and Metro-East St. Louis areas by 15 percent (%) by November 15, 1996, contingency plans to reduce VOC emissions by an additional 3% beyond the ROP plans, and transportation control measures for the Metro-East St. Louis area as revisions to the Illinois State Implementation Plan (SIP). The EPA is withdrawing this final rule due to receipt of adverse comments. In a subsequent final rule EPA will summarize and respond to the comments received and announce final rulemaking action on these requested Illinois SIP revisions.

EFFECTIVE DATE: September 3, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–6082.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Incorporation by reference, Ozone.

Dated: August 19, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

PART 52—[AMENDED]

Therefore the amendments to 40 CFR part 52 which added § 52.726(p), § 52.726(q), and § 52.726(r) are withdrawn.

[FR Doc. 97–23355 Filed 9–2–97; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 96–61, FCC 97–269]

Denial of Petitions for Reconsideration of Order Regarding Rate Integration

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Memorandum Opinion and Order on Reconsideration, the Federal Communications Commission (the ''Commission'') denies certain petitions for reconsideration because the Commission determines that there is no basis for granting the petitions, and dismisses a motion for partial stay or request for extension because the motion is moot. The intended effect of this action is the denial of petitions for reconsideration, and dismissal of a motion for partial stay or request for extension.

EFFECTIVE DATE: July 30, 1997.

FOR FURTHER INFORMATION CONTACT: William Bailey, Competitive Pricing Division, at (202) 418–1520.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission (the ''Commission'') denies petitions for reconsideration of its order entitled, Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended, Report and Order, 61 FR 42558 (1996), 11 FCC Rcd 9564 (1996), filed by GTE Service Corporation, U.S. West, Inc., American Mobile Satellite Carriers Subsidiary Corp. (AMSC), and IT&E Overseas, Inc. insofar as the petitions raise issues concerning implementation of the rate integration requirements of section 254(g) of the Communications Act of 1934, as amended. The Commission defers to a later decision issues raised in other petitions for reconsideration of the order concerning implementation of the geographic rate averaging requirements of section 254(g) of the Act. The Commission's order denies petitions for reconsideration filed by GTE Service Corporation and US West, Inc. because it determines that Congress intended the Commission to require rate integration across affiliates. The Commission's order denies the petition for reconsideration filed by AMSC because it determines that the service provided by AMSC is covered by section 254(g) of the Act. Finally, the Commission denies the petition for partial reconsideration filed by IT&E Overseas, Inc. because it determines that IT&E Overseas, Inc. has failed to demonstrate that forbearance is justified so that it can charge higher rates to subscribers in the Commonwealth of the Northern Mariana Islands than in Guam. The Commission also dismisses as moot the Motion for Partial Stay or Request for Extension filed by GTE Service Corporation (GTE).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–23188 Filed 9–2–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 94–30, Notice]

RIN 2127–AF17

Consumer Information Regulations, Uniform Tire Quality Grading Standards

ACTION: Final rule: response to petition for reconsideration.

SUMMARY: This document responds to a petition for reconsideration of a final rule of this agency that amended the Uniform Tire Quality Grading Standards to establish a new traction grade of ''AA'' and to freeze the base course wear rate of course monitoring tires used in treadwear testing at its current value. The petition asked the agency to exclude the petitioner from the applicability of the amended base course wear rate value until the mandatory compliance date of the amendments in the final rule. If that request is not granted, the petitioner requested a lead time of 2 years following publication of the final rule.

This document denies the petition, and reaffirms NHTSA's decision both to maintain the base course wear rate at its current value and the mandatory compliance date specified in the final rule. Further, in response to a number of inquiries, this document makes it clear that manufacturers have the option of early compliance with the amendments in the final rule.

DATES: The amendments promulgated in the final rule of September 9, 1996 (61 FR 47437) become effective March 9, 1998. Optional early compliance with those amendments was permitted beginning October 9, 1996.

Any petition for reconsideration of this rule must be received by NHTSA not later than October 20, 1997.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice numbers noted above for this rule and be submitted to the Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Room 5109, Washington, DC 20590; telephone (202) 366–4949. Docket room hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Mr. Orron Kee, Chief, Consumer Program Division, Office of Planning and Consumer Programs, National Highway Traffic

Safety Administration, 400 Seventh Street S.W., Room 5307, Washington, DC 20590; telephone (202) 366–0846; Fax (202) 493–2739.

For legal issues: Mr. Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street S.W., Room 5219, Washington, DC 20590; telephone (202) 366–2992; Fax (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Section 30123(e) of Title 49, United States Code requires the establishment of a uniform system for grading motor vehicle tires to assist consumers in making informed choices when purchasing tires. Pursuant to that congressional mandate, NHTSA established the Uniform Tire Quality Grading Standards (UTQGS) at 49 CFR § 575.104. The UTQGS are applicable to new pneumatic passenger car tires, except deep tread, winter-type snow tires, space saver or temporary-use spare tires, tires with nominal rim diameters of 10 to 12 inches, and limited production tires as defined in § 575.104(c)(2).

The UTQGS require tire manufacturers and brand name owners to grade and mark their tires with respect to the tires' relative performance in the areas of treadwear, traction, and temperature resistance. Treadwear grades are shown by numbers, such as 100, 160, and 200, while traction and temperature resistance grades are indicated by the letters A, B, and C, with A representing the highest performance rating and C indicating the lowest.

NHTSA published a final rule on September 9, 1996 (61 FR 47437) which amended the UTQGS to add a top-end rating of ''AA'' to the current traction rating categories and to freeze the base course wear rate (BCWR) for course monitoring tires (CMTs) used in treadwear testing at its current value of 1.34 mils per thousand miles (MPTM). The final rule specified an effective date of March 9, 1998.

The Petition

On October 17, 1996 the Japan Automobile Tire Manufacturers Association, Inc. (JATMA) submitted a petition for reconsideration of the final rule asking that NHTSA exclude tires introduced into the United States prior to March 9, 1998 from the freezing of the BCWR at 1.34, and suggesting that the new rule be applicable to new tire lines introduced after the effective date of March 9, 1998 specified in the final rule. JATMA argued that revision of the treadwear grade based on a fixed BCWR value of 1.34 MPTM for tires manufactured before March 9, 1998 will result in 2 different traction grades for the same type of tire being available on the market at the same time, which could be confusing and misleading to consumers. If NHTSA does not grant that request, JATMA asked that a lead time of at least 2 years be provided in the final rule to give them time for ''explanation to the customers and re-tooling all the production tire molds.''

Agency Decision

The BCWR, its purpose and how it is calculated, was discussed at length in both the Notice of Proposed Rulemaking (NPRM) of May 24, 1995 (60 FR 27472) and the final rule of September 9, 1996. To reiterate briefly, CMTs are specially designed and built to American Society for Testing and Materials (ASTM) standard E1136 to be used as the control in the treadwear testing of candidate tires. The BCWR is intended to provide a common baseline for grading candidate tires by relating all new CMTs to the original lot of CMTs. In the past, each new lot of CMTs was tested against the previous lot and a new BCWR calculated for the new lot. NHTSA has noted, however, that over the years the BCWRs of successive new lots have steadily declined which, in turn, has resulted in significant increases in treadwear grades. Treadwear grades have increased to the extent that the agency believes that they have become misleading indicators of actual tread life when compared to tires tested earlier with higher BCWRs. Based on the belief that the BCWR calculation is flawed, NHTSA decided to freeze the BCWR at its latest value, 1.34 MPTM, to arrest the inflation in treadwear grades. Other benefits include elimination of the expense of testing and calibrating each new lot of CMTs, reduction in the procurement and storage of CMTs for resale, and the environmental benefits of eliminating at least one test convoy per year.

The BCWR value has not been specified in the UTQGS in the past because, as explained above, the BCWR has been recalculated for each new lot. The agency has historically sold CMTs to tire manufacturers and test laboratories for their own testing purposes, each time advising those purchasers of the BCWR for that lot. The periodic changing of the BCWR has not in the past obligated tire manufacturers to change the treadwear grade of an existing tire line that was tested at an earlier time, regardless of the BCWR value in effect at the time, so long as the tire design and compounding of that line remains unchanged. The freezing of the BCWR does not alter the obligations of the tire manufacturers. Thus, tires of the same line but with different treadwear grades should not appear simultaneously on store shelves. If that situation does occur, however, it should present neither a new nor significant problem for tire manufacturers and retailers.

With respect to JATMA's suggestion that the freezing of the BCWR be applicable to new tire lines marketed after the mandatory compliance date of March 9, 1998, NHTSA points out that, as explained above, the BCWRs of each new lot of CMTs in the past has been recalculated and those BCWRs have been utilized in the testing of both CMTs and candidate tires. The current BCWR value of 1.34 MPTM was calculated for the latest lot of CMTs procured and tested in 1995. Thus, that value would have been assigned to those CMTs and used by NHTSA, manufacturers, and test facilities in any case. The agency's action in freezing the BCWR at that value only made that figure permanent instead of temporary.

In view of the above discussion, the agency denies JATMA's request to delay the effective date for the freezing of the BCWR.

With respect to the JATMA's alternative request to provide a lead time of 2 years after publication of the final rule, the agency also addressed this issue in the final rule, explaining that a lead time of 18 months

> [S]hould permit new labels and brochures to be prepared and printed *in accordance with the normal business cycle*, without undue scrappage of obsolete material. With respect to changing tire molds, the agency notes that since an AA rating is optional, tire manufacturers *have an unlimited time in which to change molds* on qualifying tire lines, if they decide to rate their tires with a traction grade of AA at all.

(61 FR at 47441) (emphasis added). The agency continues to believe that a lead time of 18 months is ample time in which to phase in new tire molds for those manufacturers that want to develop and market tires with an AA traction grade and to phase in new tread labels and point-of-sale brochures explaining the new AA traction grade.

The agency notes that no one else has objected to or opposed the 18-month lead time specified in the final rule as being inadequate. On the contrary, a number of tire manufacturers have expressed an intent to market new tire lines with AA traction grades before the March 9, 1998 effective date, and want to start testing and preparing molds, tread labels, and advertising campaigns now. Several, however, expressed

confusion as to whether the final rule permitted early compliance.

In reviewing the final rule, NHTSA recognizes that an ambiguity could reasonably exist as to the permissibility of early compliance. In drafting the final rule, NHTSA was aware of a number of comments on the NPRM addressing various difficulties in complying with the traction proposals and the added costs involved. To minimize costs and any compliance difficulties, the agency specified an effective date of 18 months so that manufacturers could phase in compliance in the normal course of changing tire molds and updating tread labels, sales brochures, and advertising materials (see above quote from the final rule at 61 FR 47441). In addition, in discussing the cost/benefits of the AA rating, the agency stated at 61 FR 47442:

> The addition of an AA traction grade will not require any additional testing by manufacturers. Further, as previously noted, the assessing of an AA traction grade is optional for manufacturers. Accordingly, *any costs associated with changing tire molds to show an AA grade can be phased in at the manufacturers' convenience and during the regular course of reworking the molds for their tire lines* (emphasis added).

In summary, the agency's action in freezing the BCWR at 1.34 MPTM was primarily intended to arrest the treadwear grade creep that has been occurring over the past several years. Since the BCWR for the latest lot of CMTs, calculated at 1.34 MPTM in 1995, would have been assigned to that lot and used by NHTSA, manufacturers, and test facilities in any case, and because no retesting or regrading is required as a result of that action, the agency sees no need to delay the freezing of the BCWR. Accordingly, NHTSA denies JATMA's request.

With respect to the effective date, the amendments promulgated by the final rule permitted but did not require tire manufacturers to assign an AA traction grade to their tire lines that demonstrate traction characteristics higher than 0.54μ on wet asphalt and higher than 0.38μ on wet concrete. The only mandatory requirement imposed by the final rule was an explanation of the AA grade to be added to the tread label required by § 575.104(d)(1)(i)(*B*)(*2*), along with the required explanation of the other grading categories. In drafting the final rule, the agency considered the preamble language quoted and emphasized above sufficiently clear to express the agency's intent that manufacturers could phase in, at their convenience and in the normal course of business, compliance with the new labeling requirement and the preparation of the molds for the tires they wanted to grade AA for traction. In view of the uncertainty as to the permissibility of early compliance expressed by some manufacturers, however, NHTSA declares that early compliance with the provisions of the final rule is permitted at any time after 30 days following publication of the final rule in the **Federal Register**, namely October 9, 1996 (see **DATES** above).

Authority: 49 U.S.C. §§ 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on August 26, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97–23315 Filed 9–2–97; 8:45 am]

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