

(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.*

[FR Doc. 98-11224 Filed 4-27-98; 8:45 am]

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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:

**PART 133—TOLLS FOR USE OF CANAL**

1. The authority citation for part 133 continues to read as follows:

**Authority:** 22 U.S.C. 3791–3792, 3794.

2. Section 133.1 is revised to read as follows:

**§ 133.1 Rates of Toll.**

The following rates of toll shall be paid by vessels using the Panama Canal:

Up to 15.24 meters (50 feet) .....	\$500, i.e., approximately 194 PC/UMS Net Tons at the current laden rate.
More than 15.24 meters (50 feet) up to 24.38 meters (80 feet) .....	\$750, i.e., approximately 291 PC/UMS Net Tons at the current laden rate.
More than 24.38 meters (80 feet) up to 30.48 meters (100 feet) .....	\$1,000, i.e., approximately 389 PC/UMS Net Tons at the current laden rate.
More than 30.48 meters (100 feet) .....	\$1,500, i.e., approximately 583 PC/UMS Net Tons at the current laden rate.

(e) Vessels with structural features which render the application of paragraph (d) of this section unreasonable or impractical, as determined by the Panama Canal Commission, shall have a PC/UMS Net Tonnage or displacement tonnage determined and shall have the toll assessed in accordance with paragraphs (a), (b) or (c) of this section, provided that tonnage determination results in tonnage greater than the equivalent of 583 PC/UMS Net Tons.

**PART 135—RULES FOR MEASUREMENT OF VESSELS**

1. The authority citation for part 135 continues to read as follows:

**Authority:** 22 U.S.C. 3791–3792, 3794.

2. Section 135.1 is amended by adding at the end thereof two new sentences to read as follows:

**§ 135.1 Scope.**

\* \* \* Vessels measuring not more than 30.48 meters (100 feet) in length overall are not required to be measured. If the Panama Canal Commission determines the toll provided in § 133.1 (d) will apply, the vessel need not be assigned a PC/UMS Net Tonnage.

Dated: April 23, 1998.

**John A. Mills,**

Secretary.

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(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, \$2.57 per PC/UMS Net Ton—that is, the Net Tonnage determined in accordance with part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, \$2.04 per PC/UMS Net Ton.

(c) On other floating craft including warships, other than transports, colliers,

hospital ships and supply ships, \$1.43 per ton of displacement.

(d) On small vessels which, under paragraphs (a) through (c), would be assessed a toll of less than \$1,500, a minimum toll based upon their length overall in accordance with the following table:

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 272**

[FRL–5988–2]

**New Mexico: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** New Mexico has revised its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed New Mexico's changes to its program and has made a decision, subject to public review and comment, that New Mexico's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA's decision to approve New Mexico's hazardous waste program revisions will take effect as provided below. New Mexico's program revisions are available for public review and comment.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference EPA's approval of those provisions of the State statutes and regulations that EPA will enforce under RCRA sections 3008, 3013 and 7003. Thus, EPA intends to incorporate the New Mexico Authorized State Program by reference in 40 CFR part 272. The purpose of this action is to

incorporate by reference EPA's approval of recent revisions to New Mexico's program.

**DATES:** Final authorization for New Mexico's program revisions shall be effective July 13, 1998 unless EPA publishes a prior FR action withdrawing this immediate final rule. All comments on New Mexico's program revisions must be received by the close of business May 28, 1998. The incorporation of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 13, 1998 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

**ADDRESSES:** Copies of New Mexico's program revisions and materials EPA used in evaluating the revisions are available for copying from 8:30 a.m. to 4 p.m. Monday through Friday, at the following addresses: New Mexico Environment Department, 1190 St Francis Drive, Santa Fe, New Mexico 87502, Phone number: (505) 827–1558; EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–6444. Written comments referring to Docket Number NM98–1 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

**FOR FURTHER INFORMATION CONTACT:** Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.