

point located at latitude 38°43.0' North, longitude 75°01.0' West; then west to a point on the shoreline located at latitude 38°43.0' North, longitude 75°04.5' West.

This safety zone is necessary to protect spectators and transiting vessels from the potential hazards associated with the launch of the Super Loki Meteorological Rocket and subsequent splashdown of the rocket motor. The safety zone is effective on May 9 and May 10, 1998 and will be enforced on those days until the Coast Guard is satisfied that the spent rocket no longer poses a hazard to mariners. The Coast Guard will announce via Broadcast Notice to Mariners the anticipated time of the launch. Vessels are prohibited from transiting through the safety zone without first obtaining permission from the Captain of the Port, Philadelphia.

Regulatory Evaluation

This temporary 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Because the regulated area is limited to 8 square miles and will only be enforced while the rocket's spent motor poses a hazard, the impact on routine navigation is expected to be minimal.

Collection of Information

This temporary rule contains no Collection of Information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that, under section 2.b.2.b and item (34)(g) of Figure 2-1 of Commandant Instruction M16475.1C

dated 14 November 1997, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, 33 CFR part 165 is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.T05.008 is added to read as follows:

§ 165.T05.008 Safety Zone: Atlantic Ocean, Vicinity of Cape Henlopen State Park, Delaware.

(a) *Location.* The following area is a safety zone: All the waters of the Atlantic Ocean that are within the area bounded by a line drawn north from the tip of Cape Henlopen located at latitude 38°48.2' North, longitude 75°05.5' West, to a point located at latitude 38°49.4' North, longitude 75°05.5' West; thence east to a point located at latitude 38°49.4' North, longitude 75°01.0' West; thence south to a point located at latitude 38°43.0' North, longitude 75°01.0' West; thence west to a point on the shoreline located at latitude 38°43.0' North, longitude 75°04.5' West. All coordinates reference Datum: NAD 1983.

(b) *Effective Dates.* This section is effective May 9 and May 10, 1998.

(c) *General Information.*

(1) The Captain of the Port and the Duty Officer at the Marine Safety Office, Philadelphia, Pennsylvania, can be contacted at telephone number (215) 271-4940 and on VHF channels 13 and 16.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(d) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply. Vessels may not transit the safety zone without first obtaining permission from the Captain of the Port.

Dated: April 3, 1998.

John E. Veenjer,

Captain, U.S. Coast Guard, Captain of the Port, Philadelphia, PA.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, 97-007]

RIN 2115-AA97

Safety Zone: Los Angeles Harbor; San Pedro Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting as final with changes an interim rule that modified the locations of two safety zones and created an additional moving safety zone surrounding the Dredge FLORIDA while engaged in dredging operations associated with Stage II of the Pier 400 project, in Los Angeles Harbor and San Pedro Bay, CA.

DATES: This regulation is effective from 6 a.m. PDT on May 28, 1998 until 11:59 PST on December 31, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Lieutenant Keith Whiteman, Chief, Port Safety and Security Division, Marine Safety Office Los Angeles-Long Beach; (562) 980-4454.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 19, 1997, the Coast Guard published an interim rule with request for comments for this regulation in the **Federal Register** (62 FR 61630). The public was given until January 20, 1998, to comment on the regulation. No public comments were received with respect to the interim rule.

Background and Purpose

In the interim rule, the Coast Guard revised the safety zone boundaries codified in 33 CFR Part 165.1110 to better conform with the location of dredging and landfill activities associated with stage II of the Pier 400 project. The Coast Guard also added a third safety zone encompassing all navigable waters within 50 yards on all sides of the Dredge FLORIDA while it is engaged in dredging operations relating to the Pier 400 project, provided the FLORIDA is located within 3 nautical miles of the baseline from which the United States' territorial sea is measured. The new safety zones will remain in effect for the duration of the Pier 400 project.

Discussion of Regulation

The construction of Stage II of the Pier 400 project officially began on July 15, 1997. These revised safety zones are necessary for safeguarding recreational and commercial vessels from the dangers of the dredging and landfill activities in the project area and to prevent interference with vessels engaged in these operations. All persons and vessels are prohibited from entering into, transiting through or anchoring within the safety zone unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

Discussion of Changes

The safety zones published in the interim rule with request for comments (62 FR 61630) are being adopted with a correction to one of the latitudinal coordinates defining the boundary of the Pier 400 safety zone: the correct third latitudinal coordinate defining the boundary of the Pier 400 safety zone is 33°43'3.50"N, vice 33°43'48.50"N, which was incorrectly published in the interim rule. This change actually decreases the size of the safety zone and will not negatively impact port users.

Regulatory Assessment

The final 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary. Due to the limited geographical scope of the exclusionary areas created by this rule, only minor delays to mariners are foreseen, as vessel traffic can be directed around the area of the safety zones.

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* may include small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above

Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Keith Whiteman, Marine Safety Office Los Angeles-Long Beach, Long Beach, CA, at (562) 980-4454.

Collection of Information

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

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that under paragraph 2.B.2.b.(34)(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This regulation is not expected to individually or cumulatively have a significant effect on the human environment. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available for inspection and copying in the docket to be maintained where indicated under ADDRESSES.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-

effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

List of Subjects in 33 CFR Part 165

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

Regulation

Accordingly, the interim rule amending 33 CFR part 165 which was published at 62 FR 61630 on November 19, 1997, is adopted as a final rule with the following change:

PART 52—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.1110 is revised to read as follows:

§ 165.1110 Safety Zone: Los Angeles Harbor; San Pedro Bay, CA.

(a) *Location.* The following areas are established as safety zones:

(1) *Pier 400:* Those waters of Los Angeles Harbor and San Pedro Bay in the vicinity of Pier 400 as defined by the lines connecting the following coordinates.

Latitude	Longitude
33-44'-29.06"N	118-14'-17.25"W
33-43'-48.06"N	118-13'-59.25"W
33-43'-03.50"N	118-14'-11.72"W
33-42'-45.17"N	118-15'-04.78"W
33-43'-00.00"N	118-15'-29.90"W
33-43'-21.94"N	118-15'-41.51"W
33-43'-45.04"N	118-15'-30.81"W
33-43'-58.55"N	118-14'-44.38"W
33-44'-03.70"N	118-14'-26.65"W

and thence to the point of origin. All coordinates use Datum: NAD 83.

(2) *Shallow Water Habitat Extension:* Those waters of Los Angeles Harbor and San Pedro Bay as defined by the lines connecting the following coordinates.

Latitude	Longitude
33-42'-32.10"N	118-15'-00.00"W
33-42'-49.84"N	118-15'-41.51"W
33-42'-47.06"N	118-15'-58.26"W
33-42'-24.99"N	118-15'-23-59"W

and thence to the point of origin. All coordinates use Datum: NAD 83.

(3) *Moving Safety Zone: Dredge FLORIDA*. All waters within 50 yards on all sides of the Dredge FLORIDA, when it is within three nautical miles of the base line from which the United States territorial sea is measured and engaged in dredging operations associated with the Pier 400 project.

(b) *Dates*. This section is effective from 6 a.m. PDT on May 28, 1998 through 11:59 p.m. PST on December 31, 1999.

(c) *Regulations*. In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within any of these safety zones is prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

Dated: April 13, 1998.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

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PANAMA CANAL COMMISSION

RIN 3207-AA45

35 CFR Parts 133 and 135

Tolls for Use of Canal; Rules for Measurement of Vessels

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission (Commission) is establishing new toll rates for certain small vessels using the waterway. These new tolls are based on the overall length of the vessels.

The Commission considers this increase necessary to recover a portion of the resources expended in the transit of small vessels and to provide a more efficient use of Canal capacity and resources. This toll increase complies with the statutory requirement which requires the Commission to produce revenues sufficient to cover all costs of maintenance and operation of the Panama Canal, including capital for plant replacement, expansion and improvements.

DATES: Effective June 1, 1998.

FOR FURTHER INFORMATION CONTACT: John A. Mills, Telephone: (202) 634-6441, Facsimile: (202) 634-6439, E-mail: pancanalwo@aol.com; or Department of Financial Management, Telephone: 011 (507) 272-3137, Facsimile: 011 (507) 272-3433, E-mail: fmf@pancanal.com.

SUPPLEMENTARY INFORMATION: These new tolls are based on the overall length of the vessel as follows: 1) up to 15.24

meters (50 feet), \$500, (approximately 194 PC/UMS Net Tons at the current laden rate); 2) more than 15.24 meters (50 feet) up to 24.38 meters (80 feet), \$750, (approximately 291 PC/UMS Net Tons at the current laden rate); 3) more than 24.38 meters (80 feet) up to 30.48 meters (100 feet), \$1,000, (approximately 389 PC/UMS Net Tons at the current laden rate); and, 4) more than 30.48 meters (100 feet), \$1,500, (approximately 583 PC/UMS Net Tons at the current laden rate).

In November, 1997, President Clinton signed into law an amendment to Public Law 96-70, section 1602 (22 U.S.C. 3792) which expanded the authority of the Commission to fix tolls for small vessels seeking to transit the Panama Canal. On January 5, 1998, a notice of proposed rulemaking was published in the **Federal Register** (63 FR 186). The Commission proposed to set a fixed, minimum toll for certain small vessels transiting the Panama Canal. The proposal required all vessels with PC/UMS Net Tonnages (laden or ballast) or displacement tonnage which would result in a toll of less than \$1,500 to pay a fixed, minimum toll of \$1,500. This change was deemed necessary because small vessels impose administrative costs and logistical problems which are not offset by the tolls they currently pay.

To ensure maximum notification and participation in the rulemaking process, the Commission issued several official announcements of its proposal through press releases, the local media, and also published the proposal at the Commission's web site on the Internet. A written analysis of the proposal explaining the proposed toll change was made available to interested parties. This document stated the proposed revision to toll charges would produce revenues sufficient to offset some of the administrative and operating costs actually incurred by the Commission in transiting this type of vessel.

The Commission solicited written comments from the public and received over 92 responses from several sectors of the local and international maritime community. In addition, a hearing was held in the Republic of Panama on February 13, 1998, at the Miraflores Visitors Pavilion Theater. A complete record of that proceeding, including the data and comments submitted by interested parties, is contained in the Panel Report to the Board of Directors (Board) of the Commission, and is available to the public. The views and arguments presented by interested parties, as well as other relevant information, were considered by the Board during its quarterly meeting on March 30, 1998. Based upon this

review, and with the purpose of recovering some of the resources expended in the transit of small vessels, the Board approved the implementation of a modified, four-tier minimum toll based on the overall length of small vessels transiting the waterway. The implementation date of the proposal was also delayed to accommodate, to some extent, those Canal customers concerned with the impact a minimum toll would have on them.

The Panel Report more fully addresses the most significant comments submitted by interested parties, either in writing or in testimony at the public hearing. Any interested party, upon request and payment of duplicating costs, may obtain a copy of the report by contacting the Commission.

Section 1602(b) of the Panama Canal Act of 1979, as amended, (22 U.S.C. 3792(b)), requires Canal tolls be prescribed at rates calculated to produce revenues which cover as nearly as practicable all costs of maintaining and operating the Panama Canal, as well as produce capital for plant replacement, expansion and improvements. With the implementation of this rule, the Commission will better utilize the operational, administrative, and financial resources involved in the transit of small vessels.

The Commission is exempt from Executive Order 12866 and its provisions do not apply to this rule. Even if the Order were applicable, the rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. The implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, the Secretary of the Panama Canal Commission certifies these changes meet the applicable standards set out in sections 2(a) and 2(b)(2) of Executive Order 12778.

List of Subjects

35 CFR Part 133

Navigation, Panama Canal, Vessels.

35 CFR Part 135

Measurement, Panama Canal, Vessels.

For the reasons stated in the preamble, the Panama Canal Commission is amending 35 CFR parts 133 and 135 as follows: