

on signal. This change is being made in order to alleviate highway traffic congestion in the vicinity of the drawbridge. This action will reduce the number of draw openings and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on June 9, 1986.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704-5004, (804) 398-6227.

SUPPLEMENTARY INFORMATION: On April 18, 1985 the Coast Guard published a proposed rule (50 FR 15461) concerning this amendment. The Commander, Fifth Coast Guard District, also published this proposal in Public Notice (5-593) dated April 24, 1985. Interested persons were requested to submit comments by May 24, 1985.

Drafting Information:

The drafter of these regulations is W.J. Creed, project officer, and the project attorney is Lt W.A. Mitchell.

Discussion of Comments

The Carteret County Planning Director submitted the only comment. It was his opinion that the 8:00 a.m. opening should be delayed until 8:15 a.m. to further facilitate the clearing of highway traffic congestion. This was considered, but was not approved because the highway traffic data contained in the record does not support a delayed opening at this time.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that these regulations will have no effect on commercial navigation or on any industries that depend on waterborne transportation. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117 Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.822 is added to read as follows:

117.822 Beaufort Channel, North Carolina.

From May 1 to October 31, the draw shall open on the hour from 7 a.m. to 7 p.m. for the passage of pleasure craft. To accommodate approaching pleasure craft, the hourly opening may be delayed up to 10 minutes past the hour. Public vessels of the United States, commercial vessels, and any vessel in an emergency involving danger to life or property shall be passed at any time.

Dated: April 28, 1986.

P.A. Welling,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.
[FR Doc. 86-10376 Filed 5-7-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 162

[CGD 85-060]

Inland Waterways Navigation Regulation; Connecting Waters From Lake Huron to Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the existing Inland Waterways Navigation Regulations for the connecting waters between Lake Huron and Lake Erie. This amendment results from the Coast Guard's commitment to industry to review the reporting point requirements after a period of experience of two seasons of operation under the current rules. The amendment will maintain the existing level of safety while reducing the burden of compliance on marines and ship owners.

EFFECTIVE DATE: May 28, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Powers, (202) 426-4958.

SUPPLEMENTARY INFORMATION: The responsibility for regulations governing the movement of vessels over the connecting waters from Lake Huron to Lake Erie were transferred from the U.S. Army Corps of Engineers to the Coast

Guard by a memorandum of understanding, signed on May 3, 1977, as a result of the enactment of the Ports and Waterways Safety Act of 1972. These regulations were added to Title 33, Code of Federal Regulations on September 29, 1977 (42 FR 51758) and were amended on April 30, 1984 (49 FR 19297).

Upon publication of the final rule, the Coast Guard stated that it would be willing to consider changes to the reporting points if operational experience showed a need for such changes. Since publication, comments have been received regarding the number of and location of reporting points and the excessive communications traffic from small recreational boaters. As a result of these comments and meetings between the U.S. and Canadian Coast Guards, changes to the regulations were proposed in a Notice of Proposed Rulemaking (NPRM) on January 6, 1986 (51 FR 402), with a 45 day comment period.

Drafting Information

The principal persons involved in drafting this final rule are Mr. Michael J. Powers, Project Manager, Office of Marine Environment and Systems, and Mr. Stanley Colby, Project Attorney, Office of Chief Counsel.

Discussion of Comments

In response to the NPRM a total of eleven comments were received, four of which supported the proposed changes to the regulations.

Four commenters objected to the existence and application of these regulations in their entirety. They state that the present regulations should be replaced with the regulations in existence prior to April 30, 1984. The Coast Guard believes the regulations in conjunction with the present vessel traffic system provide a level of safety that would not exist if the regulations were not in place. The regulations assist in maintaining an orderly flow of traffic through a constrained waterway and act as a coordinating point for the U.S. and Canadian Coast Guards during hazardous navigation conditions. For these reasons the Coast Guard does not intend to issue regulations which rescind the existing safety system.

One commenter stated opposition to these regulations in their entirety if the Canadian Government charged user fees to support the operation of Sarnia Traffic Center. The Coast Guard understands that there is no intention of imposing user fees to support any

Canadian Vessel Traffic Center. If it is decided at some future date to impose user fees it would not be done without full consultation with the system users and the U.S. government.

One commenter stated that future rulings should include input from the people doing the work. The Coast Guard believes individuals who work with or are affected by these regulations have had ample opportunity to participate in their development. This belief is based on the following: The original NPRM (June 6, 1983, 48 FR 25231) provided a 90 day comment period. A notice of public hearing was published in the *Federal Register* on October 7, 1983 (48 FR 45798). The hearing was held in Detroit, Michigan on November 15, 1983 and an extension of the comment period was provided by this notice until November 30, 1983. The present proposal provided a 45 day comment period after soliciting comments on the application of these regulations after one operating season through a notice in the Commander, Ninth Coast Guard District Local Notice to Mariners No. 34/84 (November 2, 1984). The Canadian Coast Guard also held public hearings and solicited comments from their industry.

One commenter requested that hearings on these regulations be reopened and include all interest Great Lakes personnel. When the Coast Guard holds a public hearing, it is open to the public, so the implication that the earlier public hearing somehow excluded Great Lakes personnel is in error. In addition, the NPRM indicated that a public hearing may be held if it is determined that oral presentations will aid in the rulemaking process. Since there was no indication by the commenter of what issues he intended to raise and why an oral presentation was the best way of doing so, the Coast Guard had no way of determining if the oral presentation would aid in the rulemaking process.

One commenter noted that the people who work at Sarnia Traffic Center do not have the expertise or local knowledge equivalent to that of the controllers of the St. Lawrence Seaway, Welland Canal, St. Mary's Falls Canal, and the St. Mary's River. The Coast Guard understands that personnel working at Sarnia Traffic Center receive the same type and amount of training as personnel at other Canadian Vessel Traffic Centers. The Canadian Coast Guard has informed the Coast Guard that their qualification training requires ship rides through applicable traffic systems, on-the-job watchstanding training, and formal classroom training on local and national VTS operations. Qualification takes five to eight months.

Once qualified, personnel participate in annual refresher training as well as riding vessels through the traffic system. Of the twenty-two persons at Sarnia Traffic Center, approximately one-third have worked there since 1974, another third have worked there for at least five years, while the remaining third have worked there less than five years. Accordingly, the Coast Guard does not agree with the commenter.

One commenter stated that Sarnia Traffic Center does not have the manpower or radio equipment to monitor VHF Ch. 16. The monitoring is maintained in accordance with the Agreement between Canada and the United States of America for Promotion of Safety on the Great Lakes by means of Radio, 1973, and is independent of this rulemaking. The Coast Guard understands that the monitoring of Ch. 16 is performed by a shoreside radio station that is collocated with the operations center at Sarnia. Also, VHF Ch. 16 is monitored jointly by other U.S. and Canadian shore stations in the area. Information received over Ch. 16 regarding movements in the traffic system requiring action is passed to the VTS center. Accordingly, the Coast Guard does not agree with this comment.

Two commenters recommended that "Captain of the Port" (COTP) should not be omitted from proposed § 162.130(e) because that officer is the key to making local arrangements. The delegation to the District Commander is not limited. The District Commander may redelegate this authority to the COTP or other appropriate officer, or may utilize the COTP to negotiate with Canadian Officials while retaining final approval. This is properly left to the District Commander's discretion. The change was not intended to indicate that the COTP would be completely eliminated from the process.

One commenter recommended that two additional downbound reports be made at Lake Huron Cut Light Buoy "11" and Lake Huron Cut Light Buoy "1". A report at these buoys would not provide as sufficient notice of traffic to be encountered as would a report 30 minutes north of these buoys. Although downbound vessels reporting their position 30 minutes north of Buoy "11" may slow down or even depart area anchorages later than reported, the advance report would provide a better indication of traffic expected in the vicinity of the Blue Water Bridge prior to entering the traffic system at Buoy "11". Further, three pilotage associations note that a report at Buoy "11" would be a distraction because it is a pilot change

point. Because of the report 30 minutes north of Buoy "11" and at Buoy "7" a call at Buoy "1" is not necessary considering a call had just previously been made at Buoy "7". For these reasons the Coast Guard does not agree with the recommended change.

One commenter recommended that Belle Isle remain an upbound reporting point. The Coast Guard believes that the visibility of ships moving upbound through Fleming Channel and past Peach Island Light to ships moving downbound is adequate and does not warrant an additional report. Furthermore, the channel in this area is more than adequate for safe two-way traffic. It is therefore believed that there is no need for a report under these circumstances. In situations of reduced visibility downbound ships will be aware of upbound ships having reported at Grassy Island Light. Vessels are encouraged to supplement their reports where necessary with security calls. Therefore, the Coast Guard will not act on this recommendation.

The same commenter recommended that an upbound report at Light "23" at Grande Pointe should be maintained since mariners are always asking each other when they will reach that point. This report would indicate clearing the sharp bend at Light "13". The Coast Guard believes that a report approaching the sharp bend at Light "13" is more critical than an additional one on departure. Downbound vessels announce their departure from the St. Clair Cutoff, Light "13", and South Channel area when they report at Lake St. Clair Light and upbound vessels announce of their departure from this area when they report at Marine City Salt Dock Light. Accordingly, the Coast Guard does not accept this recommendation.

One commenter recommended changing the proposed reporting points in Table 1. The upbound reporting points recommended include those proposed in Table 1, except the reports at Lake St. Clair Light and Marine City Salt Dock Light. An upbound report at Lake St. Clair Light is needed to announce the change of radiotelephone frequencies (from VHF Channel 12 to Channel 11 and vice versa). An upbound report at Marine City Salt Dock Light is needed to announce departure from the "no overtaking area" in the South Channel. This information also establishes a pattern for upbound vessels leaving the "no overtaking area" and proceeding to the one way area in Port Huron/Sarnia. Accordingly, the Coast Guard rejects this recommendation. The downbound reporting points recommended include

those proposed in Table 1 and reports at Lake Huron Cut Buoy "11", Willow Point Light, and the Ambassador Bridge. Downbound reporting points the commenter recommends deleting include Marine City Salt Dock Light, Lake St. Clair Light, Grassy Island Light, and the Detroit River Light.

The disadvantages of a downbound reporting point at Lake Huron Cut Buoy "11" have been previously discussed.

A downbound report at Marine City Salt Dock Light is needed because it gives notice a vessel will be entering the South Channel. It is located in an area where a vessel is not making a course change. The Coast Guard believes that this report offers a more useful indication of a downbound vessels position in the traffic system than at Willow Point Light, and the recommendation is rejected.

A downbound call at Willow Point Light is not needed, given the call at Marine City Salt Dock Light. Also, a call at Willow Point Light is at a location where a pilot, master, or ship operator may be preparing to make a course change.

A downbound report at Lake St. Clair Light is needed because it is notice that a vessel has departed the St. Clair Cutoff/Light "13" area and will be changing radio frequencies from VHF Ch. 12 to Ch. 11.

A downbound report at Grassy Island Light is needed to announce a vessel is about to enter the area of Fighting Island Channel, Ballards Reef, and Livingstone Channel.

A downbound report at the Detroit River Light is notice a vessel has departed the Detroit River and the traffic system. This information is more timely in notifying of a departure from the constraints of the waterway than a final report at the Ambassador Bridge. Therefore, for the preceding reasons, the recommended changes to the reporting points are not accepted.

Additional recommendations to the reports proposed in the NPRM include traffic reports 15 minutes before departing a berth in the River Rouge and as departing a berth in the River Rouge. The Coast Guard believes that both additional reports while in the River Rouge are unnecessary because a report 20 minutes before entering or departing the River Rouge is considered by the Coast Guard to be sufficient notice to vessels proceeding downbound or upbound in the Detroit River. In addition, various commenters to this NPRM and the earlier NPRM stated that they considered information of movements within the River Rouge unnecessary but information of movements into or out of the Detroit

River was considered necessary. Consequently, the recommendation was not accepted.

Two comments recommended all vessels anchoring in the connecting waters should report upon mooring, docking, or anchoring. Although the Coast Guard believes such reports would be of some benefit to users of the traffic system, the recommendation is in addition to the reports proposed in the NPRM. Concern over excessive reporting was one of the factors considered when proposing these rules. Under § 162.132(d)(2) reports must include the name of the vessel, location, intended course of action, and estimated time of arrival at next reporting point. If a vessel is in the traffic system and its intended course of action changes, then it must report this change of operation to comply with this requirement. Thus, some advance knowledge of a vessel mooring, docking, or anchoring is obtained under the present reports. Therefore, this recommendation will not be implemented.

One comment recommended ships anchoring in the connecting waters monitor the appropriate VHF sector frequency. The Coast Guard believes such a requirement would be helpful but is part of a larger concern involving all navigable waters. This recommendation should be looked at initially for all waters where necessary for the safety of other vessels and not just the Detroit/St. Clair Rivers. Because of this the Coast Guard will not implement this change.

One commenter recommended that a dedicated bridge to bridge radiotelephone frequency over VHF Channel 13 be established. As stated in the preamble of the NPRM (51 FR 403) the U.S. and Canadian Coast Guards have embarked on a program to recognize Ch. 13 as the Great Lakes bridge to bridge radiotelephone frequency. When this occurs, the public will be notified by a notice in the **Federal Register**.

One commenter stated that mariners should continue to use the VHF radiotelephone as a one-to-one communication link and security calls should be made at appropriate times and places on Ch. 13 instead of to a third party traffic control center. The Coast Guard believes the operation of the traffic system supports the efforts of monitoring the one-way traffic area in Port Huron/Sarnia. It also acts as a coordination center for the U.S. and Canadian Coast Guards during hazardous navigation conditions. Such coordination will allow all ships in the waterway to be aware of any special situations that may affect them or other vessels. Pilots, masters, and vessel

operators are responsible for listening and making security calls as necessary in addition to participating in the traffic system.

One commenter opposed Sarnia Traffic Center monitoring vessel movements except in the constricted waterway from Marysville Dock to Buoys "11" & "12" and near the fuel docks in Sarnia. The Coast Guard believes one of the major benefits of the existing traffic system is the promotion of the orderly flow of traffic throughout the connecting waters particularly the one-way area on Port Huron/Sarnia. The traffic center is able to monitor ship movements throughout the area and relay information when needed regarding emergencies.

Two commenters noted that Marine Salt Dock Light in proposed Table I should read Marine City Salt Dock Light or Salt Dock Light. The Coast Guard agrees and corrected the reference to "Marine City Salt Dock Light."

One commenter noted that Grand Point Light "23" in proposed Table I should read "Grande Point Light "23". The Coast Guard also made this correction.

One commenter noted that Belle Island Light in proposed Table I should read "Belle Isle Light." The Coast Guard also made this correction.

One commenter noted that Lake Huron Cut Buoy "7" has been replaced by "Lake Huron Cut Light "7". The Coast Guard also made this correction.

Additional Information

In order to bring this final rule into effect simultaneously with the Canadian regulations for the waterway, and in order to have them in effect before the height of the shipping season on the Great Lakes, this final rule is being made effective less than 30 days after publication. It has been determined that good cause exists, under 5 U.S.C. 553, for making this rule effective in less than 30 days after publication.

Regulatory Evaluation

These regulatory changes are considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this amendment has been found to be so minimal that further evaluation is unnecessary. Although these changes realign and reduce existing operational reporting requirements they have no cost impact. Since the economic impact is expected to be minimal, the Coast Guard certifies that this rule, if

promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

Regulations

In consideration of the foregoing, Part 162 of Title 33 of the Code of Federal Regulations is amended as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for Part 162 is revised to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46(n) (4).

2. By amending § 162.130(c) by removing the definitions of "Harbor Master", "Lake St. Clair", and "Regional Director General" and adding the following definition in alphabetical order:

§ 162.130 Connecting waters from Lake Huron to Lake Erie; general rules.

(c) * * *

"District Commander" means, Commander, Ninth Coast Guard District, Cleveland, Ohio.

3. By revising § 162.130(e) to read as follows:

§ 162.130 Connecting Waters from Lake Huron to Lake Erie; General Rules.

(e) *Delegations.* The District Commander, in coordination with appropriate Canadian officials, may make local arrangements that do not conflict with these regulations in the interest of safety of operations, to facilitate traffic movement and anchorage, to avoid disputes as to jurisdiction and to take necessary action to render assistance in emergencies. This authority may be redelegated.

4. By amending § 162.132 by revising paragraph (e), (f)(1) and (f)(3) to read as follows:

§ 162.132 Connecting Waters from Lake Huron to Lake Erie; communication rules.

(e) *Permanent Reporting Points.* The master of each vessel to which this section applies shall report as required by paragraph (d) of this section at the location indicated in Table I.

TABLE I

Downbound vessels	Reporting points	Upbound vessels
Report.....	30 Minutes North of Lake Huron Cut Lighted Horn Buoy "11".	
Report.....	Lake Huron Cut Light "7".	Report.
	Lake Huron Cut Lighted Buoy "1".	
Report.....	Black River Entrance Light.....	Report.
	Stag Island Upper Light.....	Report.
Report.....	Marine City Salt Light.....	Report.
Report.....	Grande Pointe Light "23".	
	St. Clair Flats Canal Light "2".	Report.
Report.....	Lake St. Clair Light.....	Report.
Report.....	Belle Isle Light.....	
Report.....	Grassy Island Light.....	Report.
Report.....	Detroit River Light.....	Report.

(f) Additional Traffic Reports.

(1) A report shall be made upon leaving any dock, mooring, or anchorage, in the Detroit River, Lake St. Clair, and the St. Clair River except for—

- (i) Ferries on regular runs; and
- (ii) Vessels in the River Rouge.

(3) A report shall be made—
(i) 20 minutes before entering or departing the River Rouge; and
(ii) Immediately before entering or departing the River Rouge.

5. By revising the note following § 162.136(a) to read as follows:

§ 162.136 Connecting Waters from Lake Huron to Lake Erie; anchorage grounds.

(a) * * *

Note.—There is an authorized anchorage in Canadian waters just above Fighting Island and an authorized anchorage in U.S. waters south of Belle Isle (33 CFR 110.206).

Peter J. Rots,
Rear Admiral, U.S. Coast Guard, Chief, Office
of Marine Environment and Systems.
May 5, 1986.

[FR Doc. 86-10371 Filed 5-7-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[Regulation 86-01]

COTP Detroit, MI, Regulation 86-01,
Safety Zone Regulations; Detroit River,
Detroit, MI

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Detroit River, East Rockwood, Michigan. This zone is needed to protect watercraft from possible damage during blasting operations in the Detroit River. Entry

into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 0700 A.M., Eastern Daylight Time, 28 April 1986. It terminates at 1900 P.M., Eastern Daylight Time, 31 July 1986.

FOR FURTHER INFORMATION CONTACT:

Lieutenant M.J. Burrows, Port and Environmental Safety Officer, Coast Guard Marine Safety Office, Detroit, Michigan, 48207-4418, (313) 226-7777.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than thirty (30) days after Federal Register Publication.

Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard watercraft and their occupants from the associated dangers involved. Notice of the blasting operations was not received from the contractor until 24 April 1986, and therefore, there was insufficient time to publish a NPRM. Although the establishment of this safety zone is a final ruling, comments concerning the establishment or scope of this zone are welcome. Such comments can be forwarded to Commanding Officer, Coast Guard Marine Safety Office, 2660 E. Atwater, Detroit, Michigan, 48207-4418, (313) 226-7777.

Drafting Information

The drafters of this regulation are Lieutenant M.J. Burrows, project officer for the Captain of the Port, and Lieutenant Commander Leone, Project Attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The hazard requiring this regulation will begin on 28 April 1986 and terminate on 31 July 1986. No watercraft will be permitted to remain in, enter, moor in, anchor in, or transit this safety zone unless specifically authorized by the Captain of the Port, Detroit, Michigan.

Drilling and blasting operations by Murray D. Black Co., Inc., are necessary to remove limestone bedrock and overburden to accommodate the installation of a sewage outfall structure at Detroit River Mile 3.9. On one designated day per week during the above stated time period, 505 pounds of Class A explosives will be loaded from the end of Lee Road, East Rockwood, Michigan, Detroit River Mile 3.9 to a designated tug and then shipped to the SPUD Barge Minnesota in the Detroit

River. The barge will store the weekly supply of explosives to be used during that week's blasting operations. United States Coast Guard personnel will be on scene during the weekly loading operations to ensure proper establishment and enforcement of the safety zone, and will conduct periodic safety checks during the blasting operations as a part of the Daily Harbor Patrol. This action is designed to prevent damage to watercraft and possible injury to their occupants should any mishap occur during these operations. This rule is intended to accomplish this purpose by preventing all unauthorized water traffic from entering the safety zone.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels and waterways.

PART 165--[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A temporary § 165.T901 is added to read as follows:

§ 165.T901 Safety Zone: Detroit River, East Rockwood, MI.

(a) *Location.* The following area is a safety zone: All waters within 250 feet of loading area of Class A Explosives at the end of Lee Road, Rockwood, Michigan, Detroit River Mile 3.9; all waters within 250 feet of tug used to tranship the explosives to the SPUD Barge Minnesota; all waters within 250 feet of the SPUD Barge Minnesota at which times Class A explosives are stored on board and all waters within 250 feet of the daily blasting site. This safety zone affects the area from the end of Lee Road, Rockwood, Michigan, Detroit River Mile 3.9 to a point in the Detroit River at approximately 42°3'8.1" N, 83°9'48.8" W. Warning signs and buoys will be posted at all points of access to the blasting area. Only authorized personnel will be permitted within the immediate blasting area.

(b) *Effective Dates:* 28 April 1986 to 31 July 1986.

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

Dated: April 25, 1986.

R.M. Larrabee,

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

[FR Doc. 86-10372 Filed 5-7-86; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Priority Airmail Service

AGENCY: Postal Service.

ACTION: Interim rule with request for comments.

SUMMARY: The Postal Service is introducing a new service called International Priority Airmail Service, which is available to bulk mailers of all categories of international mail other than parcel post items. In order to qualify for the service, mailers must meet specified minimum volume requirements and sort their mailings to the destination countries. The new service is intended to meet an increasing demand by business mailers for an international service that is faster than regular airmail. The rate for this new service is \$6.80 per pound. Service is available to all foreign countries, except Canada.

Interim implementing regulations have been developed and are set forth below for comment and suggested revision prior to adoption in final form.

DATE: The interim regulations will take effect on May 18, 1986. Comments must be received on or before June 7, 1986.

ADDRESS: Written comments should be directed to the General Manager, Market Development Division, U.S. Postal Service, Room 5520, 475 L'Enfant Plaza, SW., Washington, DC 20260-6330. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 5520 at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Peter T. Zeranski, (202) 268-2275.

SUPPLEMENTARY INFORMATION: In the past few years, the Postal Service has become aware of a growing need by mailers for a service which is faster than the current international airmail service and which is more closely tailored to the needs of bulk business mailers. International Priority Airmail service is intended to meet this need. The service, which is operated from those areas where it is operationally feasible and cost effective, is available to all bulk mailers. Collection service will be available in specified areas. A listing of

service origin areas will be available from the Postal Service. Except for Canada, which is excluded because of constraints under bilateral postal arrangements, the service is available to all foreign countries.

This service is available for all categories of international mail, other than parcel post. The mailing conditions for individual items sent in this service are the currently applicable conditions for those items. Each item must bear an imprint indicating that United States postage has been paid. Special services are not available for items sent in this service.

In order to qualify for the service, a mailer must have a minimum volume of either 200 items or 10 pounds of qualifying international mail, and must sort this mail to the destination countries. The mailer must package, label, and sack the mail to individual countries in accordance with the regulations set forth below. The Postal Service will provide the necessary sortation information, package labels, sacks, sack tags, and mailing statements. Postage will be paid on the total weight of the mailing and must be paid by affixing stamps or meter strips to the accompanying mailing statement or through an advance deposit account.

In establishing this new service, the Postal Service is taking into account the clearly expressed mailing needs of international bulk mailers along with the economic efficiencies which are associated with handling bulk quantities of mail and the cost savings arising from receiving the mail sorted to destination countries. As proposed, the service is cost effective and the rate is fair and compensatory.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making by 39 U.S.C. 410(a), the Postal Service ordinarily publishes in the *Federal Register* proposed additions or changes to its rules, as contemplated by the Act, when it is deemed necessary or appropriate to receive public comment on them. In this case, in order to make the new service available as soon as possible, the Postal Service is placing its proposed regulations in effect on an interim basis while public comments are received and evaluated. The Postal Service is taking this action to meet an urgent need expressed by certain international mailers for an improved international service. The Postal Service will carefully consider all comments received and make any changes that are necessary or appropriate before adopting final regulations.