

**§ 12.3 Release under bond; liquidated damages.**

(a) *Release.* No food, drug, device, cosmetic, pesticide, hazardous substance or dangerous caustic or corrosive substance that is the subject of § 12.1 will be released except in accordance with the laws and regulations applicable to the merchandise. Where any merchandise that is the subject of § 12.1 is to be released under bond pursuant to regulations applicable to that merchandise, a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, shall be required.

(b) *Liquidated damages.* Whenever liquidated damages arise with regard to any food, drug, device or cosmetic subject to § 12.1(a) for failure to redeliver merchandise into Customs custody or for failure to rectify any non-compliance with the applicable provisions of admission, including the failure to export or destroy the merchandise within the time period prescribed by law after the merchandise has been refused admission pursuant to the provisions of the Food, Drug, and Cosmetic Act, those liquidated damages will be assessed in an amount equal to the domestic value (see § 162.43(a) of this chapter) of the merchandise at the time of entry as if the merchandise were admissible and otherwise in compliance.

**PART 113—CUSTOMS BONDS**

1. The authority citation for Part 113 continues to read in part as follows:

**Authority:** 19 U.S.C. 66, 1623, 1624.

\* \* \* \* \*

**§ 113.62 [Amended]**

2. In § 113.62, paragraph (l)(1) is amended by removing the words “conditions (a), (g), or (i)” and adding, in their place, the words “conditions (a), (g), (i), or (k)” and by adding the words “or prohibited” after the word “restricted”.

**§ 113.63 [Amended]**

3. In § 113.63, paragraph (h)(1) is amended by adding the words “or prohibited” after the word “restricted”.

**§ 113.64 [Amended]**

4. In § 113.64, the second sentence of paragraph (b) is amended by adding the words “or prohibited” after the word “restricted”.

**§ 113.67 [Amended]**

5. In § 113.67, paragraphs (a)(2)(i) and (b)(2)(i) are amended by adding the words “or prohibited” after the word “restricted”.

**§ 113.73 [Amended]**

6. In § 113.73, the second sentence of paragraph (a)(2) is amended by adding the words “or prohibited” after the word “restricted”.

**PART 141—ENTRY OF MERCHANDISE**

1. The authority citation for part 141 continues to read in part as follows:

**Authority:** 19 U.S.C. 66, 1448, 1484, 1624.

\* \* \* \* \*

Section 141.113 also issued under 19 U.S.C. 1499, 1623.

**§ 141.113 [Amended]**

2. In § 141.113, the first sentence of paragraph (h) is amended by adding the words “or prohibited” after the word “restricted”.

**Raymond W. Kelly,**

*Commissioner of Customs.*

Approved: June 17, 1999.

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

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

[CGD07 99-056]

RIN 2115-AE46

**Special Local Regulations: “Winston Offshore Cup, San Juan, Puerto Rico**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Temporary special local regulations are being proposed for the Winston Offshore Cup, San Juan, Puerto Rico. The event will be held from 1 p.m. to 2:30 p.m. Atlantic Standard Time (AST) on October 10, 1999, in and north of San Juan Harbor, Puerto Rico. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** Comments must be received on or before September 16, 1999.

**ADDRESSES:** Comments may be mailed to Commander, U.S. Coast Guard Greater Antilles Section (aton), P.O. Box S-3666, San Juan, Puerto Rico, 00902, or may be delivered to the Aids to Navigation Office at the Coast Guard Base in Old San Juan between 7:30 a.m. and 3:30 p.m. Monday through Friday, except federal holidays. The telephone number is (787) 729-5381.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Reyes at (787) 729-5381.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD07-99-056) and the specific section of this proposal to which each comment applies, and give a reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in the view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at the time and place announced by a notice in the **Federal Register**.

**Background and Purpose**

These proposed regulations would create a regulated area in an north of San Juan Harbor that would prohibit entry to non-participating vessels. The participating race boats will be competing at high speeds with numerous spectator craft in the area, creating an extra or unusual hazard on the navigable waterways. These regulations are required to provide for the safety of life on navigable waters during the Winston Offshore Cup, San Juan, Puerto Rico.

**Regulatory Evaluation**

This proposed regulation 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)(f) of that order. The Office of Management and Budget has excepted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44FR 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 regulated policies and procedures of DOT is unnecessary. The regulated area will only be in effect for three and one half hours in the vicinity of San Juan Harbor, Puerto Rico.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) the Coast Guard

must consider whether this proposed rulemaking 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 under their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect for approximately three and one half hours on one day in a limited area of San Juan Harbor and its vicinity.

### Collection of Information

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

### Federalism

This proposed action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this 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 proposed rule consistent with Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, and has determined that this action has been categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 100

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

### Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of Title 33, Code of Federal Regulations as follows:

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. Add temporary § 100.35T-07-056 to read as follows:

**§ 100.35T-07-056 Winston Offshore Cup, San Juan, Puerto Rico.**

(a) *Regulated Area:* A regulated area is established for an area starting in San Juan Bay, out the bay entrance around Punta El Morro, then East 2 nautical

miles to Penon San Jorge, then back around the bay. The regulated area is established beginning at 18°28'4"N, 066°08'0"W, then North to 18°28'9"N, 066°08'0"W, then East to 18°28'7"N, 066°05'5"W, then South to 18°28'2"N, 066°05'5"W, then directly South to the Shore. This area includes San Juan Bay, except San Antonio Approach Channel, San Antonio channel, Army Terminal Channel, Army Terminal Turning Basin, and Puerto Nuevo Channel, and Graving Dock Channel. All coordinates referenced use Datum: NAD 1983.

(b) *Special Local Regulations:* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft are required to remain in a spectator area to be established by the event sponsor Puerto Rico Offshore Tour, San Juan, Puerto Rico.

(c) *Dates:* This section is effective at 12 p.m. and terminates at 3:30 p.m. AST on October 10, 1999.

Dated: July 22, 1999.

**G.W. Sutton,**

*Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.*  
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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 13

#### RIN 1024-AB99

### Glacier Bay National Park, Alaska; Commercial Fishing Regulations

**AGENCY:** National Park Service, (NPS), Interior.

**ACTION:** Re-Proposed rule.

**SUMMARY:** This re-proposed rule satisfies the requirement in Pub. L. 106-31 for the Secretary of Interior to provide an opportunity for public comment of not less than 45 days. This rule implements section 123 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999 ("the Act"), as amended, and establishes special regulations for commercial fisheries within the marine waters of Glacier Bay National Park (NP), Alaska. This rule, in part, amends the general regulatory prohibition on commercial fishing activities in units of the National Park System, and instead, authorizes various existing commercial fisheries to continue in most marine waters of the park subject to a cooperatively developed state/federal

fisheries management plan consistent with the requirements of the Act. The rule limits commercial fisheries in Glacier Bay proper to pot and ring net fishing for Tanner crab, longlining for halibut, and trolling for salmon. The rule describes eligibility criteria that allow certain fishermen with a sufficient, reoccurring recent history of participation in Glacier Bay fisheries to continue fishing in Glacier Bay proper for their lifetimes. Moreover, the rule describes application requirements and procedures for those fishermen to follow to obtain a special use permit for lifetime access to a particular Glacier Bay proper fishery. The rule would close certain inlets and areas in the upper reaches of Glacier Bay proper to all commercial fishing by a variety of closure dates set forth in the Act, and would limit certain other areas only to winter season trolling for king salmon by qualifying fishermen. Additionally, the rule would reaffirm closure of all designated wilderness areas in the park to commercial fishing activities.

Nothing in this rule is intended to modify or restrict non-commercial fishing activities otherwise authorized under federal and non-conflicting state fishing regulations, nor to effect legislatively authorized commercial fishing activities within Glacier Bay National Preserve.

In summary, section 123 of the Act laid out four major sets of directives on commercial fishing in Glacier Bay National Park. First, it closed specifically identified areas of non-wilderness waters in Glacier Bay proper and all wilderness waters to all commercial fishing. Second, it established a process for "grandfathering" certain qualifying fisherman who would be allowed to continue fishing in the remaining waters of Glacier Bay proper under lifetime permits. Third, it clarified that the marine waters outside of Glacier Bay proper would remain open to commercial fishing. And fourth, it directed that the commercial fisheries that would be allowed to continue be managed in accordance with a cooperatively developed State/Federal fisheries management plan. This rule addresses the first three of these directives. The cooperative State/Federal fisheries management plan is being developed independent of this rule and will be announced at a later date.

**DATES:** Written comments will be accepted through September 16, 1999.

**ADDRESSES:** Comments should be directed to Tomie Lee, Superintendent,