

final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The basis for this finding is that Anchorage 7 is already being utilized within the boundaries set forth in this final rule.

Small Entities

Under 5 U.S.C. 601 *et seq.*, known as the Regulatory Flexibility Act, the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this final rule is expected to be minimal, the Coast Guard will certify under 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it is anticipated that this final rulemaking will not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

This final rulemaking has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.e of Commandant Instruction M16475.1B. It has been determined that a Categorical Exclusion Determination statement is not required (see 59 FR 38654, July 29, 1994).

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

Final Regulations

For the reasons set out in the preamble, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.157 paragraph (a)(8) is revised to read as follows:

§ 110.157 Delaware Bay and River.

(a) * * *

(8) *Anchorage 7 off Marcus Hook.* (i) On the southeast side of the channel along Marcus Hook Range, bounded by a line connecting the following points:

Latitude	Longitude
39°49'17.254" N	75°22'50.0994" W
39°48'39.984" N	75°23'17.238" W
39°47'45.309" N	75°25'01.278" W
39°47'43.111" N	75°26'00.186" W

(DATUM: NAD 83)

(ii) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities shall anchor in the preferential area of this anchorage designated for the use of vessels awaiting quarantine inspection, this area being the waters bounded by the arc of a circle with a radius of 366 yards and with the center located at:

Latitude	Longitude
39°48'46.334" N	75°23'26.881" W

(DATUM: NAD 83)

(iii) Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

* * * * *

Dated: January 23, 1995.

W.J. Ecker,

*Rear Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.*

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33 CFR Part 162

[CGD09-95-006]

Temporary Speed Limits for the St. Marys River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is making a temporary amendment to the speed limits for the St. Marys River during the 1994-95 icebreaking season. This amendment reduces the speed limit by 2 miles per hour through that part of the system, between Munuscong Lake Lighted Buoy 8 (LLNR 13065) and Lake Nicolet Light 80 (LLNR 13465) upbound and between Lake Nicolet Light 80 (LLNR 13465) and West Neebish

Channel Light 9 (LLNR 13715) downbound. These temporary changes to the speed regulations are a precautionary measure to minimize any possible damage to the environment due to movement of large commercial vessels through the ice.

EFFECTIVE DATE: This regulation is effective from February 9, 1995, through April 15, 1995.

FOR FURTHER INFORMATION CONTACT: Lieutenant Scott J. Smith, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, 1240 East 9th Street, Cleveland, Ohio 44199-2060, (216) 522-3990 or Ensign William B. Morgan, Group Sault Ste. Marie, 337 Water St., Sault Ste. Marie, MI 49783, (906) 635-3303.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Publication of a notice of proposed rulemaking and delay in the effective date would be contrary to the public interest because immediate action is necessary to prevent possible damage to the environment.

Additionally, the Coast Guard issued this temporary rule for the 1993-94 icebreaking season and no comments were received. Therefore, nothing would apparently be gained by pre-publication.

Discussion of Proposed Regulations

In a letter received on February 26, 1993, the Michigan Department of Natural Resources advised the Commander of the Ninth Coast Guard District of concerns over the environmental impact of ship transits through the St. Marys River during the period of March 21 to April 1. March 25 is the fixed date for the opening of the locks at Sault Ste. Marie, which allows large commercial shipping access to the St. Marys River from Lake Superior. In accordance with an agreement reached on June 29, 1993, with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources, the Coast Guard is making this temporary change to the speed regulations during periods when icebreaking is being conducted in the vicinity of Neebish Island, St. Mary's River, Michigan, as a precautionary measure to minimize any possible damage to the environment. The speed limit is being reduced by 2 statute miles per hour in the area between Munuscong Lake Lighted Buoy 8 (LLNR 13065) and Lake Nicolet Light 80 (LLNR 13465), upbound, and

between Lake Nicolet Lighted Buoy 80 (LLNR 13465) and West Neebish Channel Light 9 (LLNR 13715), downbound. The West Neebish Channel Light 9 checkpoint has been added to extend the reduced speed limit area past Winter Point, thereby protecting the sensitive environment between Winter Point and West Neebish Channel Light 9. Speed limits apply to the average speed between established reporting points.

Drafting Information

The drafters of this regulation are Lieutenant J.G. Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation & Waterways Management Branch, and Lieutenant and Karen E. Lloyd, Project Attorney, Ninth Coast Guard District Legal Office.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

A recent environmental impact study by the United States Army Corps of Engineers indicated that March 21 is the optimal opening date. [see U.S. Army Corps of Engineers Draft Environmental Impact Statement, Opening Operations of the Lock Facilities on March 21 (February 1993), Supplement III to the Final Environmental Impact Statement, Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan (July 1977)]. The same study by the Corps of Engineers indicates that there is not significant impact on fish populations due to movement of large commercial vessels through the ice. However, the Michigan Department of Natural Resources asserts that there may be such an impact during the early period of March 21 to April 1.

The Ninth Coast Guard District has adopted the U.S. Army Corps of Engineers EIS, EIS Supplements, and EIS studies on Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan. In addition, the Coast Guard is preparing a supplement for the 1974 Ninth Coast Guard District EIS regarding icebreaking activity on the Great Lakes.

Economic Assessment and Certification

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subjects in 33 CFR Part 162

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

Regulations

In consideration of the foregoing, the Coast Guard temporarily amends Part 162 of Title 33, Code of Federal Regulations, as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for 33 CFR Part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. From February 9, 1995 through April 15, 1995, paragraph (g) in § 162.117 is suspended and a new paragraph (i) is added to read as follows:

§ 162.117 St. Marys River, Sault Ste. Marie, Michigan.

(i) *Speed rules.* The following speed limits indicate the average speed over the ground between reporting points:

The speed limit between	Speed limit	
	Miles/hr	Knots
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Lake Lighted Buoy 8 and Evers Point	10	8.7
Evers Point and Reed Point	7	6.0
Reed Point and Lake Nicolet Lighted Buoy 62	8	7.0
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	10	8.7

The speed limit between	Speed limit	
	Miles/hr	Knots
Lake Nicolet Lighted Buoy 80 and Munuscong Lake Light 9 (downbound, West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Winter Point (West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Six Mile Point Ranger Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

Dated: February 9, 1995.

Thomas A. Trosvig,

Captain, U.S. Coast Guard Commanding Officer, VTS St. Marys River.

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POSTAL SERVICE

39 CFR Part 111

Contents of Second-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: On July 20, 1994, the Postal Service published a proposed rule for public comment in the **Federal Register** (59 FR 37011-37018) that would revise the current standards in the Domestic Mail Manual (DMM) on materials eligible for mailing at second-class rates with authorized second-class publications. This final rule adopts most of the proposed changes to the standards governing the contents and characteristics of second-class mail.

The final rule adopts the proposed objective criteria for determining which materials may be mailed at second-class rates, revises the regulations on pages with "novel characteristics," and liberalizes the standards governing the mailing of products and product samples. The final rule adds instructions specifying how advertising content is measured and a new definition of public service announcements. The Postal Service has decided not to adopt the proposal to remove the current advertising