

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 100**

[CGD 05-99-012]

RIN 2115-AE46

**Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Round-the-Buoys Races**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is adopting temporary special local regulations for the 1D48 Chesapeake Grand Prix Round-the-Buoys Races, a marine event to be held on the waters of the Patapsco River near Baltimore, Maryland. These regulations are necessary to provide for the safety of life and property on U.S. navigable waters during the event. The effect will be restrict general navigation in the regulated area for the safety of spectators, participants, and other vessels transiting the area.

**EFFECTIVE DATES:** This temporary final rule is effective from 11 a.m. EDT (Eastern Daylight Time) to 3 p.m. EDT on April 28, April 29, and April 30, 1999.

**FOR FURTHER INFORMATION CONTACT:** Chief Warrant Officer R. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore Maryland, 21226-1791, telephone number (410) 576-2674.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

In accordance with 5 U.S.C. 553, no notice of proposed rulemaking was published for this regulation. Following normal rulemaking procedures would have not been impracticable since there is not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date. Immediate action is needed to protect vessel traffic from the potential hazards associated with this event.

**Background and Purpose**

One Design, LLC, of Annapolis, Maryland, will sponsor the 1D48 Chesapeake Grand Prix Round-the-Buoys Races on April 28, April 29 and April 30, 1999. The event is consist of 8 state-of-the-art auxiliary-powered sloops conducting highly publicized, competitive races, on the waters of the Patapsco River, near Baltimore, Maryland. A fleet of spectator vessels is anticipated for the event, as the races

coincide with the annual Baltimore Waterfront Festival. Because of the need for vessel control during the races, vessel traffic will be temporarily restricted to provide for the safety of spectator, participants and transiting vessels.

**Discussion of Regulations**

The Coast Guard will establish temporary special local regulations on specified waters of the Patapsco River. The effect will be to restrict general navigation in the regulated area during the races. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area while the regulations are in effect. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators, and transiting vessels. Since the Coast Guard Patrol Commander may stop the event to assist transit of vessels through the regulated area, normal marine traffic should not be severely disrupted.

**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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the regulated area will be in effect only for a limited amount of time, extensive advisories have been and will be made to the affected maritime community so that they may adjust their schedules accordingly, and the event schedule will allow commercial interests to coordinate their activities to allow for minimum disruption to their enterprise.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this 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 businesss concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Because it expects the impact of this rule to be minimal, the event not lasting long, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

These regulations contain no Collection-of-Information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

**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 figure 2-1, paragraph (34)(h) of COMDTINST M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade are excluded under that authority.

**List of Subjects in 33 CFR Part 100**

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

**Temporary Regulations**

In consideration of the foregoing, Part 100 of Title 33 Code of Federal Regulations is amended as follows:

**PART 100—[AMENDED]**

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section, 100.35-T05-012, is added to read as follows:

**§ 100.35-T05-012; 1D48 Chesapeake Grand Prix Round-the-Buoys Races.**

(a) *Definitions.* (1) *Regulated area.* The waters of the Patapsco River enclosed by:

<i>Latitude</i>	<i>Longitude</i>
39°15'09.0" N.	76°32'38.5" W, to
39°13'30.5" N	76°31'06.5" W, to
39°12'45.5" N	76°32'03.0" W, to
39°15'17.0" N	76°34'40.0" W, to
39°15'39.0" N	76°34'16.0" W, to
39°15'09.0" N	76°32'38.5" W

All coordinates refer to Datum NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(b) *Special local regulations.* (1) All persons and vessels not authorized as participants or official patrol vessels are spectators. The "official patrol" consists of any Coast Guard, public, State, county, or local law-enforcement vessels assigned or approved by Commander, Coast Guard Activities Baltimore.

(2) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(3) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(4) Spectator vessels may enter and anchor in areas outside the regulated area without the permission of the Patrol Commander. They shall use caution not to enter the regulated area. No vessel shall anchor within a tunnel, cable, or pipeline area shown on a Government chart.

(5) The Coast Guard Patrol Commander will announce the specific time during which the regulations will be enforced, by Broadcast Notice to Mariners on channel 22 VHF-FM marine band radio.

(c) *Effective dates.* The regulated area is effective from 11 a.m. EDT (Eastern Daylight Time) to 3 p.m. EDT on April 28, April 29, and April 30, 1999.

Dated: March 5, 1999.

**Roger T. Rufe, Jr.,**  
Vice Admiral, U.S. Coast Guard Commander,  
Fifth Coast Guard District.

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## POSTAL SERVICE

### 39 CFR Part 111

#### Delivery of Mail to a Commercial Mail Receiving Agency

AGENCY: Postal Service.

ACTION: Final rule.

**SUMMARY:** This final rule amends section D042.2.5 through D042.2.7 of the Domestic Mail Manual (DMM) to update and clarify procedures for delivery of an

addressee's mail to a commercial mail receiving agency (CMRA). The rule provides procedures for registration to act as a CMRA; an addressee to request mail delivery to a CMRA; and delivery of the mail to a CMRA. This rule adopts with changes a proposed rule published for public comment on August 27, 1997, in the **Federal Register** (62 FR 45366-45368).

**EFFECTIVE DATE:** April 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** Roy E. Gamble, (202) 268-3197.

**SUPPLEMENTARY INFORMATION:** On August 27, 1997, the Postal Service published in the **Federal Register** a proposed rule to amend sections D042.2.5 through D042.2.7 of the Domestic Mail Manual (62 FR 45366-45368). The proposed rule was in response to a need to clarify and revise current rules. Recent audits and follow-up reviews indicated a need for easy-to-understand rules to satisfy the different needs and requirements of the sender and the addressee of mail sent to CMRA addresses.

The proposed rule clarifies and updates the requirements to be consistent with other current postal rules, policies, and requirements. In many instances, these requirements are similar to those for obtaining post office box service. The requirements are protective of the sender's requirement for a secure mailstream. They are sensitive to the addressee's desire to have a CMRA receive delivery of his or her mail and hold it for pickup or re-mail it to the addressee, prepaid with new postage.

Comments on the proposed rule were due on or before September 26, 1997. The Postal Service reopened the public comment period for an additional 30 days with written comments due on or before December 24, 1997, (62 FR 62540 November 24, 1997). The Postal Service received a total of 8,107 comments. Of the total, 727 comments were from CMRA owners, 7,365 were from CMRA customers, four were from CMRA franchisers and associations, and one comment was from a Member of Congress. These comments were largely identical in content and format, and generally opposed the proposed rule. The Postal Service received 10 comments that generally supported the proposed rule. Large firms and associations, including financial institutions and trade associations of mailers, consumers, and law enforcement officials submitted these comments. The Postal Service also received a number of comments after the deadline that were similar in nature and content to those received on-time

that generally opposed the proposed rule.

At the outset, it may be useful to address in more detail the purposes of this rulemaking. A number of commenters who opposed the new rule questioned the intent of the undertaking to amend the rule. There are assertions from the CMRAs that compliance with the regulations will "pu[t] CMRAs out of business." Customers of CMRAs assert that the rulemaking "appears to discriminate against them because of [their] choice of an address."

These claims are erroneous. The sole postal purpose of the rule is to increase the safety and security of the mail. The rule is designed to benefit both businesses and consumers by reducing the opportunities to use the mail for fraudulent purposes. The rule is intended to ensure that mailers are confident that addresses provided by prospective customers are actually used by these customers, and that the mail will reach the recipient, rather than be returned to the sender.

Comments from business, consumer, and law enforcement organizations recognize these purposes and indicate strong support for the rule. Indeed, in several cases, the commenters advocate even stronger provisions. The commenters describe a variety of problems addressed by the rule. For instance, several commenters refer to the term "identity theft," referring to criminal schemes with potential significant financial consequences to an innocent victim. The criminal may apply for new credit cards in the individual's name or request that the credit card issuers change the address of the legitimate cardholder. In each case, the criminal requests that future mailings are sent to an address that he or she controls.

One of the purposes of the rule is to strengthen the identification process at the time of application to receive mail through a CMRA. Thus, there are additional safeguards to ensure that a CMRA verifies that the applicant is the individual to whom mail will be addressed. The Postal Service has adopted safeguards in other instances where the mails may be used for fraudulent purposes, including strengthening the identification process for those applying to use post office box service as well as additional safeguards in change-of-address procedures. Thus the Postal Service is not "singling out" CMRAs.

Compliance with the prescribed procedures may, as noted by some commenters, impose additional burden on some CMRAs. It is true that CMRAs and their customers are, in the