FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-67; RM-7026, RM-7057]

Radio Broadcasting Services; Chester, Mechanicsville, and Ruckersville, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Sinclair Telecable, Inc., licensee of Station WCDX(FM), Channel 224A, Mechanicsville, Virginia, substitutes Channel 221B1 for Channel 224A at Mechanicsville, Virginia, and modifies its license for Station WCDX(FM) to specify operation on the higher powered channel. See 55 FR 07746, March 5, 1990. Furthermore, this action grants Sinclair's request to dismiss its proposals for change of community from Mechanicsville to Bon Air, Virginia, and for new allotments to Burkeville and Grottoes, Virginia, and also grants Sinclair's motion to sever this proceeding from the petition of Keymarket of Virginia, Inc., licensee of Station WQSF(FM), Williamsburg, Virginia, proposing the reallotment of Channel 243B from Williamsburg to Mechanicsville or Fort Lee, Virginia. Channel 221B1 can be allotted to Mechanicsville, Virginia, with a site restriction 17 kilometers (10.6 miles) northwest. The coordinates for Channel 221B1 are North Latitude 37–42–50 and West Longitude 77–30–23. This action also requires the substitution of Channel 226A for Channel 221A at Chester, Virginia, and the substitution of Channel 270A for Channel 221A at Ruckersville, Virginia. The coordinates for Channel 226A at Chester are 37–22–16 and 77–25–41. Coordinates for Channel 270A at Ruckersville are 38–14–55 and 78–24–38. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 3, 1991.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–67, adopted August 8, 1991, and released August 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended].

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 224A and adding Channel 221B1 at Mechanicsville, by removing Channel 221A and adding 226A at Chester, and by removing Channel 221A and adding 270A at Ruckersville.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–20281 Filed 8–22–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–549; RM–7464]

Radio Broadcasting Services; Joshua Tree, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 221A to Joshua Tree, California, as that community's first local aural transmission service, in response to a petition for rule making filed by Mel Yarmat. See 55 FR 48868, November 23, 1990. Coordinates used for Channel 221A at Joshua Tree are 34–08–45 and 116–16–04. Concurrence of the Mexican government to this allotment has been received. With this action, the proceeding is terminated.

EFFECTIVE DATES: October 4, 1991. The window period for filing applications for Channel 221A at Joshua Tree, California, will open on October 7, 1991, and close on November 6, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–549, adopted August 12, 1991, and released August 20, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended].

2. § 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 221A, Joshua Tree.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–20279 Filed 8–22–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–550; RM–6893, 7274]

Radio Broadcasting Services; Knob Noster, Wheeling, and Moberly, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 289C3 for Channel 288A at Knob Noster, Missouri, and modifies the license of Bick Broadcasting Company for Station KXKX(FM), Knob Noster, to specify operation on Channel 289C3 in response to a Notice of Proposed Rule Making. See 54 FR 50777, December 11, 1989. The coordinates for Channel 289C3 at Knob Noster are 38–46–28 and 93–37–34. To accommodate this upgrade, this document substitutes Channel 290A for Channel 289A at Wheeling, Missouri. The coordinates for Channel 290A at Wheeling are 39–47–12 and 93–23–07. This document also substitutes Channel 288C3 for Channel 288A at Moberly, Missouri and modifies the license of FM 105, Inc. for Station KZZT(FM) to specify operation on Channel 288C3. The coordinates for Channel 288C3 are 39–24–54 and 92–24–36. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 3, 1991.

FOR FURTHER INFORMATION CONTACT: Belford V. Lawson, III, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–550, adopted August 8, 1991, and released August 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 288A and adding Channel 289C3 at Knob Noster, by removing Channel 288A and adding Channel 288C3 at Moberly, and by removing Channel 289A and adding Channel 290A at Wheeling.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rule Division, Mass Media Bureau.

[FR Doc. 91–20280 Filed 8–22–91; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1180

[Ex Parte No. 282 Sub-No. 14]

Railroad Acquisition, Control, Merger, Consolidation Project, Trackage Rights, and Lease Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is making technical amendments to its regulations. These amendments are intended to update and to streamline the regulations, and are not intended to have any substantive effect upon any person or proceeding.

EFFECTIVE DATE: August 23, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245. [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION: We are making several technical amendments to part 1180 as part of our ongoing effort to update and streamline our codified regulations. These amendments are not intended to have any substantive effect.

Section 1180.4(c)(1). This section currently provides extensive filing fee information. In view of the codification of our filing fee regulations in § 1002.2, we are revising § 1180.4(c)(1) to refer prospective applicants to § 1002.2

Section 1180.4(c)(6)(iii). This section states that a party may contact the Commission's Section of Finance for assistance in certain matters. We are changing this reference to the Office of Proceedings since the Section of Finance no longer exists.

Section 1180.6(a)(7)(ii). This section requires parties to exempt trackage rights agreements and/or renewals to submit an original and one copy of the executed agreement of the renewal agreement. Because we have no need for an original, we are deleting that requirement.

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

This action will not have a significant effect on a substantial number of small entities.

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

Decided: August 15, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1180 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 1180 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10903–10906, 11341, 11343–11346; 5 U.S.C. 553 and 559; and 45 U.S.C. 904 and 915.

§ 1180.4 [Amended]

2. In § 1180.4, paragraph (c)(1) is amended by removing the first sentence and inserting in lieu thereof the following sentence: "The fees for filing applications or notices under these procedures are set forth in 49 CFR 1002.2.", the third and fourth sentences are removed; and, in paragraph (c)(6)(iii), the first sentence is amended by removing the words "Section of Finance" and inserting in lieu thereof the words "Office of Proceedings".

§ 1180.6 [Amended].

3. In § 1180.6, paragraph (a)(7)(ii), the second sentence is amended by removing the words "an original and".

[FR Doc. 91–20236 Filed 8–22–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018–AB30

Export of American Ginseng Harvested in 1991–93 Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain animal and plant species. Export of animals and plants listed in Convention Appendix II may occur only if the Scientific Authority has advised the permit-issuing Management Authority that such export will not be detrimental to the survival of the species, and if the Management Authority is satisfied that the animals or plants being exported were not obtained in violation of laws for their protection. Export of cultivated specimens of plants listed in appendix II may occur under certificates issued by the Management Authority if it is satisfied that the plants being exported were artificially propagated.

This final rule announces the U.S. Scientific Authority and Management Authority findings on export of American ginseng (*Panax quinquefolius*), listed on Convention Appendix II, from certain States for the 1991–93 harvest seasons.

The U.S. Fish and Wildlife Service (Service) began to make multi-year findings for the export of American ginseng on a State-by-State basis when it issued Scientific Authority and Management Authority findings covering the 1982–84 harvest seasons. This was followed by multi-year findings for ginseng harvested from certain States for the 1985–87 (50 FR 39691) and subsequently for the 1988–90 (53 FR 33815) harvest seasons.

The Service herein approves the export of ginseng harvested in 19 States during the 1991, 1992, and 1993 harvest seasons (a season ends with the calendar year). The Service continues to seek data and information on topics described in this rule as a basis for determining whether to initiate or to continue approval of exports from permitted States for subsequent seasons.

Monitoring State ginseng programs since 1977 has shown the Service that States from which ginseng export has been approved continue to satisfy Convention requirements. To ensure that this is so, the Service will continue annual monitoring in accordance with the procedures described herein. This monitoring will include analysis of data made available to the Service no later than May 31 every year from each State from which ginseng export is approved. These data document the most recent harvest and current status of ginseng management in that State.

The timely export of American ginseng is necessary for a successful ginseng management program. This rule is effective upon publication so that export can begin as soon as possible. This will enable all of the approved States to compete for the foreign markets needed to sell their ginseng and enable the ginseng farmers, diggers, and dealers to realize a greater monetary return for their product. Foreign markets for this species are dependent upon this final rule.

EFFECTIVE DATE: August 23, 1991.

ADDRESSES: Please send correspondence concerning this document to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, rm. 432, Arlington, Virginia 22203. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of Management Authority, 4401 North Fairfax Drive, rm. 432, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Scientific Authority: Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240. Express and messenger delivered mail should be addressed to the Office of Scientific Authority, 4401 North Fairfax Dr., rm. 750, Arlington, Virginia 22203, fax number (703) 358–2202, telephone (703) 358–1708, or FTS 921–1708. Management Authority: Marshall P. Jones, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., rm. 432, Arlington, Virginia 22203, fax number (703) 358–2281, telephone (703) 358–2093. Export Programs: Lawrence G. Kline, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., rm. 420, Arlington, Virginia 22203, telephone (703) 358–2095.

SUPPLEMENTARY INFORMATION: The Convention listing of this species (February 22, 1997 (42 FR 10462), and November 22, 1985 (50 FR 48212)) continues to regulate ginseng exports, including plants, whole roots, basically intact roots, and root chunks or slices. Export of Convention Appendix II listed species from the United States may only occur under Federal permit or certificate issued upon approval of both the U.S. Scientific Authority and Management Authority. These responsibilities are functions of the U.S. Fish and Wildlife Service. The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and the U.S. Fish and Wildlife Service are responsible for enforcing the Convention for terrestrial (nonmarine) plants (see APHIS final rule of October 24, 1984, 49 FR 42907). This is the second of two publications concerning the U.S. Scientific Authority and Management Authority findings on export of American ginseng collected in the 1991–93 harvest seasons.

Public Comment

No comment was received concerning the proposed rule published in the Federal Register on April 16, 1991 (56 FR 15318).

Scientific Authority Criteria

General criteria used by the Scientific Authority in advising the Management Authority on whether export will or will not be detrimental to the survival of species are as follows (originally described in a notice of July 11, 1977; 42 FR 35800):

1. Whether such export has occurred in the past and has or has not reduced numbers or distribution of the species, caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystems;

2. Whether such export is expected to increase, remain constant, or decrease; and

3. Whether the life history parameters of the species and the relevant structure and function of its ecosystems indicate that present or proposed levels of export will appreciably reduce the numbers or distribution of the species, or cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystems.

For ginseng, the evaluation for nondetriment by the Scientific Authority, in accordance with these general criteria, will continue to be based on the following information for each affected State, to the extent it is available in State data (with the States providing the sources and accuracy for new data, and indicating which information from previously submitted material is still valid), or from other suitable sources:

1. Historic, present, and potential distribution of wild ginseng by county using State maps with county outlines; distribution of optimal natural habitat on a regional basis in the State, and description of recent trends in loss and/or protection of habitat; and map of locations and information on approximate acreage and percentage of wild ginseng that is on statute-protected lands where collecting is permanently prohibited. (Ginseng is considered as wild if it occurs in naturally perpetuated habitat, where the species is naturally propagated or with only limited planting of seed with no subsequent tending of the species or habitat before harvest.);

2. Map of the locations of ginseng populations, approximate number or density of wild ginseng populations per county or region, and information on the total number of wild ginseng localities in the State;

3. Map of the average number of plants per population or patch, or local abundance of wild ginseng, per county or region of the State; map and information on the population trends per county or region, indicating if populations of wild ginseng are increasing, stable, decreasing, extirpated, or unknown; and discussion of any recent changes from previous years or differences from historical population sizes;

4. A description of the State's annual harvest practices and controls on wild ginseng including a regulated harvest season (States are urged not to permit harvest until seeds are mature), and harvest requirements such as minimum size or age of collected plants (3-leaf (3-prong) minimum recommended) and on planting seeds at the collection site;

5. Map of the harvest intensity by county or region, indicating if collecting is heavy, moderate, light, none, or unknown, and discussion of any changes from previous years; information on the number of ginseng collectors (diggers) in the State, and on the amount of wild ginseng plants and roots harvested in the State and the amount certified for export, in pounds (dry weight) per year;

6. Information on the average number of wild roots per pound (dry weight) harvested, preferably on a county or regional basis or, if not available, on a statewide basis; and an assessment of

any trend in number of wild roots per pound (dry weight) or root sizes over previous years;

7. A description of the State's ongoing research program on wild ginseng and its progress, including a summary of results obtained; and

8. State maps showing those counties in which ginseng is commercially cultivated; and information on the amount of cultivated ginseng plants or roots harvested in the State and the amount certified, in pounds (dry weight) per year. (Ginseng is considered cultivated when it is artificially propagated and maintained under controlled conditions, for example, in intensively or intermittently prepared or managed gardens or patches, under artificial or natural shade.)

Documents containing information that provided the basis for the findings as to whether export was not detrimental are available for public inspection at the Office of Scientific Authority at the address given above.

Management Authority Criteria

In addition to Scientific Authority advice that ginseng exports will not be detrimental to the survival of the species, the Management Authority must be satisfied that (1) the ginseng was not obtained in contravention of laws for its protection, and (2) it was of wild or of artificially propagated origin.

Criteria used by the Management Authority in determining a State program's qualifications for export are that the State has adopted and is implementing the following regulatory measures (see September 30, 1985, Federal Register (50 FR 39691)).

1. A State ginseng law and regulations mandating State licensing or regulation of persons purchasing or selling ginseng collected or grown in that State;

2. State requirements that these licensed or registered ginseng dealers maintain true and complete records of their commerce in ginseng and provide copies of such records of commerce to the State in a signed and dated statement at least every 90 days (generally within 15 days of the end of each quarter of the calendar year) and a year-end accounting of total commerce for the year;

3. Dealer records required to show date of transaction, whether plants and roots were wild or artificially propagated, if roots were dried or green (fresh) at time of transaction, weight of roots, weight or number of plants, State of origin of plants or roots, and the identification numbers of the State certificates used to ship ginseng from the State of origin. The name and address of the seller or buyer of the ginseng of record shall be maintained by the dealer on his or her own copy of commerce record forms supplied by the State(s) of licensing, and shall be made available to the State ginseng program manager(s) if requested;

4. Inspection and certification by State personnel of all ginseng harvested in the State and of the dealer's ginseng commerce records to authenticate that the ginseng was legally taken from wild or cultivated sources within the State. (Experience has shown the value of an inspection and certification program by a State official who can verify both the weight of the ginseng roots (weight or number of plants) in question and that the roots or the plants were legally taken from the wild or artificially propagated in that State);

5. Ginseng unsold by March 31 of the year after harvest must be weighed by the State and the dealer, digger, or root owner given a State weight receipt. Future State export certification of this stock is to be issued against the State weight receipt;

6. The certificate of origin forms must remain in State control until issued at certification and must contain the following information:

—State of origin,
—Serial number of certificate,
—Dealer's State registration number,
—Dealer's Shipment number for that harvest season,
—Year of harvest of ginseng being certified,
—Designation as wild or artificially propagated plants or roots,
—Designation as dried or green (fresh) roots, or live plants,
—Weight of roots and plants (or number of plants) separately expressed both numerically and in writing,
—Verified statement by State ginseng official that the ginseng was obtained in that State in accordance with State law of that harvest year,
—Name and title of State-certifying official,
—Date of certification, and
—Signatures of both dealer and State official making certification.

This certificate should be issued in triplicate, with the original designated for dealer's use in commerce, first copy for dealer records, and second copy retained by the State for reference; and

7. State regulations that (a) prohibit export of its ginseng from the State without certification by the State of origin, and (b) require uncertified ginseng supplied to State-registered dealers to be returned to the State of origin within 30 calendar days for certification. Failure to have such ginseng certified will render this root illegal for commerce under State Law.

Each State from which ginseng export is approved shall make program information, identified by harvest year, available on an annual basis to the Service's Office of Management Authority no later than May 31 (for example, the 1991 State ginseng data should be available by May 31, 1992). These data should be sufficient to satisfy the Scientific Authority criteria indicated above. The following information is needed to satisfy the Management Authority criteria:

1. Reaffirm State ginseng program and indicate modifications, if any, concerning:

(a) State ginseng laws and regulations;

(b) Season of ginseng harvest and commerce;

(c) State dealer, digger, and/or grower license or registration rules;

(d) Sample of required ginseng-related licenses, including cost of license and dates of authorized use;

(e) Fees for any ginseng-related license or registration;

(f) Dealer, digger, or grower record-maintenance and reporting requirements;

(g) Sample of current-year dealer certificates and reporting forms;

(h) Description of State certification system for wild and cultivated ginseng legally harvested within the State including controls to minimize uncertified ginseng from moving into or out of the State; and

(i) Name, address, and telephone and fax number of State official to contact concerning such information.

2. The State data should also include information on the following:

(a) Pounds dry weight of wild and of cultivated ginseng roots and weight or number of live plants (i) harvested and (ii) certified by the State, and (iii) the pounds of each bought and sold from in-State and out-of-State sources;

(b) Indicate how dealers not resident in the State obtain certification for ginseng roots harvested in that State and how this type of commerce is controlled by State law;

(c) Indicate ginseng law enforcement procedures, violations discovered, and remedies; and

(d) Sample of current-year State certificate of legal take and origin.

Documents containing information that provided the basis for the Service's findings of legal take and origin are available for inspection at the Office of Management Authority at the address given above.

Program for Artificially Propagated Cinseng

In an October 21, 1980, rule (45 FR 68944), the Service announced it would approve export of artificially propagated ginseng only from States for which export of wild-collected ginseng was approved because those States had programs that could adequately document the source of the ginseng. The Service announced in an October 4, 1982, rule (47 FR 43701) that it would approve export of artificially propagated ginseng from other States if procedures had been implemented to minimize the risk that wild-collected plants would be claimed as cultivated. The Service will continue to consider granting such approval.

Previous Export Approval

The export of wild and/or cultivated ginseng harvested from 1982 through 1984 was approved from States listed in 50 CFR 23.51(e). On September 30, 1985 (50 FR 39691), the Service approved multi-year export of 1985–1987 harvested ginseng only from States with a legally regulated ginseng program that provided for a State inspection and certification system and that otherwise satisfied all other criteria of the Scientific Authority and Management Authority. Export of ginseng harvested in those States during the 1988–90 harvest years was approved by the Service on September 1, 1988 (53 FR 33815).

Multi-year Findings

From monitoring State ginseng programs and the status of the species since 1977, the Service finds that States previously approved for the export of ginseng continue to satisfy Convention requirements and that continued ginseng export from these States will not be detrimental to the survival of the species. Therefore, States previously approved for export of ginseng for the 1988–90 harvests are now approved for the 1991–93 harvest seasons.

States wishing to initiate export programs for ginseng harvested in 1992 or thereafter should begin working with the Service as soon as possible, so that their finalized application can be submitted by March 31 of the year in which they anticipate certifying harvested ginseng for subsequent export.

Service ginseng export approval would be subject to revision prior to the 1992 and 1993 harvest seasons in any approved State if a review of information reveals that Management Authority or Scientific Authority findings in favor of export must be changed. The Service does not grant general approval for export of ginseng originating in any State not named in 50 CFR 23.51(e) because: (1) The species does not occur there, (2) no harvest of the species is allowed by the State, (3) the Service does not have adequate information needed for Management Authority or Scientific Authority findings, or (4) the State has not applied for such export approval. To ensure Service-approved States maintain successful programs and that export is not detrimental to the survival of the species, the Service plans to continue annual monitoring of State programs and of information on the status of ginseng populations. Notices will be published in the **Federal Register** in 1992 and 1993 only if new information or changed conditions show reason for revised findings or guidelines.

Export Procedures

Valid Federal Convention documents are necessary to export wild or artificially propagated ginseng plants or roots. Applications for these documents should be sent to the Office of Management Authority at the address given above.

Ginseng eligible for export may only be exported through ports with personnel and/or facilities of the U.S. Department of Agriculture ("USDA ports") and designated by the U.S. Department of Interior (see 49 FR 49238; October 25, 1984). For each export, the exporter must present to the Port Inspector of the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, proof that the exporter has a valid General Permit, available from the U.S. Department of Agriculture, and the following:

(1) Ginseng plants or roots being exported;

(2) Original State certificates of origin for the ginseng (or foreign export documents for American ginseng imported to the United States). An exporter or dealer may split an original State certificate by striking a line through the original weight, and identify by numbers and writing the lower weight of ginseng being exported. This change in certificate weight must be certified with the written words "I made these changes on (date)" followed by full legal signature of the dealer or exporter. The modified State certificate must bear this certification in original ink form;

(3) Three completed Federal Convention export documents; and

(4) One copy of executed shipper's invoice.

The APHIS Plant Protection and Quarantine port inspector may sign and validate the Convention documents only after a satisfactory inspection of the State certificate of origin, shipper's invoice, Convention export documentation, and contents of the shipment. Once the Convention documents are validated, the inspector will then forward State certificates, one Convention export document, and shipper's invoice to the Office of Management Authority for recordkeeping and reporting. The second Federal export document is for the exporter, and the remaining Convention export document authorizes the international shipment of the ginseng and will be collected by the importing country.

The Department has determined that good cause exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act for making these findings and rule effective immediately. This publication represents the final administrative step in authorizing the export of ginseng in accordance with the Convention. Good cause exists for making these findings effective as soon as possible to avoid economic injury to individual diggers, dealers, or other small entities that are directly affected by the findings. Because this final rule removes a restriction on export, it can be made effective immediately upon publication under 5 U.S.C. 553(d)(1). It should be noted that making these findings and rule effective immediately will not adversely affect the species involved in view of the findings on nondetriment contained herein.

Note: The Department has determined that this rule is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement is not required. The Department determined that the findings for the 1978–90 harvest seasons were not major rules under Executive Order 12291 and did not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601). Because the rule treats exports on a State-by-State basis and approves export in accordance with State management programs, the rule would have little effect on small entities in and of itself. For the 1991 through 1993 harvest seasons, the Service has analyzed the impacts and again concludes that this would not be a major rule and would not have a significant economic effect on a substantial number of small entities. This rule does not contain any information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

This rule is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, as amended), and was prepared by Lawrence G. Kline, Office of Management Authority, and Dr. Bruce MacBryde, Office of Scientific Authority.

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Fish, Imports, Treaties.

Regulation Promulgation

PART 23—ENDANGERED SPECIES CONVENTION

Accordingly, part 23, subpart F of chapter I, title 50, Code of Federal Regulations, is amended as set forth below:

1. The authority citation for part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Subpart F—Export of Certain Species

§ 23.5 [Amended]

2. In § 23.51 American ginseng (*Panax quinquefolius*) revise paragraph (e)(1) to read as follows:

(e)(1) 1982–1993 harvests (wild and cultivated roots for each year unless noted)

State	Harvest years											
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Alabama	—	—	—	—	—	—	X	X	X	X	X	X
Arkansas	X	X	X	X	X	X	X	X	X	X	X	X
Georgia	X	X	X	X	X	X	X	X	X	X	X	X
Illinois	X	X	X	X	X	X	X	X	X	X	X	X
Indiana	X	X	X	X	X	X	X	X	X	X	X	X
Iowa	X	X	X	X	X	X	X	X	X	X	X	X
Kentucky	X	X	X	X	X	X	X	X	X	X	X	X
Maryland	X	X	X	X	X	X	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X	X	X	X	X	X	X
Missouri	X	X	X	X	X	X	X	X	X	X	X	X
New York	—	—	—	—	—	—	X	X	X	X	X	X
N. Carolina	X	X	X	X	X	X	X	X	X	X	X	X
Ohio	X	X	X	X	X	X	X	X	X	X	X	X
Pa.	—	—	—	—	—	—	X	X	X	X	X	X
Tennessee	X	X	X	X	X	X	X	X	X	X	X	X
Vermont	X	X	X	X	X	X	X	X	X	X	X	X
Virginia	X	X	X	X	X	X	X	X	X	X	X	X
W. Va.	X	X	X	X	X	X	X	X	X	X	X	X
Wisconsin	X	X	X	X	X	X	X	X	X	X	X	X

X: Export approval granted for wild and cultivated ginseng harvested in State indicated.
—: Export not requested or not granted.
a: Export approval only for artificially propagated (cultivated) ginseng harvested in State indicated.

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Dated: July 9, 1991.

Richard N. Smith,

Director, Fish and Wildlife Service.

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