

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]

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#### 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](http://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.

\* \* \* \* \*

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#### 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