Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a separate Federalism assessment. This action removes the requirement that foreign-based motor carriers conduct controlled substances testing. It does not place any requirements on the States and thus does not limit the policy-making discretion of States.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and has determined that this action will not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 391

Controlled substances, Driver qualifications, Drug abuse, Drug testing, Highways and roads, Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements, Safety, Transportation.

Issued on: December 29, 1994.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA is amending title 49, Code of Federal Regulation, subtitle B, chapter III, part 391 as set forth below:

PART 391—QUALIFICATION OF DRIVERS

1. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. 504, 31136, and 31502; and 49 CFR 1.48.

Subpart H—Controlled Substances Testing

2. In § 391.83, paragraph (c) is revised to read as follows:

§ 391.83 Applicability.

* * * * *

(c) This subpart is not applicable with respect to any foreign-based employee of a foreign-domiciled motor carrier.

[FR Doc. 94–32333 Filed 12–30–94; 8:45 am] BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC27

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Arabis Perstellata

AGENCY: Fish and Wildlife Service,

Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines endangered status for Arabis perstellata (rock cress) under the authority of the Endangered Species Act of 1973, as amended (Act). The species is made up of two subspecies occupying distinct geographic areas. The small rock cress (Arabis perstellata E. L. Braun var. perstellata Fernald) is currently known from 27 populations in Kentucky-24 in Franklin County, 2 in Owen County, and 1 in Henry County. The large rock cress (Arabis perstellata E. L. Braun var. ampla Rollins) is known from only two populations in Rutherford County, Tennessee. Both subspecies are endangered throughout their range due to habitat alteration; residential, commercial, or industrial development; timber harvesting; grazing and trampling; and competition with native and exotic weedy species, especially the European garlic mustard (Alliaria petiolata). This action extends Federal protection under the Act to the rock cress.

EFFECTIVE DATE: February 2, 1995. **ADDRESSES:** The complete file for this rule is available for public inspection,

by appointment, during normal business hours at the Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806.

FOR FURTHER INFORMATION CONTACT: Mr. J. Allen Ratzlaff at the above address (704/655–1195, Ext. 229).

SUPPLEMENTARY INFORMATION:

Background

Both varieties of Arabis perstellata E.L. Braun, (Arabis perstellata E. L. Braun var. ampla Rollins, large rock cress, and Arabis perstellata E.L. Braun var. perstellata Fernald, small rock cress) are perennial members of the mustard family (Brassicaceae). The large rock cress is known from only one county in Tennessee, and the small rock cress is known from only three counties in Kentucky. Both varieties have round stems and alternate leaves. Their stems and foliage have a grayish coloration due to the large quantity of hairs. Their stems arise from horizontal bases and grow up to 80 centimeters (cm) (31.5 inches) long, often drooping from rock ledges. Each year a basal rosette of leaves is produced, and new flowering branches emerge from the old rosette of the previous season. Their lower leaves vary from 4 to 15 cm (1.6 to 6.0 inches) long and are obovate to oblanceolate with slightly toothed and pinnatifid margins. Their upper leaves are smaller—up to 3.5 cm (1.4 inches) long—and are elliptic to oblanceolate, with coarse teeth along the margin. Both surfaces of their leaves are stellatepubescent. The inflorescence is an elongate raceme with numerous flowers. Their flowers have four petals that are 3 to 4 millimeters (mm) (0.12 to 0.16 inch) long, are white to lavender, and have four pale green sepals that are 2 to 3 mm (0.08 to 0.12 inch) long. There are six stamens, with two shorter than the other four. The ovary is elongate, twochambered, and develops into a silique. Fruiting stalks are about 1 cm (0.4 inch) long at maturity; siliques are up to 4 cm (1.6 inches) long and are covered with both simple and stellate hairs. Flowering is from late March to early May. Fruits mature from mid-May to early June. Their oblong seeds are reddish brown: somewhat flattened: about 1 mm (0.04 inch) long; and, in places, minutely hairy (Jones 1991).

Arabis perstellata was named by E.L. Braun from plants collected between 1936 and 1993 on wooded hillsides along Elkhorn Creek in Franklin County, Kentucky. Braun (1940) distinguished the new taxon from the similar Arabis dentata (Torr.) T. & G. (now called Arabis shortii (Fern.) Gleason) by its