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:**

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Therefore the amendments to 40 CFR part 52 which added § 52.726(p), § 52.726(q), and § 52.726(r) are withdrawn.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

**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 include an additional “AA” grade 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 questions, contact: Mr. Ortron Kee, Chief, Consumer Program Division, Office of Planning and Consumer Programs, National Highway Traffic
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 tirewear 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 was 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 tirewear grades. Tirewear grades have increased to the extent that the agency believes they have become misleading indicators of actual tire 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 tirewear 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 tirewear grade of an existing tire line that was tested at an earlier time to the BCWR value in effect at the time, so long as the tire design and compounding of that tire 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 tirewear 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 have 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

[Should permit new labels and brochures to be prepared and printed in accordance with the normal business cycle, without undue scrapping 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 producing new molds, tread labels, and advertising campaigns now. Several, however, expressed...]

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 manufactured before 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
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).


Issued on August 26, 1997.

Ricardo Martinez,
Administrator.

[FR Doc. 97–23315 Filed 9–2–97; 8:45 am]
BILLING CODE 4910–59–P