

air pressure by 10 psi each time. After each stop, rotate the brake drum or disc until the temperature of the brake falls to between 125 °F. and 200 °F.

* * * * *

S6.1.8 For vehicles with parking brake systems not utilizing the service brake friction elements, burnish the friction elements of such systems prior to the parking brake test according to the manufacturer's recommendations. For vehicles with parking brake systems utilizing the service brake friction elements, burnish the brakes as follows: With the transmission in the highest gear appropriate for a speed of 40 mph, make 500 snubs between 40 mph and 20 mph at a deceleration rate of 10 f.p.s.p.s., or at the vehicle's maximum deceleration rate if less than 10 f.p.s.p.s. Except where an adjustment is specified, after each brake application accelerate to 40 mph and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If the vehicle cannot attain a speed of 40 mph in 1 mile, continue to accelerate until the vehicle reaches 40 mph or until the vehicle has traveled 1.5 miles from the initial point of the previous brake application, whichever occurs first. Any automatic pressure limiting valve is in use to limit pressure

as designed. The brakes may be adjusted up to three times during the burnish procedure, at intervals specified by the vehicle manufacturer, and may be adjusted at the conclusion of the burnishing, in accordance with the vehicle manufacturer's recommendation.

* * * * *

S6.1.13 *Trailer test rig.*

The trailer test rig shown in Figure 1 is calibrated in accordance with the calibration curves shown in Figure 3. For the requirements of S5.3.3.1 and S5.3.4.1, the pressure in the trailer test rig reservoir is initially set at 100 psi for actuation tests and 95 psi for release tests.

* * * * *

S6.1.16 *Thermocouples.*

The brake temperature is measured by plug-type thermocouples installed in the approximate center of the facing length and width of the most heavily loaded shoe or disc pad, one per brake, as shown in Figure 2. A second thermocouple may be installed at the beginning of the test sequence if the lining wear is expected to reach a point causing the first thermocouple to contact the rubbing surface of a drum or rotor. The second thermocouple shall be installed at a depth of .080 inch and located within 1 inch circumferentially

of the thermocouple installed at .040 inch depth. For centergrooved shoes or pads, thermocouples are installed within one-eighth of an inch to one-quarter of an inch of the groove and as close to the center as possible.

* * * * *

S6.2.5 The rate of brake drum or disc rotation on a dynamometer corresponding to the rate of rotation on a vehicle at a given speed is calculated by assuming a tire radius equal to the static loaded radius specified by the tire manufacturer.

* * * * *

TABLE III.—BRAKE RETARDATION FORCE

| Column 1 brake retardation force/GAWR | Column 2 brake chamber pressure, PSI |
|---------------------------------------|--------------------------------------|
| 0.05 | 20 |
| 0.12 | 30 |
| 0.18 | 40 |
| 0.25 | 50 |
| 0.31 | 60 |
| 0.37 | 70 |
| 0.41 | 80 |

* * * * *

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 | 46 |
| Type 18 | 2.25/2.70 | 50 |
| Type 20 | 2.25/2.70 | 54 |
| Type 24 | 2.50/3.20 | 67 |
| Type 30 | 2.50/3.20 | 89 |
| Type 36 | 3.00/3.60 | 135 |

Dated: Issued: May 21, 2002.

Stephen R. Kratzke,
Associate Administrator for Safety
Performance Standards.

[FR Doc. 02-13221 Filed 5-24-02; 8:45 am]

BILLING CODE 4910-59-P

**DEPARTMENT OF TRANSPORTATION
Surface Transportation Board**

49 CFR Part 1109

[STB Ex Parte No. 586]

Arbitration—Various Matters Relating To Its Use as an Effective Means of Resolving Disputes That Are Subject to the Board's Jurisdiction

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is making a technical

amendment to its regulation on confidentiality in administrative dispute resolution matters, in order to correct a statutory reference to the Administrative Dispute Resolution Act, the numbering of which has changed.

EFFECTIVE DATE: May 28, 2002.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. (TDD for the hearing impaired: (800) 877-8339).

SUPPLEMENTARY INFORMATION: A technical revision to 49 CFR 1109.3 is made to change the reference (relating to the confidentiality of ADR procedures) from "5 U.S.C. 584" to "5 U.S.C. 574" to reflect the transfer made by Public

Law 102-354, section 3(b)(2), August 26, 1992, 106 Stat. 944. Because this change is merely a technical correction, it is being implemented without requesting public comment.

Small Entities: The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities.

Environment: This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1109

Administrative practice and procedures.

Authority: 49 U.S.C. 721(a).

Decided: May 20, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, Part 1109 of the Code of Federal Regulations, is amended as follows:

PART 1109—USE OF ALTERNATIVE DISPUTE RESOLUTION IN BOARD PROCEEDINGS AND THOSE IN WHICH THE BOARD IS A PARTY

1. The authority citation for part 1109 continues to read as follows:

Authority: 5 U.S.C. 571 *et seq.*

2. Revise § 1109.3 to read as follows:

§ 1109.3 Confidentiality in ADR Matters

In all ADR matters involving the Board, whether under the Administrative Dispute Resolution Act or not, the confidentiality provisions of that Act (5 U.S.C. 574) shall bind the Board and all parties and neutrals in those ADR matters.

[FR Doc. 02-13258 Filed 5-24-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1111

[STB Ex Parte No. 586]

Arbitration—Various Matters Relating To Its Use as an Effective Means of Resolving Disputes That Are Subject to the Board's Jurisdiction

AGENCY: Surface Transportation Board, Transportation.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is amending its

regulations at 49 CFR part 1111 governing formal complaints to add a requirement that in complaint cases that are potentially arbitrable under the Board's voluntary arbitration process (49 CFR part 1108), the complaint must contain a statement that arbitration was considered, but rejected, as a means of resolving the dispute.

EFFECTIVE DATE: June 21, 2002.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 565-1600. (TDD for the hearing impaired: (800) 877-8339).

SUPPLEMENTARY INFORMATION: In this proceeding, in addition to amending its regulations as indicated in the summary, the Board updated its records as to those persons currently available and possessing the requisite qualifications (*i.e.*, those experienced in rail transportation or economic issues similar to those arising before the Board) to serve as an arbitrator under 49 CFR part 1108. A copy of the list can be obtained from the Board's Office of Public Services, Suite 840, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001; telephone (202) 565-1592.

Additionally, the Board obtained comments from interested parties on whether binding arbitration of small rail rate disputes should be mandated through legislation. The comments reflect a divergence of views on this subject and no areas of consensus. The Board will provide a report to Congress summarizing the comments received.

Additional information is contained in the Board's decision. To purchase a copy of the decision, write to, call or pick up in person from Dā-2-Dā Legal, Room 405, 1925 K Street, NW, Washington, DC 20006, telephone (202) 293-7776. The decision is also posted on the Board's Web site at www.stb.dot.gov.

Small Entities

The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities.

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR part 1111

Administrative practice and procedures.

Authority: 49 U.S.C. 721(a).

Decided: May 20, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, Part 1111 of the Code of Federal Regulations, is amended as follows:

PART 1111—COMPLAINT AND INVESTIGATION PROCEDURES

1. The authority citation for part 1111 continues to read as follows:

Authority: 49 U.S.C. 721, 10704, and 11701.

2. In § 1111.1(a), paragraph (a)(11) is added to read as follows:

§ 1111.1 Content of formal complaints; joinder.

(a) * * *

(11) For matters for which voluntary, binding arbitration is available pursuant to 49 CFR part 1108, the complaint shall state that arbitration was considered, but rejected, as a means of resolving the dispute.

* * * * *

[FR Doc. 02-13257 Filed 5-24-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AH83

Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for *Chorizanthe robusta* var. *robusta* (Robust Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for *Chorizanthe robusta* var. *robusta* (robust spineflower). Approximately 190 hectares (469 acres) of land fall within the boundaries of the critical habitat designation. Critical habitat is located in Santa Cruz County, California. This critical habitat designation provides additional protection under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 4 of the Act requires us to consider economic and other relevant impacts when specifying any particular area as critical habitat. We solicited data