

transactions involving at least \$500 in funds or other assets. The third proposed regulation (62 FR 27909) would require money transmitters and their agents to report and retain records of transactions in currency or monetary instruments of at least \$750 in connection with the transmission or other transfer of funds to any person outside the United States, and to verify the identity of senders of such transmissions or transfers.

On July 8, 1997, FinCEN announced that it would hold four working meetings to give interested persons the opportunity to discuss with FinCEN officials issues arising under the proposed regulations (62 FR 36475). The meetings addressed issues relating to (1) the definition and registration of money services businesses (July 21, 1997, Vienna, VA), (2) money transmitters (July 28, 1997, New York, NY), (3) stored value products (August 1, 1997, San Jose, CA), and (4) issuers, sellers, and redeemers of money orders or traveler's checks (August 15, 1997, Chicago, IL). At those meetings, FinCEN distributed draft copies of the forms that will be used to implement the proposed regulations.

FinCEN is announcing today a meeting on September 3, 1997 to discuss issues relating to the draft forms for (1) registration of money services businesses, (2) suspicious transaction reporting by money transmitters and issuers, sellers, and redeemers, of money orders and traveler's checks, and (3) currency transaction reporting by money transmitters of \$750 or more outside the United States.

Copies of the draft forms will be available at the meeting. Persons wishing to obtain copies of the draft forms in advance of the meeting should call the number listed under the heading *Attendance* in the **FOR FURTHER INFORMATION CONTACT** section of this notice. The draft forms are for discussion only; therefore, money services businesses should not file these draft forms.

The meeting is not intended as a substitute for the Paperwork Reduction Act notices that will be published regarding the forms. Rather, the meeting is intended to help make the comment process on the draft forms as productive as possible by providing a forum between the industry and FinCEN concerning issues relating to the forms. The meeting will be open to the public and will be recorded. A transcript of the meeting will be available for public inspection and copying; prepared statements will be accepted for inclusion in the record. Accordingly, oral or written material not intended to

be disclosed to the public should not be raised at the meeting.

Persons wishing to attend or to participate in the meeting should inform either Camille Steele or Karen Robb as listed under the **FOR FURTHER INFORMATION CONTACT** section.

Dated August 21, 1997.

**Joseph M. Myers,**

*Federal Register Liaison Officer, Financial Crimes Enforcement Network.*

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## POSTAL SERVICE

### 39 CFR Part 111

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

**AGENCY:** Postal Service.

**ACTION:** Notice of proposed rule with request for comments.

**SUMMARY:** The purpose of this proposal is to amend section D042.2.5 through D042.2.7 of the Domestic Mail Manual to update and clarify procedures for delivery of an addressee's mail to a Commercial Mail Receiving Agency (CMRA). The proposal provides procedures for registration to act as a CMRA; an addressee to request mail delivery to a CMRA; and in delivery of the mail to a CMRA.

**DATES:** Comments must be received on or before September 26, 1997.

**ADDRESSES:** Written comments should be mailed to Manager, Delivery, Operations Support, U.S. Postal Service, 475 L'Enfant Plaza SW Room 7142, Washington, DC 20260-2802. 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, at the above address.

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

**SUPPLEMENTARY INFORMATION:** An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted. The proposal to amend sections D042.2.5 through D042.2.7 of the Domestic Mail Manual is in response to a need to clarify and revise current rules to safeguard the mails. Recent audits indicate that many CMRAs are not in full compliance with current requirements to properly safeguard the mails.

Security of the mails is the issue most important to all customers. Audits and follow-up reviews indicate a need for easy-to-understand rules that receive

consistent interpretation to satisfy the different needs and requirements of both the sender and the addressee customer. In some instances, it appears that CMRAs are not aware of or do not fully understand, the current rules. Accordingly, this proposal seeks to clarify and update and adds some new requirements to existing rules. In many instances, these requirements are similar to those for obtaining post office box service.

The proposed requirements are sensitive to the addressee customer's needs and protective of the sender customer's requirement for a secure mail stream. The proposed rules will require Postal Service employees to monitor and enforce compliance. The requirements also emphasize to CMRAs the need for mail security and the consequences of noncompliance.

Summary of proposed changes. Section D042.2.5 confirms the addressee's right to request delivery to a CMRA and provides procedures for a person to establish a commercial mail receiving agency.

Section D042.2.5(b) requires CMRAs to complete and submit Form 1583-A to the postmaster (or designee) to register as a CMRA. The Form 1583-A is a new form that provides a standard vehicle for registration. It also requires the CMRA owner or manager to furnish valid identification to register.

Section D042.2.5(c) requires the postmaster to verify the identity and witness the signature of the CMRA owner or manager. The CMRA owner or manager must also sign the form acknowledging receipt of DMM regulations relevant to the operation of a CMRA.

Section D042.2.5(d) confirms the current policy that CMRAs may not accept accountable mail from their customers for mailing.

Proposed section D042.2.6 clarifies procedures for addressees to request delivery to a CMRA and requirements for delivery of mail to a CMRA, consistent with current rules.

Section D042.2.6(a) requires the addressee and the CMRA to complete Form 1583, and clarifies the type of identification that the addressee must present and the CMRA's responsibility to witness the addressee's signature. This section also requires the CMRA to verify the identity of the addressee and to write the CMRA actual delivery address designation assigned to the addressee in block 3 on Form 1583. This proposal prevents mail delivery to a CMRA without verifiable consent of the actual addressee and reflects current practices to confirm that identification belongs to the person presenting it.

Section D042.2.6(b) is a new provision that requires addressees to disclose when the private mailbox is being used for the purpose of doing or soliciting business to the public. In this instance, information required to complete Form 1583 may be available to the public under Privacy Act provisions.

Section D042.2.6(c) clarifies the CMRA's responsibility to provide the original Form 1583 to the Postal Service and to maintain a duplicate copy at the CMRA business location.

Proposed D042.2.6(d) provides procedures for when an addressee terminates his or her relationship with the CMRA. As with current rules, the CMRA must write the termination date on its copy of Form 1583. However, unlike the current rule, the proposed rule requires that the CMRA retain the form for 12 months. The CMRA does not provide immediate notice of the termination to the Postal Service; instead, the CMRA submits quarterly updates of the CMRA's customer list to the Postal Service. This replaces the annual submission of such lists as required by the current DMM D042.2.7(d).

Proposed section D042.2.6(e) provides that the CMRA delivery address designation for customer's mail must contain specific address elements identifying it as the location to which a mailpiece is delivered. This proposal is consistent with the current policy of general addressing standards as required by A010.1.1 and A010.1.2, Address Content and Placement.

Proposed D042.2.6(f) confirms the current policy that postal forms are not valid if altered or modified.

Proposed sections D042.2.6 (g) and (h) confirm the current policy that subjects the CMRA to suspension of delivery if the CMRA is not in full compliance with requirements for operating a CMRA.

Proposed sections D042.2.7 clarifies the handling of mail by CMRAs, particularly mail addressed to former customers.

Sections D042.2.7 (a) and (b) reiterate current policy that the addressee and CMRA may not file change-of-address orders when the relationship terminates and that mail re-mailed by the CMRA must have new postage affixed.

Section D042.2.7(c) changes the time interval from annual to quarterly for CMRAs to submit to the Postal Service an alphabetical list of all its customers including those terminated within the last 12 months.

Proposed section D042.2.7(d) clarifies regulations for refusal of mail. The CMRA must accept and if necessary re-mail (with new postage) mail addressed

to current customers and customers who have terminated their relationship with the CMRA within the last 12 months. If mail is received more than 12 months after the customer relationship with the CMRA terminates, the CMRA may return the mail to the Postal Service, endorsed as required by section D042.2.7(e).

Section D042.2.7(e) confirms the obligation of the CMRA to return to the Postal Service mail for any addressee for whom the CMRA does not have a valid Form 1583. It also requires the CMRA to endorse this mail as specified and return it to the Postal Service the next business day after receipt. The section also confirms the obligation of the CMRA to return misdelivered mail to the Postal Service.

Section D042.2.7(f) specifies that the CMRA must not deposit any return mail into a collection box. The CMRA must return this mail to the post office or give it to the letter carrier responsible for delivery to the CMRA.

Although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. of 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Postal Service.

#### PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Section D042.2.0 of the Domestic Mail Manual is amended by revising subsections D042.2.5, D042.2.6, and D042.2.7 to read as follows:

#### Part D042—Conditions of Delivery

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#### 2.0 DELIVERY TO ANOTHER

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#### 2.5 CMRA

a. An addressee may request mail delivery to a commercial mail receiving agency (CMRA). The CMRA accepts delivery of the mail and holds it for pickup or re-mails it to the addressee, prepaid with new postage.

b. Each CMRA must register with the post office responsible for delivery to the CMRA. Any person who establishes, owns or manages a CMRA must provide

a Form 1583–A, Application to Act as Commercial Mail Receiving Agency, to the postmaster (or designee) responsible for the delivery address. The CMRA owner or manager must complete all entries and sign the Form 1583–A. The CMRA owner or manager must furnish two items of valid identification; one item must contain a photograph of the CMRA owner or manager. The following are examples of acceptable identification:

- (1) Valid driver's license.
- (2) Armed forces, government, or recognized corporate identification card.
- (3) Passport or alien registration card.
- (4) Other credential showing the applicant's signature and a serial number or similar information that is traceable to the bearer.

The postmaster (or designee) may retain a photocopy of the identification for verification purposes. Furnishing false information on the application or refusing to give required information will be reason for denying the application. When any information required on Form 1583–A changes or becomes obsolete, the CMRA owner or manager must file a revised application with the postmaster.

c. The postmaster (or designee) must verify the documentation to confirm that the CMRA owner or manager resides at the permanent home address shown on the Form 1583–A; witness the signature of the CMRA owner or manager; and sign the Form 1583–A. The postmaster must provide the CMRA with a copy of the DMM regulations relevant to the operation of a CMRA. The CMRA owner or manager must sign the Form 1583–A acknowledging receipt of the regulations. The postmaster must file the original of the completed Form 1583–A at the post office and provide the CMRA with a duplicate copy.

d. The approval of Form 1583–A does not authorize the CMRA to accept accountable mail (for example: Registered, Insured, or COD) from their customers for mailing. The only acceptable mailing point for accountable mail is the post office.

#### 2.6 Delivery to CMRA

a. Mail delivery to a CMRA requires that both the owner or manager and each addressee complete and sign Form 1583, Application for Delivery of Mail Through Agent. The CMRA owner or manager, or authorized employee, or a notary public must witness the signature of the addressee. The addressee must complete all entries on Form 1583. The CMRA owner or manager must verify the documentation to confirm that the addressee resides or conducts business at the permanent

address shown on Form 1583.

Furnishing false information on the application or refusing to give required information will be reason for withholding the addressee's mail from delivery to the agency and returning it to the sender. When any information required on Form 1583 changes or becomes obsolete, the addressee must file a revised application with the CMRA. The addressee must furnish two items of valid identification; one item must contain a photograph of the addressee. The following are examples of acceptable identification:

- (1) Valid driver's license.
- (2) Armed forces, government, or recognized corporate identification card.
- (3) Passport or alien registration card.
- (4) Other credential showing the applicant's signature and a serial number or similar information that is traceable to the bearer.

The CMRA owner or manager may retain a photocopy of the identification for verification purposes. The CMRA owner or manager must list the two forms of identification (block 9) and write the complete CMRA actual delivery address designation used to deliver mail to the addressee (block 3) on Form 1583.

b. The addressee must disclose on Form 1583 when the private mailbox is being used for the purpose of doing or soliciting business to the public. The information required to complete this form may be available to the public if "yes" in block 5 on Form 1583 is checked.

c. The CMRA must provide the original completed Forms 1583 to the postmaster. The CMRA must maintain duplicate copies of completed Forms 1583 on file at the CMRA business location. The Forms 1583 must be available at all times for examination by postal representatives and the Postal Inspection Service. The postmaster must file the original Forms 1583 alphabetically by last name of the addressee for each CMRA at the station, branch, or post office. The postmaster files the original Forms 1583 without verifying the address of residence or firm shown on the Forms 1583. Verification is required only when the postmaster receives a request by the Inspector-In-Charge, or when there is reason to believe the addressee's mail may be, or is being, used for unlawful purposes.

d. When the agency relationship between the CMRA and the addressee terminates, the CMRA must write the

date of termination on its duplicate copy of Form 1583. The CMRA must notify the post office of termination dates through the quarterly updates (due on January 1, April 1, July 1, and October 1) of the alphabetical list of customers cross-referenced to the CMRA actual addressee delivery designations. The alphabetical list must contain all new customers, current customers, and those customers who terminated within the last 12 months, including the date of termination. The CMRA must retain the endorsed duplicate copies of Forms 1583 for 12 months after the termination date. Forms 1583 filed at the CMRA business location must be available at all times for examination by postal representatives and the Postal Inspection Service.

e. A CMRA must represent its delivery address designations for the intended addressees as a private mailbox (PMB). The CMRA delivery address designations must specify the location to which a mailpiece is delivered. Mail pieces must bear delivery address designations that contain at least the following elements, in this order:

- (1) Intended addressee's name or other identification. *Examples: Joe Doe or ABC CO.*
- (2) PMB and number. *Example: PMB 234.*
- (3) Street number and name or post office box number or rural route designation and number. *Examples: 10 Main St or PO BOX 34 or RR 1 BOX 12.*
- (4) City, state and ZIP Code (5-digit or ZIP+4). *Example: Herndon Va 22071-2716.*

The CMRA must write the complete CMRA actual delivery address designation used to deliver mail to each individual addressee or firm on the PS Forms 1583 (block 3).

f. A CMRA or the addressee must not modify or alter Form 1583 or Form 1583-A. Modified or altered forms are invalid and the addressee's mail returned to sender in accordance with Postal Service regulations.

g. The CMRA must be in full compliance with DMM D042.2.5 through D042.2.7 and other applicable postal requirements to receive delivery of mail from the post office.

h. The postmaster may, with the next higher level approval and notification to the Inspector-In-Charge, suspend delivery to a CMRA that, after proper notification, fails to comply with D042.2.5 through D042.2.7 or other applicable postal requirements.

## 2.7 Addressee and CMRA Agreement

In delivery of the mail to the CMRA, the addressee and the CMRA agree that:

a. When the agency relationship between the CMRA and the addressee terminates, neither the addressee nor the CMRA will file a change-of-address order with the post office.

b. The CMRA must re-mail mail intended for the addressee for 12 months after the termination date of the agency relationship between CMRA and addressee. When re-mailed by the CMRA, mail requires payment of new postage.

c. The CMRA must provide to the postmaster a quarterly list (due January 1, April 1, July 1, and October 1) of its customers in alphabetical order cross-referenced to the CMRA actual addressee delivery designations. The alphabetical list must contain all new customers, current customers, and those customers who terminated within the last 12 months, including the date of termination.

d. A CMRA may not refuse delivery of mail if the mail is for an addressee that is a customer or former customer (within the last 12 months). The agreement between the addressee and the CMRA obligates the CMRA to receive all mail, except restricted delivery, for the addressee. The addressee may authorize the CMRA in writing on Form 1583 (block 6) to receive restricted delivery mail for the addressee.

e. If the CMRA has no Form 1583 on file for an intended addressee, the CMRA must return that mail to the post office responsible for delivery. The CMRA must return this mail to the post office the next business day after receipt with this proper endorsement:

"Undeliverable, Commercial Mail Receiving Agency, No Authorization To Receive Mail for This Addressee." Return this mail without payment of new postage to the post office. The CMRA must also return misdelivered mail the next business day after receipt.

f. The CMRA must not deposit return mail in a collection box. Return mail must be returned to the post office or given to the letter carrier responsible for delivery to the CMRA.

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**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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