Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

National Environmental Policy Act

Finally, the agency has considered the environmental implications of this final rule in accordance with the National Environmental Policy Act of 1969 and determined that the rule will not significantly affect the human environment.

F. Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 is amended to read as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

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

2. Section 571.121 is amended by revising S5.1.2.1 and S5.2.1.1 to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *

S5.1.2.1 The combined volume of all service reservoirs and supply reservoirs shall be at least 12 times the combined volume of all service brake chambers. For each brake chamber type having a full stroke at least as great as the first number in Column 1 of Table V, but no more than the second number in Column 1 of Table V, the volume of each brake chamber for purposes of calculating the required combined service and supply reservoir volume shall be either that specified in Column 2 of Table V or the actual volume of the brake chamber at maximum travel of the brake piston or pushrod, whichever is lower. The volume of a brake chamber not listed in Table V is the volume of the brake chamber at maximum travel of the brake piston or pushrod. The reservoirs of the truck portion of an auto transporter need not meet this requirement for reservoir volume.

* * * * *

S5.2.1.1 The total volume of each service reservoir shall be at least eight times the combined volume of all service brake chambers serviced by that reservoir. For each brake chamber type having a full stroke at least as great as the first number in Column 1 of Table V, but no more than the second number in column 1, the volume of each brake chamber for purposes of calculating the required total service reservoir volume shall be either that number specified in Column 2 of Table V or the actual volume of the brake chamber at maximum travel of the brake piston or pushrod, whichever is lower. The volume of a brake chamber not listed in Table V is the volume of the brake chamber at maximum travel of the brake piston or pushrod. The reservoirs on a heavy hauler trailer and the trailer portion of an auto transporter need not meet this requirement for reservoir volume.

* * * * *

§ 571.121 [Amended]

3. Section 571.121 is amended to include the following table to be placed after Figure 3.

TABLE V.—BRAKE CHAMBER RATED VOLUMES

Brake chamber type (nominal area of piston or diaphragm in square inches)	Column 1, full stroke (inches)	Column 2, rated volume (cubic inches)
Type 9	1.75/2.10	25
Type 12	1.75/2.10	30
Type 14	2.25/2.70	40
Type 16	2.25/2.70	50
Type 18	2.25/2.70	55
Type 20	2.25/2.70	60
Type 24	2.25/2.70	70
Type 30	2.50/3.20	95
Type 36	3.00/3.60	135

Issued on January 5, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–752 Filed 1–11–95; 8:45 am]

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49 CFR Part 572

[Docket No. 95–01, Notice 1]

RIN 2127–AF48

Anthropomorphic Test Dummy; Six-Year Old Dummy

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

ACTION: Final rule; technical amendment.

SUMMARY: This document makes a minor correction to the thorax assembly and test procedure in NHTSA's regulation for the six-year-old child dummy. This document corrects inconsistencies between the figure in the regulation that illustrates the test set-up for calibrating the dummy's thorax and the regulatory text that describes the calibration test procedure. This action removes potential sources of concern and confusion for manufacturers and users of the dummy about whether a particular six-year-old child dummy meets the specifications of NHTSA's regulation for the dummy (part 572, subpart I).

EFFECTIVE DATE: The changes made in this rule are effective January 12, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Stan Backaitis, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366–4912.

SUPPLEMENTARY INFORMATION: On November 14, 1991, NHTSA published a rule that added specifications for a 6-year-old child test dummy to NHTSA's set of regulations for ''Anthropomorphic Test Dummies'' (49 CFR part 572). The agency explained in the rule that the 6-year-old child dummy would be used to test child restraint systems for older children. The dummy is instrumented with accelerometers for measuring accelerations in the head and thorax during dynamic testing. The rule adopted performance criteria as calibration checks to assure the repeatability and reproducibility of the dummy's dynamic performance. These specifications for the dummy are set forth in subpart I of 49 CFR part 572.

In February 1994, First Technology Safety Systems, Inc. (First Technology), a manufacturer of test dummies, informed the agency that figure 41 in subpart I appears to have two errors. Figure 41 illustrates the test set-up for calibrating the dummy's thorax (figure 41, ''thorax impact test set-up''). Both errors are due to inconsistencies between figure 41 and the regulatory

text in subpart I that describes the test procedure for calibrating the dummy's thorax (49 CFR section 572.74(c)(2)). In the calibration test, the dummy's chest is impacted by a test probe at a specific point and the accelerometer's measurements are evaluated.

First Technology described the first error thusly:

The thorax test procedure [of section 572.74] states that the impact point should be 2.25 inches below the centerline of the clavicle retaining screw. The impact point based on that dimension would fall between the first and second rib. In contrast, figure 41 * * * shows the centerline of the impactor in line with the centerline of the third rib.

The second error relates to how the dummy is positioned for the thorax impact test. Section 572.74(c)(2) specifies that the dummy is adjusted ''so that the longitudinal centerline of the No. 3 rib is horizontal.'' In contrast, an instruction in figure 41 specifies that the dummy is set up with the centerline of the number three rib horizontal ''±½ [inch].'' First Technology stated in its letter, ''[T]he tolerance on figure 41 is ±½ inch, which would result in 14 degrees variation.''

Technical Amendment

NHTSA has examined First Technology's concerns and agrees that figure 41 and section 572.74 need to be amended so that they are consistent. As to the first error, the correct specification for the location of the impact point for the impactor is in section 572.74, and not in figure 41. The centerline of the impactor and the centerline of the third rib were drawn on figure 41 to be coincident instead of being slightly apart. This makes it appear that the impactor's first contact occurs at the centerline of the third rib, instead of approximately 1⅜ inch above it, in accordance with section 572.74. NHTSA is correcting figure 41 to depict the centerline for the thorax impactor as being slightly above the depicted centerline of the dummy's third rib.

As to the second error, the instruction in figure 41 that specifies that the dummy is ''set up with centerline of #3 rib horizontal ±½ inch'' is inconsistent with the instruction in section 572.74(c)(2) concerning dummy set-up. The regulatory text states: ''adjust the dummy so that the longitudinal centerline of the No. 3 rib is horizontal.'' The ''±½ inch'' tolerance provided in figure 41 is inconsistent with the regulatory text since the centerline of the No. 3 rib of a dummy adjusted to the allowable limit could be far from horizontal. On the other hand, NHTSA believes that the tolerance should not be altogether eliminated. A 1 degree tolerance in section 572.74(c)(2) would provide some flexibility while ensuring that the centerline of the rib will be essentially, if not exactly, horizontal. Accordingly, NHTSA amends section 572.74(c)(2) to provide for ±1 degree of tolerance. In addition, the instruction in figure 41 that specifies the dummy is ''set up with centerline of #3 rib horizontal ±½ inch'' is revised to provide for the ±1 degree of tolerance.

The regulatory text of section 572.74(c)(2) is also revised with regard to its reference to the ''longitudinal centerline'' of the No. 3 rib as the portion of the dummy that must be horizontal. Using the word ''longitudinal'' is inaccurate, since ''longitudinal'' describes a characteristic of a line, while what was actually meant was the alignment of the dummy in a plane. To more accurately describe the positioning of the dummy, the direction in section 572.74(c)(2) that the ''longitudinal centerline of the No. 3 rib is horizontal'' is changed to ''the plane that bisects the No. 3 rib into upper and lower halves is horizontal'' (±1 degree). This text is also added to the instruction on positioning the dummy in figure 41.

NHTSA believes this rule is needed to avoid potential sources of complaint and confusion. In the past, dummy manufacturers have urged NHTSA to correct any inconsistency between the part 572 specifications and the actual design and manufacture of the test dummies. (See, e.g., correction of NHTSA's regulation for the side impact test dummy, 59 FR 52089; October 14, 1994.) These manufacturers are concerned that customers could complain that a dummy they purchased does not meet the specifications of the part 572 regulation, even when the problems are with the regulation rather than the dummy, and are relatively minor.

This document does not impose any additional responsibilities on any vehicle or dummy manufacturer. NHTSA confirmed with several test facilities that they locate the impactor according to section 572.74, and not figure 41. Since this rule does not impose any additional burdens, and because it corrects minor inconsistencies in the regulation and removes potential sources of question for dummy manufacturers, NHTSA finds for good cause that notice and an opportunity for comment on this document are unnecessary, and that this rule should be effective upon publication.

These minor technical amendments were not reviewed under E.O. 12866. NHTSA has considered costs and other factors associated with these amendments, and determined that these amendments do not change any of the conclusions in the November 1991 final rule regarding the impacts of that final rule, including the impacts on small businesses, manufacturers and other entities.

List of Subjects in 49 CFR Part 572

Motor vehicle safety.

In consideration of the foregoing, NHTSA amends 49 CFR part 572 as follows:

PART 572—[AMENDED]

1. The authority citation for part 572 is revised to read as follows:

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

Subpart I—6-Year-Old Child

2. In § 572.74, paragraph (c)(2) is revised to read as follows:

§ 572.74 Thorax assembly and test procedure.

* * * * *

(c) * * *

(2) Establish the impact point at the chest midsagittal plane so that the impact point is 2.25 inches below the longitudinal center of the clavicle retainer screw, and adjust the dummy so that the plane that bisects the No. 3 rib into upper and lower halves is horizontal ±1 degree.

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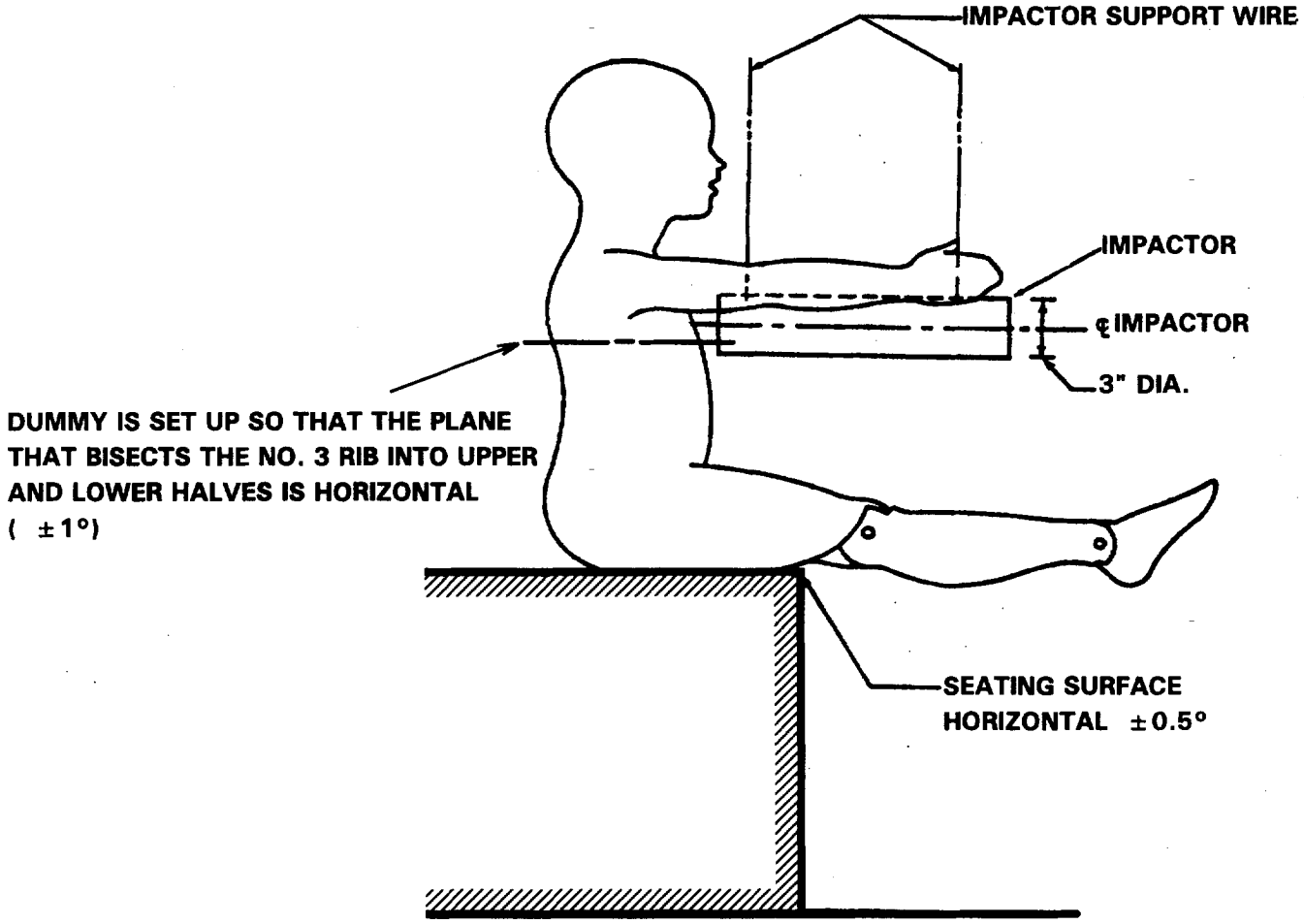
* * * * * * *

3. Figure 41 in subpart I is revised to read as follows:

FIGURE 41
THORAX IMPACT TEST SET-UP



NOTES:
1. DUMMY IMPACT SENSORS NOT USED IN THIS TEST MAY BE REPLACED BY EQUILVALENT DEAD WEIGHTS.
2. NO EXTERNAL SUPPORTS ARE REQUIRED ON THE DUMMY TO MEET SET-UP SPECIFICATIONS.
3. THE MIDSAGITTAL PLANE OF THE DUMMY IS VERTICAL WITHIN +/-1 DEG.
4. THE MIDSAGITTAL PLANE OF THE THORAX IS CENTERED WITH RESPECT TO THE LONGITUDINAL CENTERLINE OF THE PENDULUM WITHIN 0.12 IN.

BILLING CODE 4910–59–C

Issued on January 5, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–751 Filed 1–11–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB84

Endangered and Threatened Wildlife and Plants; Addition of 30 African Birds to List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds 30 kinds of birds, found in Africa and on associated islands, to the List of Endangered and Threatened Wildlife. All have restricted distributions and are threatened by habitat destruction, human hunting, predation by introduced animals, and various other factors. All were subjects of petitions from the International Council for Bird Preservation submitted in 1980 and 1991. This rule implements the protection of the Endangered Species Act of 1973, as amended (Act), for these birds.

EFFECTIVE DATE: February 13, 1995.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, from 8:00 a.m. to 4:00 p.m., Monday through Friday, in Room 750, 4401 North Fairfax Drive, Arlington, Virginia 22203. Comments may be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, Room 725; U.S. Fish and Wildlife Service; Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority (phone 703–358–1708; FAX 703–358–2276).

SUPPLEMENTARY INFORMATION:

Background

In a petition of November 24, 1980, to the U.S. Fish and Wildlife Service (Service), the International Council for Bird Preservation (ICBP)—now known as Bird Life International—requested the addition of 79 kinds of birds to the U.S. List of Endangered and Threatened Wildlife. Of that number, 58 occurred entirely outside of the United States and its territories. Of those foreign birds, 6 have now been listed and the rest have been covered by petition findings that their listing is warranted but precluded by other listing activity.

Subsequently, in a petition dated April 30, 1991, and received by the Service on May 6, 1991, the ICBP requested the addition of another 53 species of foreign birds to the List of Endangered and Threatened Wildlife. In the **Federal Register** of December 16, 1991 (56 FR 65207–65208), the Service announced the finding that this petition had presented substantial information indicating that the requested action may be warranted. At that same time the Service initiated a status review of these 53 birds, with the comment period lasting until March 16, 1992.

Section 4(b)(3) of the Endangered Species Act of 1973, as amended in 1982 (Act), requires that, within 12 months of receipt of a petition to list, delist, or reclassify a species, a finding be made as to whether the requested action is warranted, not warranted, or warranted but precluded by other listing activity. In the case of the 1991 ICBP petition, available information supports listing of all 53 species. With respect to 15 of these species—those occurring in Africa and Madagascar and on associated islands of the Atlantic and Indian Oceans—an ICBP Red Data Book (Collar and Stuart 1985) provides detailed status data. This same source provides data supporting the listing of 13 of the African birds covered by the 1980 ICBP petition, and the Service also possesses sufficient data to support the listing of the other 2 African birds. With respect to the other birds included in the two petitions, data are available from several sources, some of which are unpublished. Compilation of these data is in progress, and a listing proposal will be completed as soon as allowed by the Service's other listing responsibilities.

Considering the above, the Service made the finding that the action requested by the ICBP 1980 and 1991 petitions, with respect to the 30 African birds named below in the ''Summary of Factors Affecting the Species,'' is warranted, and that the action requested by the 1991 petition, with respect to the 38 remaining species covered therein, is warranted but precluded by other listing activity. That finding was incorporated and published together with a proposal in the **Federal Register** of March 28, 1994 (59 FR 14496–14502), to add the 30 birds named below to the List of Endangered and Threatened Wildlife.

Summary of Comments and Recommendations

In the proposed rule of March 28, 1994, and associated notifications, all interested parties were requested to submit information that might contribute to development of a final rule. Cables were sent to United States embassies in countries within the ranges of the subject species, requesting new data and the comments of the governments of those countries. None of the 13 responses opposed the proposal; substantive information provided has been added to the following discussion (as ''in litt.''). There was one request for classifying the dappled mountain robin and Van Dam's vanga as endangered, rather than threatened as originally proposed. While such a measure will be given future consideration, immediately available scientific data suggest that the threatened category is appropriate. In contrast, data received on the white-breasted guineafowl, originally proposed as endangered, indicate that a threatened classification may more accurately describe its status, and such is now applied.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be endangered or threatened due to one or more of the following five factors described in Section 4(a)(1): (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. The application of these factors to the 30 African species named below is shown by the appropriate letter in parentheses (information from Collar and Andrew 1988, Collar and Stuart 1985, and Grzimek 1975, unless otherwise noted). Also indicated is the date of the petition covering each species, the classification given in pertinent ICBP Red Data Books, and the U.S. classification that now will apply.

Amsterdam albatross (*Diomedia amsterdamensis*).—1991 petition, ICBP endangered, U.S. endangered; a large sea bird of the family Diomedeidae; known to breed only on Amsterdam Island, a French possession in the southern Indian Ocean. Destruction of nesting habitat by fires and introduced cattle (A) and predation by introduced rats and cats (C) have reduced numbers drastically. On the average only five