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(c) *Samples available to the copyright owner.* At any time following presentation of the merchandise for Customs examination, but prior to seizure, Customs may provide a sample of the suspect merchandise to the owner of the copyright for examination or testing to assist in determining whether the article imported is a piratical copy. To obtain a sample under this section, the copyright owner must furnish Customs a bond in the form and amount specified by the port director, conditioned to hold the United States, its officers and employees, and the importer or owner of the imported article harmless from any loss or damage resulting from the furnishing of a sample by Customs to the copyright owner. Customs may demand the return of the sample at any time. The owner must return the sample to Customs upon demand or at the conclusion of the examination or testing. In the event that the sample is damaged, destroyed, or lost while in the possession of the copyright owner, the owner shall, in lieu of return of the sample, certify to Customs that: "The sample described as [insert description] provided pursuant to 19 CFR 133.43(c) was (damaged/destroyed/lost) during examination or testing for copyright infringement."

\* \* \* \* \*

Dated: March 25, 1998.

**Harold M. Singer,**

*Chief, Regulations Branch.*

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BILLING CODE 4820-02-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD07-98-004]

RIN 2115-AE46

#### Special Local Regulations; Annual Air & Sea Show, Fort Lauderdale, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the City of Fort Lauderdale Annual Air & Sea Show. This event will be held annually on the first Friday, Saturday and Sunday of May, and will involve approximately 150 participating aircraft and vessels,

and 3,000 spectator craft. The resulting congestion will create an extra or unusual hazard in the navigable waters. These regulations are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** This rule becomes effective April 29, 1998.

**FOR FURTHER INFORMATION CONTACT:** LTJG J. Delgado Coast Guard Group Miami, Florida at (305) 535-4409.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On February 17, 1998 (63 FR 7740), the Coast Guard published a Notice of Proposed Rulemaking seeking comments on the establishment of permanent special local regulations for the Air & Sea Show held annually on the third Friday, Saturday and Sunday of May off of Fort Lauderdale, Florida. One comment was received from the Florida Department of Natural Resources, seeking a slight change in the coordinates of the regulated area to better protect marine species. The Coast Guard has incorporated the suggested change into the regulations.

##### Background and Purpose

The City of Fort Lauderdale Annual Air & Sea Show is a three day event with approximately 130 aircraft and 18 ski boats, jet skis and offshore racing power boats. In addition, various military aircraft, including high performance aircraft, will be operating at high speeds and low altitudes in the area directly above the regulated area. The event will take place in the Atlantic Ocean from Fort Lauderdale beach to one nautical mile offshore, between Oakland Park Boulevard and the 17th Street Causeway.

These regulations will prohibit non-participating vessels from entering the regulated area, and directs participants to obey instructions from the patrol commander.

##### 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 10(e) of the regulatory policies and procedures of

DOT is unnecessary. Entry into the regulated area is prohibited for only 6 hours on Friday, and 8 hours on Saturday and Sunday.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include 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.

Therefore, the Coast Guard certifies under U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for approximately eight hours each day for three days each year.

##### Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2.a (CE #34(h)) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

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

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

##### Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, 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 new section 100.731 is added to read as follows:

**§ 100.731 Special local regulations; annual Ft. Lauderdale Air & Sea Show, Ft. Lauderdale, FL.**

(a) *Regulated area.* The following is a regulated area: All waters of the Atlantic Ocean west of a line drawn from 26–10.32N, 080–05.9W to 26–06.36N, 080–05.58W. All coordinates referenced use Datum: NAD 83.

(b) *Special local regulations.* (1) All vessels, with the exception of event participants, are prohibited from entering the regulated area without the specific permission of the patrol commander.

(2) All vessels shall immediately follow any specific instructions given by event patrol craft and exercise extreme caution while operating in or near the regulated area. A succession of not fewer than five short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) After the termination of the Air and Sea Show event for each respective day, all vessels may resume normal operations.

(c) *Dates.* These regulations become effective annually on the first Friday, Saturday and Sunday of May, from 9 a.m. to 3 p.m. EDT on Friday, and from 9 a.m. to 5 p.m. EDT on Saturday and Sunday.

Dated: March 20, 1998.

**Norman T. Saunders,**

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

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD07 98–003]

RIN 2115–AE46

**Special Local Regulations; Miami Beach, Florida**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the Miami Super Boat Race. This event will be held annually on the third Sunday of April 1000 feet offshore Miami Beach, between 12 p.m. and 4 p.m. Easter Daylight Time (EDT). The regulations are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** This rule becomes effective on March 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** LTJG J. Delgado, Coast Guard Group Miami, FL at (305) 535–4409.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On February 17, 1998 (63 FR 7741), the Coast Guard published a Notice of Proposed Rulemaking to establish permanent special local regulations for the Miami Super Boat Race, which will be held annually on the third Sunday in April. No comments were received during the comment period.

**Background and Purpose**

Super Boat International Productions Inc., is sponsoring a high speed power boat race with approximately thirty-five (35) race boats, ranging in length from 24 to 50 feet, participating in the event. There will be approximately two hundred (200) spectator craft. The race will take place in the Atlantic Ocean 1,000 feet off the Miami Beach shore, from the Miami Beach Clock Tower to Atlantic Heights. The race boats will be competing at high speeds with numerous spectator crafts in the area, creating an extra or unusual hazard in the navigable waterways. These regulations will create regulated areas for the competing vessels and for spectator craft.

In accordance with 5 U.S.C. 553, good cause exists for making these regulations effective in less than 30 days after **Federal Register** publication. Delaying the effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public as the event is scheduled to occur in less than 30 days. Further, upon receiving the permit application, the Coast Guard published a Notice of Proposed Rulemaking and received no comments. The permit application was not received in time to allow for an acceptable comment period and a 30 day delay in the effective date of the regulations.

**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

proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only four hours on the day of the event.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), The Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdiction with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for approximately four hours for one day each year.

**Collection of Information**

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2.a (CE #34(h)) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

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

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

**Final Regulations**

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, 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.