemption for itself or a political subdivision thereof on the ground that special circumstances exist shall submit to the Secretary a request for exemption which shall include (1) a full description of the special circumstances, (2) a detailed explanation of why implementation of this Plan, in whole or in part, is not practicable, (3) an estimation of the period of time in which the special circumstances will exist, (4) any alternative energy conservation measures which may be practicable and their expected savings, and (5) such other information as

the Secretary may require, and the Secretary shall review the request and make a recommendation thereon to the President or his delegate.

(e) For purposes of this section, "comparable program" means a mandatory program which deals with the same subject matter as this Plan, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

ADMINISTRATIVE PROVISIONS

Section 7. (a) The Secretary is authorized and directed to implement, administer (including determination of exceptions), monitor and enforce this Plan, and to promulgate such additional rules, regulations or orders as are necessary or appropriate.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6393) shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in Section 551(4) of Title 5, United States Code, issued under this Plan.

(c) The Secretary may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to the Governor of any State, as he deems appropriate.

PUBLIC INFORMATION

Section 8. The Secretary may collect and disseminate such information in accordance with current law and policy, as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

PENALTIES

Section 9. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in sections 524 and 525 of the Energy Policy and Conservation Act (42 U.S.C. 6394).

REPORT

Section 10. The Secretary shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Secretary.

STATEMENT OF THE NEED FOR, RATIONALE
AND OPERATION OF THE PLAN

Need for the Plan

The Emergency Weekend

Gasoline Sales Restrictions Plan is intended for implementation in the event of a severe energy supply interruption or in order to fulfill obligations of the United States under the International Energy Program ("IEP"). An interruption of a significant portion of the United States' foreign oil supply could produce an energy crisis of even greater severity than that produced by the 1973-1974 oil embargo. At the time of that embargo, the Nation's inability to import sufficient quantities of oil resulted in an estimated \$10 to \$20 billion decline in gross national product and considerable economic and social disruption. Imports now exceed eight million barrels per day, and although domestic production increased from 1977-1978, it is still lower than in 1973. At the present time the United States imports, at an annual rate, almost 50 percent of domestic petroleum requirements, compared with less than 35 percent just prior to the 1973-1974 embargo. Thus, the Nation is in some respects more vulnerable to an interruption in foreign oil supply today than just five years ago.

Under the IEP, in an embargo or shortage situation in which only one or a few member nations lose more than seven percent of normal petroleum requirements, the targeted country or countries must absorb any shortfall up to seven percent. The other member nations would share the remaining shortfall among themselves. In the event of a widespread shortage, in which all oil-consuming countries sustain a reduction of not more than seven percent of the normal petroleum consumption rate, each participating country must absorb the shortfall itself. If the shortfall exceeds seven percent but is less than twelve percent, each member must reduce consumption by seven percent; the remaining shortfall would be shared proportionately among all countries according to the IEP sharing formula. If oil supplies should fall short by twelve percent or more, each participating country must restrain demand by ten percent and share whatever oil is still available with other member nations.

As a participant in the IEP, the United States has pledged to comply with its emergency provisions, whereby each member must have ready a program of contingency demand restraint measures which would be sufficient to reduce demand for oil by seven percent and ten percent of normal consumption. These measures would likely be implemented in conjunction with storage drawdown in case of an emergency, although the IEP agreement allows signatory countries to substitute drawdown of storage for use of demand restraint measures.

In the event of a severe petroleum shortage, three types of actions are available to alleviate the adverse impact: actions to increase domestic petroleum supplies and use alternative forms of energy; actions to distribute the available supply in an equitable manner; and actions to reduce public and private demand for energy. The authorities available to the President and other public officials for taking such actions comprise the basis of the country's energy shortfall management program. The need for energy conservation contingency plans should be viewed in the context of the actions described below.

(1) Increase domestic petroleum supplies and use alternative forms of energy.

The following is a discussion of several of the primary means available to the United States to increase petroleum supplies or substitute other forms of energy for petroleum on an emergency basis. In a serious emergency, the Federal government would aggressively pursue some or all of these options.

(a) Increase domestic petroleum production.

In general the United States does not have in place substantial excess crude oil production capacity and therefore is unable to increase domestic production by significant amounts during an emergency. However, some flexibility in domestic production does exist, and steps will be taken to assure that production is maximized during an emergency. Important to this effort is the need to provide adequate price

incentives during periods of relatively abundant supplies to assure that new reserves are discovered and developed, that enhanced oil recovery projects are undertaken, and that the production decline rate from existing wells is slowed and production is maintained as long as possible. In addition, in an emergency, section 106 (42 U.S.C. 6214) of the Energy Policy and Conservation Act ("EPCA") (Pub. L. 94-163) authorizes the President to require production of petroleum or natural gas at or in excess of the maximum efficient rate.

(b) Draw down existing inventories.

During periods of normal supply the Nation has in inventory at various levels of distribution supplies of crude oil and refined petroleum products adequate to meet total national demand for several days. Much of this total inventory is necessary to maintain the supply system in normal operation (for example, oil pipelines must be kept full for their efficient operation), but in general stocks are usually adequate to provide for shortfalls of limited duration without any interruption of supply to consumers. At the beginning of January 1979, for example, crude oil stocks were estimated to be sufficient to deal with a crude oil shortfall of about 500,000 barrels a day for 60 days before reaching the level where refinery runs would have to be significantly curtailed.

Provisions of the Standby Petroleum Product Price and Allocation Regulations recently adopted by the Department of Energy (44 F.R. 3978, January 18, 1979) provide regulatory

means by which stock levels can be properly managed in anticipation of and during a supply interruption. They provide that the Department can update allocation base periods to reflect the most recent 12-month period of normal supplies prior to the supply emergency, thus preventing purchasers from drawing upon outdated and unneeded supply entitlements, and they allow the imposition of a mandatory allocation fraction on all suppliers in anticipation of a shortage that will result in the building of inventories to desired levels.

(c) Draw down strategic petroleum reserves.

The Strategic Petroleum Reserve (SPR) authorized in Title I of the EPCA is scheduled to reach 750 million barrels in the 1985-1986 time period. As of the end of February 1979, 76 million barrels of crude oil will be in underground storage, and the Department of Energy plans to have 248 million barrels in storage by May 1980. Initial withdrawal capability will be in place by September 1979 and can be put in place sooner if necessary.

(d) Increase use of coal and other alternate fuels.

The Powerplant and Industrial Fuel Use Act of 1978 provides the President with emergency authority to ban the use of petroleum or natural gas as boiler fuel in an electric powerplant or other major fuel-burning installation capable of using coal or another alternate fuel. This Act also gives the President the authority to allocate coal as necessary.

Emergency suspensions of air quality standards, also authorized by this law, would enable some expedited conversion from petroleum to coal during an emergency. Another way in which coal or other alternate fuels can be useful in a petroleum shortage involves the transfer of electricity through transmission lines from coal burning or other alternate fuel powerplants (including nuclear plants) to utilities which burn oil.

(e) Increase use of natural gas.

The Natural Gas Policy Act eliminated the pricing distinction between the intrastate and the interstate gas markets. As a result of this action and other factors, gas supplies are relatively abundant and are available for use as substitutes for middle distillates and residual fuel oil in many markets. Propane, incremental supplies of which are derived from natural gas, is also currently available in abundant supplies.

During an interruption of petroleum supplies, utilities, industries and commercial establishments will be encouraged to use gas, propane and other abundant alternate fuels to the maximum extent practicable.

(2) Distribute the available supply in an equitable manner.

Supply distribution mechanisms do not increase supply, and they have limited capability for use to generally reduce demand for energy. Their principal purpose during an emergency is to provide for the distribution of the available supply of crude and product in a manner designed to assure equity and serve national priorities.

The Department of Energy's Standby Crude Oil Allocation Regulations, issued on January 9, 1979 (44 F.R. 3418, January 16, 1979), provide for four separate, progressively broader crude oil allocation systems. Phase I, the current crude oil buy/sell program, orders one or more of the 15 major refiners to supply crude oil to those small refiners (that is, those with less than 175,000 BPD of refining capacity) which have demonstrated that they have lost their normal crude supplies.

Phase II, a modification of the current buy/sell program, would permit emergency allocation orders to supply major and large independent refiners.

Phase III, which could be activated in a more severe general crude oil shortage involving more than just a few major and large independent refiners, would require that the current program be maintained for small refiners and that a separate standby program be implemented for major and large independent refiners. Under such a scheme, the large firms would share their available oil with small refiners as under the present program and with each other on an historic usage/current supply basis. In this instance, a national average supply ratio for the larger firms would be determined. Firms having more oil than the average would sell crude to those having less.

The last standby crude allocation response, for use in more extreme emergencies, would involve every refiner in the country in the same allocation scheme, eliminating the current small refiner program. All refiners' available oil and

historical runs to stills would be used to calculate a National Utilization Rate. Refiners with more oil than the national average, including small refiners, would sell to those with less. Under some circumstances certain small refiners could be exempted from sale obligations, and in any event they would receive a slightly better price on buy/sell transactions than large refiners.

The Standby Petroleum Product Allocation and Price Regulations, published in final by DOE on January 18, 1979, (44 F.R. 3978) provide DOE with broad new authority to allocate available supplies of refined petroleum products.

Most petroleum products are not currently subject to allocation and price controls. Only gasoline, naphtha for synthetic natural gas plant feedstocks, and natural gas liquid products are subject to controls. For those products that are not then subject to controls, DOE may in an emergency reactivate price and allocation controls through the standby product regulations, and DOE can also switch those products currently under control to the new regulations. These standby regulations may be activated to address a petroleum product supply shortage on a national basis, or on a regional basis if needed only to deal with localized supply dislocations.

A standby gasoline rationing plan is being submitted simultaneously with this conservation contingency plan to the

Congress for its approval. Because of the high cost of rationing, the complexity of its administration, and the inevitable disruptions it would cause, this plan is intended for implementation only in the event of a severe gasoline supply shortfall to prevent motorists from having to wait in lines at service stations for long periods of time in order to obtain gasoline.

(3) Reduce public and private demand for energy.

Conservation programs seek to reduce energy consumption by promoting greater efficiency and discouraging wasteful energy usage. During an emergency energy shortage, ongoing mandatory and voluntary conservation programs, such as the 55 mph speed limit and carpooling, could be intensified, and other steps for the elimination of nonessential energy usage could be taken. Individual States could implement their own conservation contingency plans, as provided for within Part C (42 U.S.C. 6321-6326), of Title III of the EPCA, and take other actions as appropriate.

During a severe and prolonged shortfall, however, even greater reductions in energy demand might be needed on a national level. When the demand for energy far outweighs the supply, it is impossible to meet normal energy requirements and, even with the invocation of the above mandatory and voluntary measures, a large gap between supply and demand would remain. Assuming price controls, this gap would be narrowed only by temporarily curtailing or eliminating normal energy-consuming activities and habits.

The primary objective in formulating standby energy conservation plans is to identify those normal energy demands which can and should be cut back or eliminated on a short-term basis in order to minimize the impact of an energy shortage situation. The rationale for the selection of the Emergency Weekend Gasoline Sales Restrictions Plan as a standby energy conservation plan is described in the following section.

Rationale of the Plan

In developing the standby energy conservation plans, DOE reviewed more than 250 potential measures relating to all types of energy consumption in the transportation, commercial, residential and industrial sectors. Each potential measure was evaluated in the light of various constraints that were imposed by the EPCA and other criteria developed by DOE.

The following evaluation criteria were used in the selection process.

(1) No plan may be based on the use of rationing, taxes, tariffs, user fees, pricing mechanisms for petroleum products or tax credits or deductions.

This restriction is imposed by Section 202(a)(2) of the EPCA (42 U.S.C. 6262(a)(2)) and eliminates from consideration measures which would reduce demand through mechanisms such as a tax-rebate system, a tax on gasoline or an electricity bill surcharge.

(2) Plans must be capable of rapid payoff.

This criterion is based on the assumption that certain types of emergencies will occur suddenly, and also on the provision in section 201(a)(1) of the EPCA (42 U.S.C. 6261(a)(1)) that no contingency plan may remain in effect more than nine months. Therefore, no measure was selected which could not have a significant demand restraint impact within 45 days following a decision to implement it.

(3) Plans must be enforceable by Federal authorities.

Although the States and localities might implement and enforce their own emergency conservation plans in the event of an energy shortage and will also be called upon to assume the delegation of enforcement and other functions under the Federal plans, these plans have been developed in such a way that they can be fully implemented and enforced at the Federal level if necessary. Coordination with State and local officials will be an essential element of the enforcement strategy.

(4) The potential for energy demand reduction must be significant.

Only those measures were selected which offered the potential for a significant reduction in energy demand, either directly or through the capacity to heighten overall public awareness of the emergency situation and the need to conserve. In some cases, the lack of historical experience and the need to make many assumptions regarding human behavior make estimates of demand reduction for some proposed measures difficult to validate.

(5) No measure should impose an undue hardship on any sector of the economy.

Section 521 of the EPCA (42 U.S.C. 6391), referring in part to the contingency plans, provides as follows:

"To the maximum extent practicable, any restriction ... on the use of energy shall be designed to be carried out in such a manner so as to be fair and create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific class of industry, business, or commercial enterprise or any individual segment thereof."

This requirement of the EPCA was considered in the selection and development of plans. Such consideration is set forth in the economic analysis of each plan which was prepared pursuant to section 201(f) of the EPCA. Section 201(f) provides in part that any contingency plan "be based upon a consideration of ... the potential economic impacts of such plans."

The impact of plans on the various sectors of the economy was analyzed from a baseline which assumes an energy shortfall that in and of itself would have a substantial impact upon the Nation's economy. In general, potential conservation plans that would not have a favorable overall impact measured from this baseline situation were rejected from consideration.

(6) No plan should deal with more than one logically consistent subject matter.

EPCA further requires, in section 202(c), that a conservation contingency plan "shall not deal with more than one

logically consistent subject matter." However, this plan should be viewed as one of a series of conservation contingency plans, allocation measures and other programs affecting transportation, residential, industrial and commercial energy consumption in a variety of economic sectors. It is our intention to have in place a range of standby energy emergency authorities, of varying degrees of stringency, which together would provide the President and the Congress with a total and flexible program for managing all types of energy shortfalls.

Based on the above criteria, this plan was selected for submission to Congress at this time. The Department of Energy is currently working on several additional plans directed primarily toward conserving fuel used for commuting, pleasure driving, and governmental functions. These plans are in earlier stages of preparation than this plan but could be made available for submission to Congress in a short period of time if emergency conditions warrant.

The Emergency Weekend Gasoline Sales Restrictions Plan provides great potential for curtailing discretionary vehicle usage on Friday, Saturday, and Sunday, since more than 50 percent of weekend vehicle miles travelled is for purposes other than earning a living. The plan is expected to reduce total VMT by private households by approximately five percent. (1)

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1. How this "most probable" case estimate was derived is explained fully in a separate economic analysis report prepared by DOE.

Restricting the sales of gasoline and diesel fuel on weekends would be an effective method of reducing private demand for petroleum. The economic analysis conducted concludes that approximately 246,000 bbl/day oil equivalent may be saved upon implementation of this energy conservation contingency plan. The measure has three advantages: 1) it can be put into effect in a span of a few weeks and, therefore, is capable of rapid payoff; 2) the potential for demand reduction is significant; and 3) the enforcement problems are not severe. (2) Preliminary estimated governmental costs over a nine-month period are approximately \$5.2 million. Administrative costs to be borne by the private sector are negligible.

Operation of the Plan

The Emergency Weekend Gasoline Sales Restrictions Plan requires that operators of retail filling stations restrict their gasoline and diesel fuel sales to certain types of commercial and emergency vehicles during specified weekend hours. The restricted hours, within the period of Friday noon to Sunday midnight, would be established by the DOE at the time of implementation of the plan and would be subject to revision while the plan is in operation.

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2. DOE intends to work closely with state and local governments to develop the capacity to implement this program in the event it is needed. To the extent possible authority to provide for hardship exceptions and to enforce the requirements of the plan will be delegated to the States.

During the restricted hours, retail filling station owners would be permitted to sell diesel fuel to all trucks. Gasoline could be sold only to combinations and to single-unit trucks which have six tires or more and/or a gross vehicle weight of at least 10,000 pounds. These exceptions would help assure that normal weekend transportation and delivery of most goods and services could continue. The absence of such an exception would have a significant adverse impact on the economy.

In addition, retail filling station owners would be permitted to sell gasoline or diesel fuel to the following types of vehicles:

- ° emergency vehicles;
- ° vehicles which are registered as common carriers with the Interstate Commerce Commission, or which are certified pursuant to I.C.C. regulations;
- ° taxicabs, limousines, buses and other commercial passenger carriers for hire;
- ° commercial marine craft;
- ° commercial aircraft;
- ° heavy construction and farm equipment;
- ° energy production vehicles;
- ° Federal, State and local motor vehicles; and
- ° any other priority vehicle classification as determined by the Secretary.

The results of a survey of state vehicle registration regulations undertaken during development of the plan revealed

that there is no uniform procedure for registering or licensing vehicles that engage in essential emergency and commercial activities. Accordingly, a plan based on actual vehicle types constitutes the simplest mechanism by which retail filling station owners could identify who should receive fuel during the restricted hours. The vehicle types specified in this plan were selected following a careful analysis of the types of vehicles that normally engage in essential emergency and commercial activities on the weekend and which might have a requirement for more than one tankful of fuel. The restricted hours, to be established at the time of implementation and subject to revision, would be during at least a portion of the Friday noon to Sunday midnight period. Although the restricted hours may not cover this entire weekend period, the plan was designed to provide maximum flexibility.

Responsibility for implementation, administration (including determination of exceptions), monitoring and enforcement would be with DOE. However, DOE will delegate enforcement and exception functions to those States that are willing to accept them on a cost reimburseable basis, and in those cases DOE will provide general guidance and assistance, plus concurrent enforcement authority to deal with cases of great public importance. It is contemplated that where DOE retains enforcement authority, enforcement actions would follow procedures used by DOE to enforce other programs for which it has responsibility. These procedures would include onsite inspections conducted by DOE enforcement personnel.

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The plan would apply in each State (including the District of Columbia, Puerto Rico, or any territory or possession of the United States) or political subdivision thereof and preempt inconsistent State or local law. The plan would provide, however, that the President or his delegate may, on his own initiative or in response to a request for exemption, exempt a State or political subdivision thereof from its application, in whole or in part, if the President or his delegate determines a comparable program is in effect or finds special circumstances exist in such State or political subdivision. These provisions are pursuant to section 202(b) of the EPCA.

Based on these assumptions pertaining to the operation of the plan, the plan could be implemented for the maximum nine months' duration at a general estimated cost to the Federal government of \$5.2 million, including the cost of reimbursing the States for functions delegated to them. This estimate is very preliminary and is subject to budget review.