2. Section 178.3297 is amended in the table in paragraph (e) by alphabetically adding an entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.3297 Colorants for polymers.

* * * * *

(e) * * *

Substances	Limitations
* * *	* * * *
2,9-Dimethylanthra(2,1,9-def:6,5,10-d′e′f′)diisoquinoline-1,3,8,10(2H,9H)-tetrone (C.I. Pigment Red 179, CAS Reg. No. 5521–31–3).	For use at levels not to exceed 1 percent by weight of polymers. The finished articles are to contact food only under conditions of use B through H as described in Table 2 of § 176.170(c) of this chapter.
* * *	* * * *

Dated: October 9, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–28060 Filed 10–19–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 66

[USCG–1998–3604]

RIN 2115–AF50

Amendment of State Waters for Private Aids to Navigation in Wisconsin and Alabama

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The U.S. Coast Guard is reestablishing Federal jurisdiction over certain waterways in the State of Alabama and expanding state jurisdiction of certain waterways in the State of Wisconsin for the purposes of Private Aids to Navigation. This action is being taken to implement a request from the State of Alabama and an agreement between the State of Wisconsin and the Coast Guard, and to ensure, safe navigation on the affected waterways.

DATES: This final rule is effective November 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, USCG–1998–3604, U.S. Department of Transportation, room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Mr. Dan Andrusiak, G–OPN–2 at U.S. Coast Guard, (202) 267–0327.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 15, 1998, the Coast Guard published a notice of proposed rulemaking entitled Amendment of State Waters for private aids to navigation in Wisconsin and Alabama in the **Federal Register** (63 FR 18349). The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

On March 26, 1971, the Coast Guard and the State of Alabama signed an agreement giving the State of Alabama control over certain of its waterways for the purposes of private aids to navigation. On April 1, 1981, Mr. William Garner, Director, Marine Police Division for the State of Alabama, sent a letter to the Chief of the Eighth Coast Guard District Aids to Navigation branch asking that the original agreement of March 26, 1971, be discontinued. Mr. Garner stated that no follow-up had been done on the agreement and therefore that the agreement had never been implemented. The Coast Guard is implementing this change to comply with the State of Alabama's request and to ensure that discrepancies in aids to navigation can be quickly corrected. This rule also implements an agreement between the Coast Guard and the State of Wisconsin changing the reference date for designation of State waters for private aids to navigation from November 17, 1969, to May 1, 1996.

This rule change accomplished two things for the purpose of Private Aids to Navigation. First, by removing Paragraph § 66.05–100(a) it will reestablish Federal jurisdiction over certain waterways in the State of Alabama. Second, by amending paragraph § 66.05–100(j) the State of Wisconsin will expand state jurisdiction over Lake Winnebago, the Fox River, and various other waterways in their regulatory system.

Discussion of Comments and Changes

The Coast Guard published a Notice of Proposed Rulemaking on April 15, 1998 and allowed the public a 60 day comment period. The Coast Guard received no comments; therefore the NPRM is being adopted as final with no changes.

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 not been reviewed 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 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered 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. Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 606(b) that the final rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This conclusion was reached by conferring with Aids to Navigation personnel at the affected districts and having received assurance that this rule change would not cause any significant

economic impact on small business. Therefore, the Coast Guard certifies under section 605(b) of the Regulator Flexibility Act (5 U.S.C. 601–612) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offered to assist small entities in understanding this proposed rule so that they can better evaluate its effect 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 LCDR John Fidaleo, G–OPN–2 at (202) 267–0346.

Collection of Information

This final rule does not provide for a collection-of-information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under paragraph 2.B.2.e(23) and (34)(i) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 66

Intergovernmental relations, Navigation (water), Reporting and recordkeeping requirements. For the reasons set forth in the preamble, the Coast Guard amends 33 CFR part 66 as follows:

PART 66—[AMENDED]

1. The authority citation for part 66 continues to read as follows:

Authority: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

2. In § 66.05–100, remove paragraph (a), and redesignate paragraphs (b) through (j) as paragraphs (a) through (i), and revise newly designated paragraph (i) to read as follows:

§ 66.05–100 Designation of navigable waters as State waters for private aids to navigation.

* * * * *

(i) *Wisconsin.* Navigable waters within the State not marked with Coast Guard aids to navigation as of May 1, 1996.

Dated: October 9, 1998.

Ernest R. Riutta,

Assistant Commandant for Operations.

[FR Doc. 98–28035 Filed 10–19–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–98–014]

RIN 2115–AE47

Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the Belt Line Railroad drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 2.6, at Portsmouth and Chesapeake, Virginia. This change will eliminate the need for a bridgetender by allowing the bridge to be operated by the bridge/train controller from a remote location at the Berkley Yard office. The Belt Line Bridge will be left in the open position, and will only close for the passage of trains and to perform maintenance.

This new rule will maintain the bridge's current level of operational capabilities and continue providing for the reasonable needs of rail transportation and vessel navigation.

DATES: this rule is effective on November 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Commander (AOWB), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757)398–6222.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On June 1, 1998, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled ''Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia'' in the **Federal Register** (63 FR 29677). The Coast Guard received one comment from the Virginia Pilots Association stating no objection, but requesting clarity on how radio communications would be handled. No public hearing was requested and none was held.

Background and Purpose

The Belt Line Railroad Bridge across the Southern Branch of the Elizabeth River, mile 2.6, located in Portsmouth and Chesapeake, Virginia, currently is left in the open position and only closed by a bridgetender on site for the passage of trains and periodic maintenance. The Belt Line Railroad Company requested that the current regulations be changed by allowing operation of the bridge from a remote location or train crossings or maintenance. The bridge would be operated by the bridge/train controller at the Berkley Yard office.

Prior to publishing the Notice of Proposed Rulemaking, the Coast Guard met with the Belt Line Railroad Company, the Virginia Pilots Association, Hampton Roads Maritime Association, Steamship Trade Committee, and various tug and barge companies. The meeting targeted possible safety problems associated with controlling the bridge from an offsite location. The Virginia Pilots Association voiced concern for safety and wanted assurance that radio communications and visual surveillance would be maintained at all times. The Belt Line Railroad Company responded that it would to do so. Based on the procedures established in this meeting, and the guidelines provided by the Belt Line Railroad Company, the Coast Guard believes that this regulations will make the closure process more efficient during train crossings and periodic maintenance and will save operational expenses by eliminating bridgetenders while still providing the same bridge operational capabilities. The Coast Guard is revising 33 CFR 117.997 by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and adding a new paragraph (a).

Discussion of Comments and Changes

The Coast Guard received 1 comment from the Virginia Pilots Association on the NPRM. This comment did not oppose or recommend a change, but merely requested additional information