

fueled vehicle; under section 32901(a)(1)(K) a mix of gasoline or diesel fuel and another substance may be an alternative fuel if it is not substantially petroleum and yields substantial environmental and energy benefits.

NBB's petition also requests that NHTSA determine that a vehicle operating on a mix of biodiesel and diesel fuel be deemed to have met the minimum driving range requirement of 200 miles if the biodiesel fuel portion of the mixture in the vehicle's fuel tank would propel the vehicle that distance. As noted above, the agency concludes that Congress did not intend that vehicles operating on a mixture of alternative and petroleum fuel be eligible as alternative fuel vehicles under Chapter 329's incentive program unless that mix is itself an alternative fuel. NBB contends that the energy content of the alternative fuel is the relevant criteria for determining range and further argues that there is no practical difference between a vehicle operating on a 30 percent biodiesel mix and one with two separate fuel systems where the biodiesel tank holds 30 percent of the total fuel capacity. In the latter case, NBB submits, the vehicle would clearly meet the range requirement if the biodiesel propelled it 200 miles. If, according to NBB, the vehicle that mixes the two fuels in one tank cannot be deemed to meet the range requirement, the purposes of the incentive program will be frustrated and lead to an inequitable result. However, NBB's argument fails in that a vehicle operating on a mixture of 30 percent biodiesel and 70 percent diesel is not using an alternative fuel. In the absence of data demonstrating otherwise, such a fuel is substantially petroleum and therefore not an alternative fuel under section 32901(a)(1). The passenger automobile operating with a dual fuel system would, however, qualify as a dual fueled passenger automobile if it could reach 200 miles on 100 percent biodiesel because such a fuel is an alternative fuel.

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 points that are beyond the scope of the final rule establishing the 200 mile minimum driving range. The agency has nonetheless examined the merits of the petitioner's requests and concludes that the relief requested would have been

denied even if it had been within the scope of the final rule. NHTSA concludes that the existing text of part 538 and the statutory definitions incorporated therein by reference include neat biodiesel as an alternative fuel. The agency also concludes that vehicles operating simultaneously on a mixture of an alternative fuel and gasoline or diesel fuel are not dual fueled vehicles for the purposes of Chapter 329's incentive program unless that mixture qualifies as an alternative fuel under section 32901(a)(1)(K). Similarly, NHTSA also concludes that a dual fueled passenger automobile may not meet the range requirements simply by virtue of having a percentage of alternative fuel that may propel it 200 miles. The range requirement may only be met by passenger automobiles that may travel the required distance while being propelled by a fuel or a fuel mixture that is, by itself, an alternative fuel as defined by Congress or by NHTSA regulation. Accordingly, the agency is denying the petition.

Issued on: March 26, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980225048-8059-02; I.D. 030698A]

RIN 0648-AK58

Pacific Halibut Fisheries; Catch Sharing Plans; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the final rule pertaining to Pacific Halibut Fisheries published in the **Federal Register** on March 17, 1998.

DATES: This action becomes effective March 31, 1998.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206-526-6143.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on March 17, 1998,

that published annual management measures for Pacific halibut fisheries and approval of catch sharing plans (63 FR 13000). That document contained two typographical errors.

Corrections

As published, an incorrect date was listed twice in the March 17, 1998, edition of the **Federal Register**. On page 13002, in the first column, under "Comment.," the season start date should read "May 21."

On page 13007, under instruction number 23 in the second column, under (4)(b)(i)(A) the fishing season start date should read "May 21." NMFS is correcting these errors and is making no substantive change to the document in this action.

Dated: March 25, 1998.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98-8430 Filed 3-30-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980318065-8065-01; I.D. 030698B]

RIN 0648-AK68

Atlantic Sea Scallop Fishery; Area Closures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule.

SUMMARY: NMFS amends the regulations implementing the Atlantic Sea Scallop Fishery Management Plan (FMP). This rule closes two areas to scallop fishing to protect concentrations of juvenile scallops, to reduce fishing mortality, and to increase yield per recruit (YPR). The intended effect of this action is to improve the condition of the resource.

DATES: Effective April 3, 1998 through September 27, 1998. Comments must be received on or before April 30, 1998.

ADDRESSES: Comments on the rule should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-2298. ATTN: Paul Jones. Copies of the documents supporting this action may also be obtained from the Northeast Regional Office.