

a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Patapsco River during the event.

Although this regulation prevents traffic from transiting or anchoring in portions of the Patapsco River during the event, the effect of this regulation will not be significant because of its limited duration and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

#### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

#### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk

to health or risk to safety that may disproportionately affect children.

#### Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” will be available in the docket where indicated under **ADDRESSES**. This rule will have no impact on the environment.

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

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

#### Temporary Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—[AMENDED]

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

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. A temporary § 100.35–T05–033 is added to read as follows:

#### § 100.35–T05–033 Special Local Regulations for Marine Events; Fireworks Display, Patapsco River, Inner Harbor, Baltimore, Maryland.

(a) *Definitions.*

(1) *Regulated Area.* The waters of the Patapsco River enclosed within the arc of a circle with a radius of 400 feet and with its center located at latitude 39°17′00″ N, longitude 76°36′15″ W. All coordinates reference 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.

(3) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(b) *Special Local Regulations.*

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

(2) The operator of any vessel in the regulated area shall:

- (i) Stop the vessel immediately when directed to do so by any official patrol.
- (ii) Proceed as directed by any official patrol.

(c) *Effective Dates.* This section will be effective from 9:15 p.m. on August 20, 2000 to 11:30 p.m. on August 21, 2000.

(d) *Enforcement Times.* It is expected that this section will be enforced between 9:15 p.m. and 9:50 p.m. on August 20, 2000. However, if the event is delayed due to weather or other unforeseen circumstances, this section will be enforced for a different time between 9:15 p.m. and 11:30 p.m. on August 20, 2000. If the fireworks display is cancelled for the evening due to inclement weather, then this section will be enforced from 9:15 p.m. to 11:30 p.m. on August 21, 2000. Notice of the enforcement time will be given via Marine Safety Radio Broadcast on VHF–FM marine band radio, Channel 22 (157.1 MHz).

Dated: August 2, 2000.

**J.E. Shkor**

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

[FR Doc. 00–20782 Filed 8–15–00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Tampa 00–061]

RIN 2115–AA97

#### Safety Zone Regulations: Tampa Bay, Florida

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters within Tampa Bay, Florida. The safety zone is needed to ensure the safe transit of the Liquefied Petroleum Gas (LPG) tank ships through Tampa Bay and into the SEA–3 facility located at berth 30. Any vessel desiring to enter the safety zone must obtain permission from the Captain of the Port, Tampa, Florida. All vessels over 5000 gross tons intending to pass the LPG vessel moored in Port Sutton must give 30 minutes notice to the LPG vessel so it may take appropriate safety precautions.

**DATES:** This rule is effective from June 26, 2000 until November 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Commanding Officer, Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606, Attention: Lieutenant Warren Weedon, or phone (813) 228–2189 ext 101.

**SUPPLEMENTARY INFORMATION:**

## Background and Purpose

LPG carriers are scheduled to transit through Tampa Bay and into a new LPG facility located on Port Sutton Channel. Due to the hazards to other vessels and to the public associated with carrying LPG product, the Coast Guard is establishing a moving safety zone. The safety zone will mirror the current guidelines for vessels carrying anhydrous ammonia that are currently calling on the Port of Tampa. The Safety Zone will also prohibit vessels from entering within 1000 yards fore or aft of the vessel during its transit.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public, as the updated information concerning the time and location of the transit was received 10 days before the transit.

## 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 the 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 proposal to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation is needed to ensure public safety in a limited area of Tampa Bay.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612 *et seq.*), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “Small entities” comprises small businesses and not for profit organizations that are independently owned and operated and are not dominant in their field and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities as

the regulations will only be in effect for two (2) hours on a limited area of Tampa Bay and meeting or overtaking of the vessel is permitted between Gadsden Cut buoys #3 and #7.

## Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–221), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

## Collection of Information

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

## Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government’s having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

## Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking disproportionately affect children.

## Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

## Environment

The Coast Guard has considered the environmental impact of this action and has determined under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, that 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, Safety measures, Waterways.

In consideration of the foregoing, the Coast Guard amends Subpart C of Part 165 of title 33, Code of Federal Regulations, as follows:

## PART 165—[AMENDED]

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

**Authority:** 33 U.S.C. 1271; 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. Temporary § 165.T07–061 is added to read as follows:

### § 165.T07–061 Safety Zone; Tampa Bay, Florida.

(a) *Regulated area.* A safety zone is established 1000 yards forward and aft of the LPG vessel and the entire width of the channel, prohibiting meeting or overtaking the LPG vessel starting at Tampa Bay Channel Cut “F” buoys “3 & 4” through Gadsden Point Cut, Hillsborough Bay Cut “A & C”, Port Sutton Entrance Channel and into the SEA–3 facility located at berth 30, Port Sutton Channel. The vessel will broadcast the exact time of the transit and the safety zone upon arrival. Any vessel desiring to enter the safety zone must obtain permission from the Captain of the Port, Tampa, Florida. All vessels over 5000 gross tons intending to pass the LPG vessel while moored in Port Sutton must give 30 minutes notice to the LPG vessel so it may take appropriate safety precautions.

(b) *Regulations.* In accordance with the general regulations in § 165.27 of this part, entry into this zone is prohibited to all vessels without the prior permission of the Coast Guard Captain of the Port.

(c) *Enforcement period.* This rule activates when the LPG vessel enters the safety zone starting at Tampa Bay Channel Cut "F" buoys "3 & 4" and terminates when the vessel moors at the SEA-3 facility, berth 30, Port Sutton Channel.

(d) *Effective date.* This section is effective from June 26, 2000 until 30 November 2000.

Dated: June 26, 2000.

**A.L. Thompson, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port, Tampa, Florida.*

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**BILLING CODE 4910-15-M**

## 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 adopts a proposal to amend section D042.2.6e of the Domestic Mail Manual (DMM) to provide an additional secondary address designation that may be used in the delivery address for mail to holders of private mailboxes at commercial mail receiving agencies.

**EFFECTIVE DATE:** August 16, 2000. All parties must comply with the amendment to D042.2.6e by August 1, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Larry Maxwell, 202-268-5015.

**SUPPLEMENTARY INFORMATION:** On March 13, 2000, the Postal Service published in the **Federal Register** a proposed rule to amend section D042.2.6e of the Domestic Mail Manual (65 FR 13258-13260). The original rule was published as part of a comprehensive clarification and revision of rules concerning delivery of mail to commercial mail receiving agencies (CMRAs) published on March 25, 1999 (64 FR 14385-14391). DMM section D042.2.6e established specific provisions for addressing mail to a holder of a private mailbox at a CMRA. As originally promulgated, the standard provided that the address must include a specific secondary address designation: "PMB" (for "private mailbox") followed by a number assigned to the boxholder by

the CMRA. Under the proposed change, CMRA private mailbox holders would have the option to use either "PMB" or "#" as the secondary address designation.

The secondary address designation, as discussed in the proposed rule and earlier notices regarding the CMRA standards, was intended to serve consumer protection interests. Previously, postal regulations had not prescribed the manner in which mail to CMRA private mailbox holders must be addressed, and many private mailbox holders have used a designation (e.g., "Suite" or "Apartment") along with the street address of the CMRA. This practice implied to senders of mail that the boxholder maintained a physical presence at that location. These addressing practices create the opportunity for fulfillment of criminal fraud schemes. However, and as described in some comments, even where this was not the case, the practice may be deceptive to consumers or others. For example, consumers who desire to provide charitable donations to local organizations or to make purchases from local businesses might mistakenly believe they are doing so when they respond to an out-of-state organization or firm with an address at a local CMRA. For similar reasons, the local business or charity might also suffer a competitive disadvantage from this practice.

Accordingly, the original rule was intended to serve consumer protection interests by providing the public with a means to be aware whether an address represented a physical location. However, the Postal Service later became aware the standard might have an unintended consequence. In meetings with industry representatives, it was pointed out that the "PMB" designation might adversely affect small businesses. The March 13, 2000, proposal, which permitted the use of either "PMB" or "#" as the secondary address designation, was intended as a means to balance the consumer and small business interests.

The Postal Service received 20,456 comments on the rulemaking. These were roughly comprised of three groups. The largest group (20,153 comments) supports the rulemaking. These comments, which were generally submitted by CMRA owners or private mailbox holders, were identical in content and format, and favored adopting the use of "PMB" or the optional "#" as the secondary designation. It also appears likely from the submissions that many of the commenters view this as a compromise, and that they would be at least as

satisfied with the elimination of any required secondary address designation. However, if a secondary address designation was required, these commenters considered "#" to be preferable to "PMB."

The smallest group (12 comments) expressly opposes the requirement for a secondary address designation. Representatives of small business groups and some CMRA private mailbox holders submitted these comments. They questioned whether there are appreciable fraud statistics to support the need for CMRA regulations. Some of these comments also appear to oppose any postal standards concerning the delivery of mail to CMRAs. To the extent these comments concern standards other than those proposed in DMM D042.2.6e, they are beyond the scope of this rulemaking.

The remaining 291 comments oppose the proposed rule that allows the use of "PMB" or the optional "#" as the secondary designation. These comments were generally submitted by groups representing consumer protection constituencies, such as state attorney generals, an association of state charity officials, and an association of financial crimes investigators, as well as address list maintenance vendors, an association of presort mailers, major mailers, individual consumers, and private mailbox holders. These commenters urge the requirement for use of the "PMB" secondary address designation be retained without an option to use "#" as an alternative. They observe the "#" designation may be confusing to senders of mail, who believe it represents a physical location. The comments also question whether the use of "PMB" will adversely affect small businesses, and, in any event, assert private mailbox holders should not be permitted to use addresses that falsely imply a physical presence at the location. Significantly, some commenters appear to believe that, as proposed, D042.2.6e would have a negative impact on consumer protection interests.

Based on its review of the current record, the Postal Service has determined to adopt the proposed revision to DMM D042.2.6e that allows the use of "PMB" or the optional "#", in certain conditions, as the secondary address designation for a CMRA customer.

At the outset, it should be noted that the Postal Service rejects any assertion that it lacks authority to promulgate rules to protect consumer protection interests. The Postal Reorganization Act establishes Postal Service responsibilities to protect citizens from fraudulent and deceptive practices