

administration, or toward the award of teaching certificates. Nor do fellowships support practice teaching required for professional certification or other courses related to teaching unless those courses are required for the degree. In those cases, however, the Foundation will provide reimbursement only toward those courses related to teaching that fall within the minimum number of courses required for the degree, not in addition to that minimum.

#### **§ 2400.64 Alterations to Plan of Study.**

Although Junior Fellows are expected to pursue full-time study and Senior Fellows to pursue part-time study, the Foundation may permit Junior Fellows with an established need (such as the need to accept a teaching position) to study part time and Senior Fellows with established need (such as great distance between the Fellow's residence and the nearest university, thus necessitating a full-time leave of absence from employment in order to study) to study full time.

#### **§ 2400.65 Teaching obligation.**

Upon receiving a Master's degree, each Fellow must teach American history, American government, social studies, or political science on a full-time basis to students in secondary school for a period of not less than one year for each academic year for which financial assistance was received. Each Fellow will be required to provide the Foundation with an annual certification from an official of the secondary school where the Fellow is employed indicating the teaching activities of the Fellow during the past year. This same certification will be required each year until the Fellow's teaching obligation is completed. Any teaching done by the Fellow prior to or during graduate studies does not count towards meeting this teaching obligation.

#### **§ 2400.66 Completion of fellowship.**

A Fellow will be deemed to have satisfied all terms of a fellowship and all obligations under it when the Fellow has completed no fewer than 12 graduate semester hours or the equivalent of study of the Constitution, formally secured the masters degree, attended the Foundation's Summer Institute on the Constitution, completed teaching for the number of years and fractions thereof required as a condition of accepting Foundation support for study, and submitted all required reports.

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 538**

[Docket No. 94-96; Notice 3]

RIN 2127-AF18

### **Manufacturing Incentives for Alternative Fuel Vehicles**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Denial of petition for reconsideration.

**SUMMARY:** This notice announces the denial of a petition for reconsideration of the agency's decision to set a 200 mile minimum driving range for dual fueled passenger automobiles other than electric vehicles.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590:

For non-legal issues: Ms. Henrietta L. Spinner, Consumer Programs Division, Office of Planning and Consumer Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590, (202) 366-4802.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC-20, telephone (202) 366-5253, facsimile (202) 366-3820.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Establishment of a Minimum Driving Range for Dual Fueled Vehicles**

On April 2, 1996, NHTSA published a notice in the Federal Register (61 FR 14507) announcing a final rule establishing a minimum driving range for dual fueled vehicles other than electric vehicles. This notice also established gallons equivalent measurements for gaseous fuels other than natural gas and eliminated provisions relating to the granting of alternative range requirements for alternative fueled vehicles not powered by electricity.

The agency promulgated this rule in response to amendments in the Energy Policy Act of 1992 (EPACT) (P.L. 102-486) expanding the scope of the alternative fuels promoted by section 513 of the Motor Vehicle and Cost Savings Act (Cost Savings Act), now recodified as 49 U.S.C. § 32905. Section 32901(c), the replacement section for section 513(h)(2), requires dual fueled passenger automobiles to meet specified

criteria, including meeting a minimum driving range, in order to qualify for special treatment in the calculation of their fuel economy for purposes of the CAFE standards.

One change made by EPACT concerning driving ranges was that, under section 32901(c), the minimum driving range set by NHTSA for dual fueled passenger automobiles other than electric vehicles could not be less than 200 miles. The EPACT amendments also provided that the agency may not, in response to petitions from manufacturers, set an alternative range for a particular model or models that is lower than 200 miles, except for electric vehicles.

The EPACT amendments necessitated amending Part 538. In response, the agency established gallons equivalent measurements for the wider range of alternative fuels included in the EPACT amendments and deleted provisions relating to the establishment of alternative minimum driving ranges for non-electric alternative-fueled vehicles. In regard to the minimum driving range, NHTSA concluded that both the text and the legislative history of these amendments indicated that the agency was required to set a minimum driving range of not less than 200 miles for all dual passenger automobiles other than electric vehicles.

##### **II. Petition for Reconsideration of the Minimum Driving Range**

On April 19, 1996, the agency received a petition from Volvo Cars of North America, Inc., (Volvo) requesting reconsideration of NHTSA's decision to set a minimum driving range of 200 miles for all dual fueled passenger automobiles other than electric vehicles.

Volvo's petition argues that a 200 mile driving range is too stringent for compressed natural gas (CNG) passenger automobiles. The petition indicates Volvo believes that attaining a 200 mile range in a CNG vehicle would require large fuel storage cylinders. These large cylinders, in Volvo's view, would increase vehicle weight and cost while reducing usable space in the vehicle. The combination of increased weight and cost with decreased utility would discourage consumers from purchasing these passenger automobiles.

##### **III. Response To Petition for Reconsideration**

In response to the petition, the agency has reconsidered its decision to set a 200 mile minimum driving range for non-electric dual fueled passenger automobiles when operating on an alternative fuel. As explained below, the

agency is, on reconsideration, reaffirming that decision.

The petition raises several points that are not disputed by NHTSA; however, the agency does not have the discretion to set a lower range for these vehicles. NHTSA's examination of the EPACT amendments and their legislative history indicates that the agency is required by the amendment to Section 513(h)(2) of the Cost Savings Act to set a minimum driving range of not less than 200 miles for all alternative fueled passenger automobiles other than

electric vehicles. The agency does not dispute that the 200 mile minimum driving range will place increased fuel storage demands on gaseous fueled vehicles and that these increased demands, particularly in the case of CNG powered passenger automobiles, will increase weight and cost while decreasing usable vehicle space. Nonetheless, the explicit language of the EPACT amendments, the legislative history, and the congressional determination contained in those amendments to restrict the exemption

from the minimum driving range requirements to electric passenger automobiles, compels the conclusion that NHTSA does not have the discretion to set the range below 200 miles. Accordingly, the agency is denying the petition.

Issued on: August 29, 1996.

Patricia Breslin,

*Acting Associate Administrator for Safety Performance Standards.*

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