

section 310 of the Act authorizing, or otherwise approve: the exploration for, development or production of oil, gas or minerals within the Sanctuary, except for the collection of jade pursuant to paragraph (a)(1) of this section; the discharge of primary-treated sewage within the Sanctuary (except by certification, pursuant to § 922.47, of valid authorizations in existence on January 1, 1993 and issued by other authorities of competent jurisdiction); or the disposal of dredged material within the Sanctuary other than at sites authorized by EPA (in consultation with COE) prior to January 1, 1993. Any purported authorizations issued by other authorities within the Sanctuary shall be invalid.

4. Section 922.133 is amended by revising paragraphs (a) and (c) to read as follows:

§ 922.133 Permit procedures and criteria.

(a) A person may conduct an activity prohibited by § 922.132(a)(1) as it pertains to jade collection in the Sanctuary, § 922.132(a) (2) through (8), and § 922.132(a) (10), if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and 922.48.

(c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by § 922.132(a)(1) as it pertains to jade collection in the Sanctuary, § 922.132(a) (2) through (8), and § 922.132(a)(10) if the Director finds the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will: further research related to Sanctuary resources and qualities; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; allow the removal, without the use of pneumatic, mechanical, electrical, hydraulic or explosive tools, of loose jade from the Jade Cove area under § 922.132(a)(1)(iv); assist in managing the Sanctuary; or further salvage or recovery operations in connection with an abandoned shipwreck in the Sanctuary title to which is held by the State of California. In deciding whether to issue a permit, the Director shall consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the

activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. For jade collection, preference will be given for applications proposing to collect loose pieces of jade for research or educational purposes. In addition, the Director may consider such other factors as he or she deems appropriate.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 133

[T.D. 98-21]

Copyright/Trademark Name Protection; Disclosure of Information; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; corrections.

SUMMARY: Customs published in the **Federal Register** of March 12, 1998, a document which amended the Customs Regulations to allow Customs to provide to intellectual property rights (IPR) owners sample merchandise and to disclose to IPR owners certain information regarding the identity of persons involved with importing merchandise that is detained or seized for infringement of the IPR owner's registered copyright, trademark, or trade name rights. Inadvertently, § 133.43 was incorrectly amended. This document corrects the amendment of that section.

DATES: This correction is effective April 13, 1998.

FOR FURTHER INFORMATION CONTACT: Michael Smith, Attorney, Intellectual Property Rights Branch (202) 927-2326.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1998, Customs published in the **Federal Register** (63 FR 11996)(FR Doc. 98-6183) T.D. 98-21 to amend the Customs Regulations at part 133 to allow Customs to provide to intellectual property rights (IPR) owners sample merchandise and to disclose to IPR owners certain information regarding the identity of persons involved with importing merchandise that is detained or seized for infringement of the IPR owner's registered copyright, trademark, or trade name rights.

This document corrects three editorial errors to § 133.43 that were contained in

T.D. 98-21. The editorial errors concern the amendment to § 133.43, which pertains to the procedure on suspicion of infringing copies.

It has come to Customs attention that a requirement currently in paragraph (b)(2) of § 133.43 that was never intended to be changed was inadvertently dropped from the regulatory text in the March 12 publication. The dropped requirement, that Customs is reinserting in this correction document, concerns what a copyright owner must file with a port director to prevent an imported article suspected of being an infringing copy from being released if the importer files a denial that the article is an infringing copy. The copyright owner must file a bond along with a written demand for exclusion from entry of the detained article. The text of paragraph (b)(2) of § 133.43 in the March 12 publication inadvertently dropped the bond requirement.

The second and third errors concern the text of the second sentence in paragraph (c). One error incorrectly identified trademark owners as the object of the procedure when it should have referenced copyright owners. The other error mistakenly included words ("Customs detention or seizure, or * * * , in the event that the Commissioner of Customs, or his designee, or a federal court determines that the article does not bear an infringing mark") that should have been omitted and were not. Accordingly, this document corrects those errors.

Correction of Publication

Accordingly, the publication on March 12, 1998, of the final rule (T.D. 98-21)(63 FR 11996)(FR Doc. 98-6183) is corrected as follows:

1. On page 12000, in the third column, paragraphs (b)(6) and (c) of § 133.43 are corrected to read as follows:

§ 133.43 Procedure on suspicion of infringing copies.

* * * * *

(b) * * *

(6) Notice that the imported article will be released to the importer unless, within 30 days from the date of the notice, the copyright owner files with the port director:

(i) A written demand for the exclusion from entry of the detained imported article; and

(ii) A bond, in the form and amount specified by the port director, conditioned to hold the importer or owner of the imported article harmless from any loss or damage resulting from Customs detention in the event the Commissioner or his designee

determines that the article is not an infringing copy prohibited importation under section 602 of the Copyright Act of 1976 (17 U.S.C. 602) (See part 113 of this chapter).

(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."

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Dated: March 25, 1998.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 98-8218 Filed 3-27-98; 8:45 am]

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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: