

they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket at the address given above. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

AD 91-22-01 Cessna: Amendment 39-8061; Docket No. 91-CE-64-AD.

Applicability: Model 210 airplanes (serial numbers (S/N) 21059062 through 21064535, S/N T210-0393 through T210-0454, and S/N P21000001 through P21000760), certificated in any category.

Compliance: Required within the next 50 hours time-in-service, unless already accomplished.

To prevent fuel leakage caused by damaged fuel lines, which could result in an in-flight fire, accomplish the following:

(a) Inspect the electrical wires in the nose gear tunnel area and the fuel line to the engine-driven fuel pump for cracks or chafing.

(1) If any cracked or chafed electrical wire or fuel line is found, prior to further flight, replace with a new electrical wire or fuel line. Ensure that the electrical wires are bundled and route or clamp the wire bundle so there is a clearance of .25 inches between the wire bundle and fuel line to the engine-driven fuel pump.

(2) If no cracked or chafed electrical wire or fuel line is found, ensure that the electrical wires are bundled and route or clamp the wire bundle so there is a clearance of .25 inches between the wire bundle and fuel line to the engine-driven fuel pump.

Note: Cessna Service Information Letter SE82-32, dated July 23, 1982, includes a photo that highlights the inspection areas and clearance area that is referenced in this AD. This service information may be obtained from the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety, may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(d) Information that is related to this AD may be obtained from the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri. This amendment becomes effective on November 4, 1991.

Issued in Kansas City, Missouri, on September 30, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-24574 Filed 10-10-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-ANE-05; Amdt. 39-6370]

Airworthiness Directives; CFM International (CFMI) CFM56-2/-3/-3B/-3C/-5 Series Turbofan Engines; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error in an Airworthiness Directive (AD) which was published in the *Federal Register* on Thursday, October 26, 1989, (54 FR 43581). This action corrects the Amendment Number. The AD in all other respects remains unchanged.

EFFECTIVE DATE: October 11, 1991.

SUPPLEMENTARY INFORMATION: A final rule Airworthiness Directive (AD), applicable to CFMI CFM56-2/-3/-3B/-3C/-5 Series turbofan engines, was published in the *Federal Register* on Thursday, October 26, 1989, (54 FR 43581). The AD superseded AD 89-17-04 by adding new bearing part numbers and serial numbers, and the CFM56-5 model engine, to the bearing inspection and removal program. The following correction is needed:

On page 54 FR 43581, in the first column, on the second line after the CFR title and part heading, change the Agency number to read as follows: [Docket No. 89-ANE-05; Amdt. 39-6370].

Issued in Burlington, Massachusetts, on September 18, 1991.

Mark C. Fulmer,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91-24461 Filed 10-10-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-ASW-36]

Revision of Control Zone: Amarillo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the control zone located at Amarillo, TX.

This action is necessary to revise the name of the airport, the runway used in the control zone description due to a change of magnetic variation, and the coordinates of the airport. The intended effect of this action is to revise the control zone located at Amarillo, TX, to ensure adequate controlled airspace to contain instrument operations at the Amarillo International Airport.

EFFECTIVE DATE: 0901 u.t.c., January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mark F. Kennedy, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On December 10, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the control zone located at Amarillo, TX (56 FR 35).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G, dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the control zone located at Amarillo, TX. This action is necessary to revise name of the airport, the runway used in the control zone description due to a change of magnetic variation, and the coordinates of the airport. The intended effect of this action is to revise the control zone located at Amarillo, TX, to ensure adequate controlled airspace to contain instrument operations at the Amarillo International Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air

traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Amarillo, TX [Revised]

Within a 5-mile radius of the Amarillo International Airport (latitude 35°13'10"N., longitude 101°42'20"W.); within 2 miles each side of the Amarillo VORTAC 220° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the extended centerline of Runway 22, extending from the 5-mile radius zone to 4.5 miles southwest of the departure end of Runway 22.

Issued in Fort Worth, TX, on September 25, 1991.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 91-24576 Filed 10-10-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 93

National Security Agency Litigation Regulation

AGENCY: National Security Agency/Central Security Service (NSA/CSS).

ACTION: Interim final rule.

SUMMARY: The National Security Agency (NSA) is publishing this regulation to provide public notice of NSA's procedures for acceptance of service of process at NSA, including field sites, and for the release of official information in litigation by NSA

personnel, through testimony or otherwise. This regulation sets forth the NSA's procedures for acceptance of service of process in person or mail and NSA's procedures for providing uniform and consistent responses to demands by courts and other entities of competent jurisdiction.

DATES: This interim final rule is effective October 2, 1990. Comments must be received by November 12, 1991.

ADDRESSES: Forward comments to: Associate General Counsel, National Security Agency, 9800 Savage Road, Fort George Meade, MD 20755-6000.

FOR FURTHER INFORMATION CONTACT: Vito T. Potenza, telephone 301-688-6054.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 93

Courts, Government employees.

Accordingly title 32, chapter I, subchapter A, is amended to add part 93 to read as follows:

PART 93—ACCEPTANCE OF SERVICE OF PROCESS; RELEASE OF OFFICIAL INFORMATION IN LITIGATION; AND TESTIMONY BY NSA PERSONNEL AS WITNESSES

Sec.

- 93.1 References.
- 93.2 Purpose and applicability.
- 93.3 Definitions.
- 93.4 Policy.
- 93.5 Procedures.
- 93.6 Fees.
- 93.7 Responsibilities.

Authority: E.O. 12333, 3 CFR, 1981 Comp., p. 200, 50 U.S.C. app. 401; 50 U.S.C. app. 402.

§ 93.1 References.

(a) DoD Directive 5405.2,¹ "Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses," July 23, 1985, reprinted in 32 CFR part 97.

(b) E.O. 12333, United States Intelligence Activities, 3 CFR, 1981 Comp., p. 200, reprinted in 50 U.S.C. app. 401.

(c) The National Security Agency Act of 1959, Public Law No. 86-36, as amended, 50 U.S.C. app. 402.

(d) Rule 4, Federal Rules of Civil Procedure.

(e) DoD Instruction 7230.7,² "User Charges", January 29, 1985.

(f) 28 CFR 50.15.

§ 93.2 Purpose and applicability.

(a) This part implements § 93.1(a) in the National Security Agency/Central

¹ Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

² See footnote 1 to § 93.1(a).

Security Service including all field sites (hereinafter referred to collectively as NSA). The procedures herein are also promulgated pursuant to the NSA's independent authority, under § 1.12(b)(10) of E.O. 12333 referenced under § 93.1(b), to protect the security of its activities, information and employees. This part establishes policy, assigns responsibilities, and prescribes mandatory procedures for service of process at NSA and for the release of official information in litigation by NSA personnel, through testimony or otherwise.

(b) This part is intended only to provide guidance for the internal operation of the NSA and does not create any right or benefit, substantive or procedural, enforceable at law against the United States, the Department of Defense, or NSA. This part does not override the statutory privilege against the disclosure of the organization or any function of the NSA, of any information with respect to the activities thereof, or of the names, titles, salaries, or numbers of the persons employed by the NSA. See section 6(a) of the DoD Directive referenced under § 93.1(a).

§ 93.3 Definitions.

(a) *Service of process.* Refers to the delivery of a summons and complaint, or other document the purpose of which is to give notice of a proceeding or to establish the jurisdiction of a court or administrative proceeding, in the manner prescribed by § 93.1(d), to an officer or agency of the United States named in court or administrative proceedings.

(b) *Demand.* Refers to the delivery of a subpoena, order, or other directive of a court of competent jurisdiction, or other specific authority, for the production, disclosure, or release of official information, or for the appearance and testimony of NSA personnel as witnesses.

(c) *NSA personnel.* (or NSA person) Includes present and former civilian employees of NSA (including non-appropriated fund activity employees), and present and former military personnel assigned to NSA. NSA personnel also includes non-U.S. nationals who perform services overseas for NSA under the provisions of status of forces or other agreements, and specific individuals hired through contractual agreements by or on behalf of NSA.

(d) *Litigation.* Refers to all pretrial, trial, and post-trial stages of all existing or reasonably anticipated judicial or administrative actions, hearings, investigations, or similar proceedings

before civilian courts, commissions, boards, or other tribunals, foreign and domestic. It includes responses to discovery requests, depositions, and other pretrial proceedings, as well as responses to formal or informal requests by attorneys or others in situations involving litigation.

(e) *Official information.* Is information of any kind, in any storage medium, whether or not classified or protected from disclosure by § 93.1(c) that:

(1) Is in the custody and control of NSA; or

(2) Relates to information in the custody and control of NSA; or

(3) Was acquired by NSA personnel as part of their official duties or because of their official status within NSA.

(f) *General Counsel.* Refers to the NSA General Counsel (GC), or in the GC's absence, the NSA Deputy GC, or in both of their absences, the NSA Assistant GC (Administration/Litigation).

(g) *NSA attorney.* Refers to an attorney in the NSA Office of General Counsel (OGC).

§ 93.4 Policy.

Official information that is not classified, privileged, or otherwise protected from public disclosure, should generally be made reasonably available for use in federal and state courts and by other governmental bodies.

§ 93.5 Procedures.

(a) *Release of official information in litigation.* NSA personnel shall not produce, disclose, release, comment upon, or testify concerning any official information during litigation without the prior written approval of the GC. In exigent circumstances, the GC may issue oral approval, but a record of such approval will be made and retained in the OGC. NSA personnel shall not provide, with or without compensation, opinion or expert testimony concerning official NSA information, subjects, or activities, except on behalf of the United States or a party represented by the Department of Justice (DoJ). Upon a showing by the requester of exceptional need or unique circumstances and that the anticipated testimony will not be adverse to the interests of the NSA or the United States, the GC may, in writing, grant special authorization for NSA personnel to appear and testify at no expense to the United States. Official information may be released in litigation only in compliance with the following procedures.

(1) If official information is sought, through testimony or otherwise, by a litigation demand, the individual seeking such release or testimony must set forth,

in writing and with as much specificity as possible, the nature and relevance of the official information sought. Subject to paragraph (a)(5) of this section, NSA personnel may only produce, disclose, release, comment upon or testify concerning those matters that were specified in writing and approved by the GC.

(2) Whenever a litigation demand is made upon NSA personnel for official information or for testimony concerning such information, the person upon whom the demand was made shall immediately notify the OGC. After consultation and coordination with the DoJ, if required, the GC shall determine whether the individual is required to comply with the demand and shall notify the requester or the court or other authority of that determination.

(3) If a litigation demand requires a response before instructions from the GC are received, the GC shall furnish the requester or the court or other authority with a copy of § 93.1(a) and this part 93. The GC shall also inform the requester or the court or other authority that the demand is being reviewed, and seek a stay of the demand pending a final determination.

(4) If a court or other authority declines to stay the demand in response to action taken pursuant to paragraph 3 of this section, or if such court or other authority orders that the demand must be complied with notwithstanding the final decision of the GC, the NSA personnel upon whom the demand was made shall notify the GC of such ruling or order. If the GC determines that no further legal review of or challenge to the ruling or order will be sought, the affected NSA personnel shall comply with the demand or order. If directed by the GC, however, the affected NSA personnel must decline to provide the information.³ The NSA personnel shall state the following to the Court:

"I must respectfully advise the Court that under instructions given to me by the General Counsel of the National Security Agency, in accordance with Department of Defense Directive 5405.2 and NSA Regulation 10-62, I must respectfully decline to [produce/disclose] that information."

(5) In the event NSA personnel receive a litigation demand for official information originated by another U.S. Government component, the GC shall forward the appropriate portions of the

³ See United States ex rel. *Touhy v. Ragen*, 340 U.S. 462 (1951) wherein the Supreme Court held that a government employee could not be held in contempt for following an agency regulation requiring agency approval before producing government information in response to a court order.

request to the other component. The GC shall notify the requester, court, or other authority of the transfer, unless such notice would itself disclose classified information.

(b) *Acceptance of service of process.* The following are mandatory procedures for accepting service of process for NSA personnel sued or summoned in their official capacities, and for attempting service of process on NSA premises.

(1) *Service on NSA or on NSA personnel in their official capacities.* § 93.1(d) requires service of process on the NSA or NSA personnel sued or summoned in their official capacity to be made by serving the United States Attorney for the district in which the action is brought, and by sending copies of the summons and complaint by registered or certified mail to the Attorney General of the United States and to the NSA or such NSA personnel. Only the GC or an NSA attorney is authorized to accept the copies of the summons and complaint sent to the NSA or NSA personnel pursuant to § 93.1(d). Acceptance of the copies of the summons and complaint by the GC or an NSA attorney does not constitute an admission or waiver with respect to the validity of the service of process or of the jurisdiction of the court or other body. Such copies shall be sent by registered or certified mail to: General Counsel, National Security Agency, 9800 Savage Road, Fort George G. Meade, MD 20755-6000. The envelope shall be conspicuously marked "Copy of Summons and Complaint Enclosed." Except as provided in paragraph (b)(3) of this section, no other person may accept the copies of the summons and complaint for NSA or NSA personnel sued or summoned in their official capacities, including the sued or summoned NSA personnel, without the prior express authorization of the GC.

(i) Parties who wish to deliver, instead of sending by registered or certified mail, the copies of the service of process to NSA or to NSA personnel sued or summoned in their official capacities, will comply with the procedures for service of process on NSA premises in paragraph (b) of this section.

(ii) Litigants may attempt to serve process upon NSA personnel in their official capacities at their residences or other places. Because NSA personnel are not authorized to accept such service of process, such service is not effective under § 93.1(d). NSA personnel should refuse to accept service. However, NSA personnel may find it difficult to determine whether they are being sued or summoned in their private or official capacity. Therefore, NSA personnel shall notify the OGC as soon

as possible if they receive any summons or complaint that appears to relate to actions in connection with their official duties so that the GC can determine the scope of service.

(2) *Service upon NSA personnel in their individual capacities on NSA premises.* Service of process is not a function of NSA. An NSA attorney will not accept service of process for NSA personnel sued or summoned in their individual capacities, nor will NSA personnel be required to accept service of process on NSA premises. Acceptance of such service of process in a person's individual capacity is the individual's responsibility. NSA does, however, encourage cooperation with the courts and with judicial officials.

(i) When the NSA person works at NSA Headquarters at Fort George G. Meade, Maryland, the process server should first telephone the OGC on (301) 688-6054, and attempt to schedule a time for the NSA person to accept process. If the NSA person's affiliation with NSA is not classified, the NSA attorney will communicate with the NSA person and serve as the contact point for the person and the process server. If the person consents to accept service of process, the NSA attorney will arrange a convenient time for the process server to come to NSA, and will notify the Security Duty Officer of the arrangement.

(ii) A process server who arrives at NSA during duty hours without first having contacted the OGC, will be referred to the Visitor Control Center (VCC) at Operations Building 2A. The VCC will contact the OGC. If an NSA attorney is not available, the process server will be referred to the Security Duty Officer, who will act in accordance with Office of Security (M5) procedures approved by the GC. Service of process will not be accepted during non-duty hours unless prior arrangements have been made by the OGC. For purposes of this part, duty hours at NSA Headquarters are 0800 to 1700, Monday through Friday, excluding legal holidays. A process server who arrives at NSA during non-duty hours without having made arrangements through the OGC to do so will be told to call the OGC during duty hours to arrange to serve process.

(iii) Upon being notified that a process server is at the VCC, an NSA attorney will review the service of process and determine whether the NSA person is being sued or summoned in his official or individual capacity. (If the person is being sued or summoned in his or her official capacity, the NSA attorney will accept service of process by noting on the return of service form that "service is accepted in official capacity only.") If

the person is being sued or summoned in his or her individual capacity, the NSA attorney will contact that person to see if that person will consent to accept service.

(3) *Procedures at field activities.* Chiefs of NSA field activities may accept copies of service of process for themselves or NSA personnel assigned to their field component who are sued or summoned in their official capacities. Field Chiefs or their designees will accept by noting on the return of service form that "service is accepted in official capacity only." The matter will then immediately be referred to the GC. Additionally, Field Chiefs will establish procedures at the field site, including a provision for liaison with local judge advocates, to ensure that service of process on persons in their individual capacities is accomplished in accordance with local law, relevant treaties, and Status of Forces Agreements. Such procedures must be approved by the GC. Field Chiefs will designate a point of contact to conduct liaison with the OGC.

(4) No individual will confirm or deny that the person sued or summoned is affiliated with NSA until a NSA attorney or the Field Chief has ascertained that the individual's relationship with NSA is not classified. If the NSA person's association with NSA is classified, service of process will not be accepted. In such a case, the GC must be immediately informed. The GC will then contact the DoJ for guidance.

(5) *Suits in Foreign Courts.* If any NSA person is sued or summoned in a foreign court, that person, or the cognizant Field Chief, will immediately telefax a copy of the service of process to the OGC. Such person will not complete any return of service forms unless advised otherwise by an NSA attorney. OGC will coordinate with the DoJ to determine whether service is effective and whether the NSA person is entitled to be represented at Government expense pursuant to § 93.1(f).

§ 93.6 Fees.

Consistent with the guidelines in § 93.1(e), NSA may charge reasonable fees to parties seeking, by request or demand, official information not otherwise available under the Freedom of Information Act, 5 U.S.C. 552. Such fees are calculated to reimburse the Government for the expense of providing such information, and may include:

(a) The costs of time expended by NSA employees to process and respond to the request or demand;

(b) Attorney time for reviewing the request or demand and any information located in response thereto, and for related legal work in connection with the request or demand; and

(c) Expenses generated by materials and equipment used to search for, produce, and copy the responsive information.

§ 93.7 Responsibilities.

(a) *The General Counsel.* The GC is responsible for overseeing NSA compliance with § 93.1(a) and this part 93, and for consulting with DoJ when appropriate. In response to a litigation demand requesting official information or the testimony of NSA personnel as witnesses, the GC will coordinate NSA action to determine whether official information may be released and whether NSA personnel may be interviewed, contacted, or used as witnesses. The GC will determine what, if any, conditions will be imposed upon such release, interview, contact, or testimony. In most cases, an NSA attorney will be present when NSA personnel are interviewed or testify concerning official information. The GC may delegate these authorities.

(b) *The Deputy Director for Plans and Policy (DDPP).* The DDPP will assist the GC, upon request, in identifying and coordinating with NSA components that have cognizance over official information requested in a litigation demand. Additionally, the DDPP will advise the GC on the classified status of official information, and, when necessary, assist in declassifying, redacting, substituting, or summarizing official information for use in litigation. The DDPP may require the assistance of other Key Component Chiefs.

(c) *Chiefs of Key Components and Field Activities.* Chiefs of Key Components and Field Activities shall ensure that their personnel are informed of the contents of this part 93, particularly of the requirements to consult with the OGC prior to responding to any litigation demand, and to inform the OGC whenever they receive service of process that is not clearly in their individual capacities. Field Chiefs will notify the OGC of the persons they designate under § 93.5(b)(3).

(d) *The Deputy Director for Administration (DDA).* Within 60 days of the date of this part, the DDA shall submit to the GC for approval procedures for the attempted delivery of service of process during duty hours when an attorney of the OGC is not available.

Dated October 8, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-24633 Filed 10-10-91; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11-91-11]

Special Local Regulations; San Francisco Bay Navy Fleetweek Parade of Ships and Blue Angels Demonstration

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: This document amends regulated area "Bravo" for the Blue Angels air show in 33 CFR 100.1105, for the Navy Fleetweek activities in San Francisco Bay. The amendment to the regulated area represents a four degree (4) clockwise rotation in the orientation of area "Bravo" over the originally published coordinates. This amendment is necessary in order to accommodate a corresponding shift in the orientation of the flight line to be used by the Blue Angels in their demonstrations.

DATES: This amendment to the regulations in 33 CFR 100.1105 becomes effective on October 11, 1991. Comments must be received by November 25, 1991.

ADDRESSES: Comments should be addressed to Commander, U.S. Coast Guard Group, Yerba Buena Island, San Francisco, California 94130-9309.

FOR FURTHER INFORMATION CONTACT: Lieutenant P. L. Newman, Operations Officer, U.S. Coast Guard Group, San Francisco, California. Tel: (415) 399-3445, FAX (415) 399-3521.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The details of the event were not finalized until August 22, 1991, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date. The Fleetweek activities for which these regulations are issued will occur on October 10, 11, and 12, 1991. Nevertheless, interested persons wishing to comment may do so by submitting written views, data or

arguments. Commenters should include their name and address, identify this notice (CGD11-91-11) and the specific section of the proposal to which the comments apply, and give reasons for their comments. Receipt of comments will be acknowledged if a stamped, self-addressed envelope is enclosed. The regulations may be changed in light of comments received.

Drafting Information

The drafters of these regulations are QM2 Julie Moe, Coast Guard Group, San Francisco, and Lieutenant Commander Allen Lotz, Project Attorney, Eleventh Coast Guard District Legal Office, Long Beach, California.

Discussion of Regulation

This event is Fleetweek's annual Blue Angels Aerial Show over the water near the San Francisco waterfront. The regulated area to be used is approximately 2.7 nautical miles long by .6 nautical miles wide. Approximately 10,000 spectator craft are expected to watch the event. Spectators will be required to view the event from the outside of the regulated area. Coast Guard, Navy, and Coast Guard Auxiliary vessels will be enforcing the regulated area.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the DOT policies and procedures (44 FR 11034; February 26, 1979). The Coast Guard certifies these regulations will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The rule contains no information collection or recordkeeping requirements.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined these regulations do not raise sufficient federalism implications to warrant the preparation of a Federal Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of these regulations and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, they will have no significant environmental impact and are categorically excluded from further environmental documentation.