

## Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

### List of Subjects in 33 CFR Part 100

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

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

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T05–129 to read as follows:

#### § 100.35–T05–129 James River, Jamestown Beach to First Colony Beach, VA.

(a) *Definitions.*

*Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

*Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer of the Coast Guard on board and displaying a Coast Guard ensign.

*Regulated Area* includes all waters of the James River enclosed by a line drawn southerly from a point on the shoreline at latitude 37° 12' 33' N, longitude 076° 46' 52' W, thence to latitude 37° 10' 58' N, longitude 076° 47' 06' W, thence easterly along the shoreline to latitude 37° 10' 35' N, longitude 076° 46' 42' W, thence northerly to latitude 37° 12' 22' N,

longitude 076° 46' 27' W, thence returning westerly along the shoreline to latitude 37° 12' 33' N, longitude 076° 46' 52' W. All coordinates reference Datum NAD 1983.

(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) *Enforcement period.* This section will be enforced from 12:45 p.m. to 3:45 p.m. on September 21, 2003.

Dated: September 8, 2003.

**Sally Brice-O'Hara,**

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

[FR Doc. 03–23778 Filed 9–17–03; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD05–03–124]

RIN 1625–AA08

#### Special Local Regulations for Marine Events; Choptank River, Cambridge, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations during the “Chesapeake Challenge”, a marine event to be held September 28, 2003 on the waters of the Choptank River at Cambridge, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the Choptank River during the events.

**DATES:** This rule is effective from 11:30 a.m. through 4:30 p.m. on September 28, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05–03–124 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398–6204.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) the Coast Guard finds that good cause exists for not publishing an NPRM. The event will take place on September 28, 2003. There is not sufficient time to allow for a notice and comment period, prior to the event. Because of the danger posed by high-speed power boats competing within a confined area, special local regulations are necessary to provide for the safety of event participants, support craft, spectators and other vessels transiting the event area.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. However, advance notifications will be made to affected users of the waterway via marine information broadcasts and area newspapers.

#### Background and Purpose

On September 28, 2003, the Chesapeake Bay Powerboat Association will sponsor the “Chesapeake Challenge”, on the waters of the Choptank River at Cambridge, Maryland. The event will consist of approximately 30 offshore powerboats conducting high-speed competitive races between the Rt. 50 bridge and Oystershell Point. A fleet of approximately 250 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

#### Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Choptank River. The temporary regulations will be enforced from 11:30 a.m. to 4:30 p.m. on September 28, 2003, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast

Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Choptank River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect 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. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, 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. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Choptank River during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a limited period. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES**.

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

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and will either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of

\$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### 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 will not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National

Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that will limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

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

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

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

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T05–124 to read as follows:

#### § 100.35–T05–124 Choptank River, Cambridge, MD.

##### (a) Definitions.

*Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

*Official Patrol* means 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.

*Participant* includes all vessels participating in the Chesapeake Challenge under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Activities Baltimore.

*Regulated area* includes all waters of the Choptank River, from shoreline to shoreline, bounded to the west by the Rt. 50 bridge and bounded to the east by a line drawn along longitude 076° 00′ 00″ W at Oystershell Point. All coordinates reference Datum: NAD 1983.

(b) *Special local regulations:* (1) Except for event participants and

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.

(iii) Unless otherwise directed by the Official Patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) *Enforcement period.* This section will be enforced from 11:30 a.m. through 4:30 p.m. on September 28, 2003.

Dated: September 2, 2003.

**Sally Brice-O’Hara,**

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

[FR Doc. 03–23777 Filed 9–17–03; 8:45 am]

**BILLING CODE 4910–15–P**

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Parcel Return Services Experiment

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule sets forth the *Domestic Mail Manual* (DMM) standards adopted by the Postal Service to implement the Parcel Return Services experiment pursuant to the Decision of the Governors of the Postal Service approving the Recommended Decision of the Postal Rate Commission in its Docket No. MC2003–2. The recommended decision is based on the Stipulation and Agreement that represented a negotiated settlement of all issues in that docket.

**EFFECTIVE DATE:** This final rule is effective at 12:01 a.m. on October 19, 2003.

**FOR FURTHER INFORMATION CONTACT:** Obataiye B. Akinwole, 703–292–3643.

**SUPPLEMENTARY INFORMATION:**

#### PRS Background

The Postal Service is conducting this Parcel Return Services (PRS) experiment to respond to the rapidly evolving market of Internet and catalog sales. Merchandise sales inevitably lead to returns, and many consumers, as well as Internet and catalog retailers, rely on the Postal Service for return of merchandise. By taking advantage of new ways of handling returned parcels, the new Parcel Return Services can provide convenience to consumers and competitive prices for retailers.

Commercial shippers generally enter their parcels in bulk at postal facilities near their destinations and receive discounts for doing so. With the PRS experiment, they will be able to pick up returns in bulk at those same facilities and receive discounts for the handling and transportation costs the Postal Service otherwise would have incurred for single-piece handling and transportation of those parcels back to the original shipper. Thus, the experiment provides return parcels with the benefits of worksharing and the advantages of Parcel Select service realized by mailers for outgoing parcels.

#### PRS Rate Categories

PRS consists of three rate categories for returned Package Services parcels retrieved in bulk by a permit holder.

- The Parcel Select Return Delivery Unit (RDU) rate category applies to Parcel Post subclass parcels retrieved from a designated delivery unit.<sup>1</sup> The RDU rates are flat rates that do not vary by weight. There is one rate category for all regular-sized parcels and a separate flat rate for all oversized parcels.

- The Parcel Select Return Bulk Mail Center (RBMC) rate category applies to Parcel Post subclass parcels retrieved in bulk from any of the 21 Bulk Mail Centers (BMCs) listed in DMM L601, or other equivalent facility. Permit holders are required to develop reverse manifests of each piece they retrieve.

- The Bound Printed Matter (BPM) Return Bulk Mail Center (RBMC) rate category applies to BPM subclass parcels retrieved in bulk from any of the 21 BMCs. Permit holders are required to develop reverse manifests of each piece they retrieve. Flat-shaped single-piece rate BPM eligible for a rate reduction in the form of a flat differential does not qualify for the RBMC rate. There is no separate BPM rate for parcels retrieved from RDUs. BPM parcels can qualify as PSRS parcels retrieved from a DDU.

#### PRS Rates

As part of this experiment, participants will be charged the applicable rate in new DMM G993.3.1 through 3.4.

<sup>1</sup> Designated delivery units are those that currently offer extended hours for entry of Parcel Select-DDU parcels, and represent approximately 6,500 of the largest offices. This limit will allow the Postal Service to better manage and evaluate the experiment. Delivery unit information can be obtained from the Drop Ship Product, which provides information to customers who deliver their Package Services mailings to BMCs and DDUs. The Drop Ship Address portion of the product contains USPS facility address and telephone information. The Drop Ship Product is available by subscription from the National Customer Support Center (NCSC), Memphis, TN.