

## SUPPLEMENTARY INFORMATION:

## Order

Adopted: July 7, 1995; Released: July 10, 1995

In the Matter of: Amendment of Sections 1.2001 and 1.2002 of the Commission's Rules.

By the Managing director:

1. By this Order, we amend Sections 1.2001 and 1.2002 of the Commission's Rules, 47 CFR 1.2001 and 1.2002 to reflect the correct citation to the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. The citation to this act was changed subsequent to the time our rules were written.

2. Accordingly, pursuant to Section 0.231(b) of the Commission's rules 47 CFR 0.231(b), It is ordered that Sections 1.2001 and 1.2002 of the Commission's Rules, 47 CFR 1.2001, 1.2002 are amended as set forth below effective upon publication in the **Federal Register**.

Federal Communications Commission

**Andrew S. Fishel,**

*Managing Director.*

## Rule Changes

## PART 1—PRACTICE AND PROCEDURE

Part 1 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 1 continues to read:

**Authority:** 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.2001 is revised to read as follows:

**§ 1.2001 Purpose.**

To determine eligibility for professional and/or commercial licenses issued by the Commission with respect to any denials of Federal benefits imposed by Federal and/or state courts under authority granted in 21 U.S.C. 862.

3. Section 1.2002 is amended by revising paragraph (a) to read as follows:

**§ 1.2002 Applicants required to submit information.**

(a) In order to be eligible for any new, modified, and/or renewed instrument of authorization from the Commission, including but not limited to, authorizations issued pursuant to sections 214, 301, 302, 303(1), 308, 310(d), 318, 319, 325(b), 351, 361(b), 362(b), 381, and 385 of the Communications Act of 1934, as amended, by whatever name that instrument may be designated, all applicants shall certify that neither the

applicant nor any party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. If a section 5301 certification has been incorporated into the FCC application form being filed, the applicant need not submit a separate certification. If a section 5301 certification has not been incorporated into the FCC application form being filed, the applicant shall be deemed to have certified by signing the application, unless an exhibit is included stating that the signature does not constitute such a certification and explaining why the applicant is unable to certify. If no FCC application form is involved, the applicant must attach a certification to its written application. If the applicant is unable to so certify, the applicant shall be ineligible for the authorization for which it applied, and will have 90 days from the filing of the application to comply with this rule. If a section 5301 certification has been incorporated into the FCC application form, failure to respond to the question concerning certification shall result in dismissal of the application pursuant to the relevant processing rules.

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## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 575

[Docket No. 95-19; Notice 2]

RIN 2127-AF-64

## Consumer Information Regulations; Fees for Course Monitoring Tires and for Use of Traction Skid Pads

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends NHTSA's consumer information regulations on uniform tire quality grading by establishing fees for the purchase of treadwear course monitoring tires and for the use of the traction skid pads at NHTSA's Uniform Tire Quality Grading Test Facility in San Angelo, Texas.

**DATES:** The amendment established by this final rule will become effective on September 1, 1995.

Any petitions for reconsideration must be received by NHTSA not later than September 1, 1995.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clive Van Orden, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (202-366-2830).

**SUPPLEMENTARY INFORMATION:** This rule was preceded by a notice of proposed rulemaking (NPRM) that NHTSA published on March 24, 1995 (60 FR 15529). The NPRM noted that under uniform tire quality grading (UTQG) standards at 49 CFR 575.104, tires must be labelled with information indicating their relative performance in the areas of treadwear, traction, and temperature resistance. For the purpose of evaluating treadwear performance, NHTSA established a 400 mile roadway course near San Angelo, Texas, which is designed to produce treadwear rates that are generally representative of those encountered by tires in public use. Under the UTQG standards, the projected mileage obtained for tested tires must be corrected to account for environmental and other variations that occur during testing on the course. This is done by comparing the performance of the tested tires to that of course monitoring tires run in the same convoy. The course monitoring tires are specially manufactured under controlled conditions so that they can be used as a grading standard, and are made available by NHTSA for purchase at the San Angelo test facility.

The NPRM noted that the UTQG standards also require that tire traction be evaluated on skid pads that have specified locked-wheel traction coefficients. Two of these traction skid pads have been constructed at NHTSA's facility in San Angelo, as well as at several commercial facilities that may also be used by tire manufacturers.

The NPRM stated that an audit conducted by the Department of Transportation's Office of Inspector General (OIG) concluded that NHTSA was not recovering the full cost of the course monitoring tires that it sells at San Angelo and was not charging a user fee for the use of the traction skid pads at that facility, contrary to the requirements of Office of Management