

§ 162.T139 Nondisplacement vessels under 100 gross tons.

(a) Notwithstanding §§ 162.134 and 162.138(a), nondisplacement vessels 20 meters or more in length but under 100 gross tons may operate in the nondisplacement mode at speeds not more than 40 miles per hour (34.8 knots) and may overtake other vessels—

- (1) during daylight hours (sunrise to sunset),
- (2) when conditions otherwise safely allow, and
- (3) when approval has been granted by the Coast Guard Captain of the Port, Detroit or Commander of the Ninth Coast Guard District prior to each transit of the area.

(b) In this section, *nondisplacement mode* means a mode of operation in which the vessel is supported by hydrodynamic forces, rather than displacement of its weight in the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

(c) The Captain of the Port or the District Commander may deny approval for operations under paragraph (a) of this section if it appears that the design and operating characteristics of the vessels in question are not safe for the designated waterways, or if it appears that operations under this section have become unsafe for any reason.

(d) This section becomes effective at 12:01 a.m. on April 1, 1995 and terminates at 12 midnight on November 30, 1995.

Dated: March 30, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

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33 CFR Part 165

[CGD02-95-012]

RIN 2115-AA97

Safety Zone; Lower Mississippi River, Victoria Bend

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Mississippi River between mile markers 593.0 and 597.0. The zone is needed to protect vessel traffic from a collision hazard created by weir dike construction operations. Entry of vessels or persons into this zone is prohibited except as authorized by the Captain of the Port, Memphis, TN.

DATES: This regulation becomes effective at 7 a.m. on April 17, 1995 and terminates at 1 a.m. on July 30, 1995.

FOR FURTHER INFORMATION CONTACT:

LT Byron Black, Chief of Port Operations, Coast Guard Captain of the Port Memphis, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544-3941.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

At approximately 7 a.m. on April 17, 1995, the U.S. Army Corps of Engineers will commence weir dike construction operations at Lower Mississippi River mile 595.2 on the left descending bank. The construction is expected to be completed in approximately 90 days from the commencement date. The navigable channel will be blocked during the operations. A safety zone will be established on the Lower Mississippi River from mile marker 593.0 to 597.0 in order to facilitate safe vessel passage. All vessels shall establish passing arrangements with the contact pilot onboard the M/V BILL RODGERS, via VHF Marine Band Radio, Channel 13, prior to entering the safety zone and shall abide by the conditions of the arrangement. Entry of vessels or persons into this zone without a passing arrangement with the contact pilot is prohibited except as authorized by the Captain of the Port, Memphis, TN.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest. Immediate action is necessary to facilitate construction operations during the present low water level of the river. Harm to the public and/or environment may result if vessel traffic is not controlled during construction operations.

Regulatory Evaluation

This rule 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 not been reviewed 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 proposal to be so minimal that a full Regulatory Evaluation under

paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

PART 165—[AMENDED]

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section § 165.T02-012 is added to read as follows:

§ 165.T02-012 Safety Zone; Lower Mississippi River, Victoria Bend.

(a) *Location.* The following area is a Safety Zone: All waters within the shoreline and boundaries of Lower Mississippi River miles 593.0 to 597.0.

(b) *Effective dates.* This section becomes effective at 7 a.m. on April 17, 1995 and terminates at 1 a.m. on July 30, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: April 12, 1995.

A.L. Thompson, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Memphis.

[FR Doc. 95-9529 Filed 4-17-95; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Revisions to Standards for Use of Permit Imprints

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends Domestic Mail Manual (DMM) standards concerning methods of paying postage. These amendments will:

Change the publishing requirements for Form 3526, Statement of Ownership, Management, and Circulation, to allow greater flexibility in selecting the issue in which the required information will appear.

Relax the conditions under which a company permit imprint may be used while strengthening the ability of the Postal Service to identify the place of mailing of company permit imprint mail and to obtain information about such mailings. Generally, mailers will be allowed to use a company-style imprint without having to obtain permits at two or more post offices, but these mailers will be required to show a point of contact to obtain records of the mailing. Penalties for failure to provide records are also established.

Relax the design restrictions on permit imprint indicia. Generally, the new standards allow for more creativity while retaining restrictions that ensure that the indicia content is readable and clearly identifiable as postage payment.

Set a November 1, 1995, sunset date for the use of second-class key rates.

EFFECTIVE DATES: June 2, 1995, except for amendments to P200 which will become effective April 18, 1995.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268-5199.

SUPPLEMENTARY INFORMATION: On May 4, 1994, the Postal Service published for public comment several proposed changes to DMM standards related to bulk and presort mailing fees and the methods of paying postage (59 FR 23038-23041). Comments on the proposed rule were initially due to the Postal Service by June 20, 1994, but the comment period was subsequently extended to July 20, 1994, as published on June 22, 1994 (59 FR 32165).

The Postal Service received responses from 20 commenters, including three

mailer associations, collectively offering 25 comments on specific elements of the proposed rule. Of those comments, 16 concerned the proposed rule's provisions regarding the return address on mail paid by company permit imprint; five comments spoke to the provisions regarding publication of Form 3526, Statement of Ownership, Management, and Circulation; and one comment each was offered on the provisions regarding the preparation of permit imprint mailings, the payment of annual fees, the design of company permit imprint indicia, and the termination of key rates. Discussion of these comments and the corresponding aspects of the final rule are presented below.

Form 3526

The proposed rule would amend DMM E213.4.3 to change the publishing requirements for Form 3526, Statement of Ownership, Management, and Circulation. Although under current standards all publishers are required to file Form 3526 by October 1 of each year, those publishing general or requester publications are further required to publish the information on that form in the second issue of that publication after October 1. Responding to publishers' requests for a more flexible standard on the issue in which the information may appear, the Postal Service proposed to revise the standard to allow publication of Form 3526 in any issue published during the month of October. (The proposed rule incorrectly cited DMM E213.4.3 as the section being revised; the correct citation is DMM E216.4.3. This correction is reflected in the final rule.)

The five commenters on this provision generally supported its objective of a more flexible rule but correctly noted that the proposed wording precluded achievement of some of what the standard would require. For instance, it would be a physical impossibility for a publication to include in the data shown on the published form information about returned or unsold copies of the issue of the publication in which the annual report appeared. Further, publications not issued in October would implicitly be required to amend their frequency or violate the proposed standard. One commenter also noted that not specifying by regulation the issue in which the form had to appear weakened its effectiveness in publicizing the data that the form contained by making it harder for an interested reader to find. Another commenter requested clarification of "issue date," whether this term referred to the cover date of

the issue or to the date when the issue was produced or distributed.

The Postal Service agrees that its proposal was worded at cross-purposes to the ends that it sought to accomplish. Accordingly, the final rule is amended to allow more time for complete issue data to be developed; to recognize the practical limitations of a publication's frequency of issue (by relating the publication of the form to that frequency and allowing approximately equal time for publishing the form to all publications in proportion to their frequency of issuance); and to state clearly that the date of publishing the form is related to when issues of the publication are mailed. This final rule does not take steps specifically to facilitate a reader's ability to find the published form because the proposed rule neither contemplated a problem in that regard nor sought comment on imposing such a new requirement. The Postal Service may consider this comment for a future proposal.

Company Permit Imprints

The proposed rule would also amend DMM P040 to relax the conditions under which a company permit imprint may be used and to strengthen concurrently the ability of the Postal Service to identify the place of mailing of company permit imprint mail and to obtain information about such mailings.

Current standards require a permit imprint indicium to contain the mailer's permit number and the name of the post office where the permit is held unless, for a mailer having permit imprint authorizations at two or more post offices, a company-style indicium is used (in which the name of the permit holder is substituted for the permit number and post office name). At the request of customers, the Postal Service proposed a relaxation of the applicable standards to let any permit holder use the company-style format.

Current standards also require that company permit imprint mailpieces bear a complete domestic return address, but these standards do not specify what that address is to represent. This has permitted instances in which the permit holder has deliberately frustrated the efforts of the Postal Service to identify the point of mailing, what was mailed, and whether the correct postage was paid. Consequently, the Postal Service proposed to amend DMM P040 to require more information to document company permit imprint mailings (and mailings including company permit imprint pieces) by specifying that mailers use as the return address the location (the permit holder's or its