

NHTSA believes that the new burnish procedure is more valid because it has a lower energy input level that is closer to the burnish achieved in actual use. Accordingly, it would be inappropriate to permit the old procedure indefinitely. The agency further believes that achieving compliance using the new burnish procedure is feasible given the industry's considerable progress in developing new brake linings that can meet the brake system performance requirements when using the new burnish procedures. The agency notes that the additional year allowed by the interim final rule, together with the initial five year transition period, provided ample time for vehicle and brake manufacturers to evaluate brake block materials.

NHTSA believes that there is only very limited validity to the manufacturers' argument that the new burnish procedure is more stringent. The objections to the new burnish procedure come from those manufacturers whose existing brake systems have to be burnished to peak perfection in order to pass the minimum requirements. The new burnish procedure is more stringent only in the sense that it does not produce temperatures that are as high as the old procedure and in the sense that the lower temperature of the burnish reduces brake performance. NHTSA notes that brake manufacturers are continuing to develop brake block materials that are less sensitive to burnish and do not require high temperatures of the old burnish to complete the manufacturing process. As these materials are developed, the new procedure's already limited effect will become progressively smaller.

Authority: 49 U.S.C. 322, 30111, 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 10, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Extension of Public Comment Periods on Proposed Critical Habitat Designation and Draft Economic Analysis for the Pacific Coast Population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*)

AGENCY: Fish and Wildlife Service Interior.

ACTION: Proposed rule; notice of public hearing and extension of public comment periods.

SUMMARY: The U.S. Fish and Wildlife Service (Service), under the Endangered Species Act of 1973, as amended (Act), gives notice that public hearings will be held on the proposed designation of critical habitat for the Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivosus*). The hearings will allow all interested parties to submit oral or written comments on the proposal. In addition, the Service extends the public comment period on all aspects of this proposed critical habitat designation including the draft economic analysis.

DATES: The public hearings will be held from 6 p.m. to 8 p.m. on Wednesday, June 7, 1995, in Florence, Oregon; from 6 p.m. to 8 p.m. on Tuesday, June 13, 1995, in Monterey, California; and from 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m. on Thursday, June 15, 1995, in Eureka, California. The public comment period now closes on June 30, 1995. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Public hearings will be held in Florence, Oregon, at the Driftwood Shores Conference Center, 88416 First Avenue; in Monterey, California, at the Hyatt Regency, 1 Old Golf Course Road; and in Eureka, California, at the Eureka Inn, 518 7th Street. Written comments and materials may be submitted at the hearings or sent directly to Mr. Joel A. Medlin, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1803, Sacramento, California 95825-1846. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT:

Ms. Karen J. Miller, Sacramento Field Office, at the above address (telephone (916) 979-2725).

SUPPLEMENTARY INFORMATION:

Background

The Pacific coast population of the western snowy plover breeds primarily on coastal beaches from southern Washington to southern Baja California. Other less common nesting habitat includes salt pans, coastal dredge disposal sites, dry salt ponds and salt pond levees. Historically, the Pacific coast population of the western snowy plover nested at over 80 locations on the coast of California, Oregon, and Washington. Today only 28 major nesting areas remain. In addition to loss of nesting areas, the size of the coastal population also has decline. Human activity on beaches (walking, jogging, walking pets, off-road vehicle use, horseback riding, etc.) during the plover breeding season, and encroachment of exotic European beachgrass (*Ammophila arenaria*) are primary factors in the observed decline of the western snowy plover on the Pacific coast. The Service expects that only small portions (5 to 15 percent) of these beaches would be affected by this designation, if made final. The Pacific coast population of the western snowy plover was listed as a threatened species without critical habitat on March 5, 1993.

A proposal was published in the **Federal Register** (60 FR 11763) on March 2, 1995, to designate 28 critical habitat areas for the coastal population of the western snowy plover. These 28 areas total approximately 20,000 acres and about 210 miles of coastline, or about 10 percent of the coastline in California, Oregon, and Washington. Two of the proposed critical habitat areas are in Washington, seven are in Oregon, and 19 are in California. The areas range in size from less than 10 acres to over 2,000 acres.

Subsection 4(b)(5)(E) of the Act, requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. The Service received several written requests for public hearings from private citizens and organizations. As a result, the Service has scheduled three public hearings to be held on Wednesday, June 7, 1995, from 6 p.m. to 8 p.m. in Florence Oregon at the Driftwood Shores Conference Center, 88416 First Avenue; Tuesday, June 13, 1995, from 6 p.m. to 8 p.m. in Monterey, California, at the Hyatt Regency, 1 Old Golf Course Road; and Thursday, June 15, 1995,

from 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m. in Eureka, California at the Eureka Inn, 518 7th Street.

Parties wishing to make statements for the record should bring a copy of their statements to the hearing. Oral statements may be limited in length, if the number of parties present at the hearing necessitates such a limitation. There are, however, no limits to the length of written comments or materials presented at the hearing or mailed to the Service. The comment period closes on June 30, 1995. Written comments should be submitted to the Service in the **ADDRESSES** section.

Author

The primary author of this notice is Ms. Karen J. Miller, Sacramento Field Office, at the above address.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: May 9, 1995.

Thomas Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

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