(4) Compliance shall be determined with the x-ray system operated at the minimum SID for which it is designed, at the maximum rated peak tube potential, at the maximum rated product of x-ray tube current and exposure time (mAs) for the maximum rated peak tube potential, and by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters. The sensitive volume of the radiation measuring instrument shall not be positioned beyond the edge of the primary protective barrier along the chest wall side.

Dated: October 21, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–28907 Filed 10–28–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–97–134]

RIN 2115–AE47

Drawbridge Operation Regulations: Passaic River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules for the I–280 Bridge (Stickel Memorial), mile 5.8, over the Passaic River at Harrison, New Jersey, to permit the draw to open on signal after a twenty four hour advance notice is given due to the infrequency of requests to open the draw by vessels. It is expected that this proposal will relieve the bridge owner of the requirement to have a drawtender present and still provide for the needs of navigation.

DATES: Comments must be received by the Coast Guard on or before December 28, 1998.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110–3350, or deliver them to the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this matter by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–97–134) and specific section of this proposal to which their comments apply, and give reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in response to comments received. The Coast Guard does not plan to hold a public hearing; however, persons may request a public hearing by writing to the Coast Guard at the address listed under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a subsequent notice published in the **Federal Register**.

Regulatory History

On May 18, 1998, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations Passaic River, New Jersey, in the **Federal Register** (63 FR 27240). The Coast Guard did not receive any comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background

The Route 280 Bridge, mile 5.8, at Harrison, New Jersey, has a vertical clearance of 35 feet at mean high water and 40 feet at mean low water.

The current operating regulations in § 117.739(h) require the bridge to open on signal if at least eight (8) hours advance notice is given. There have been only 8 requests to open this bridge since 1987. The bridge owner, the New Jersey Department of Transportation (NJDOT), has requested relief from being required to crew the bridge because there have been so few requests to open the bridge.

The Coast Guard published a notice of proposed rulemaking on May 18, 1998, which allowed that the bridge need not open for vessels based upon the infrequency of requests to open the draw in past years. The District Commander has subsequently decided that all bridges within the First Coast Guard District, permitted as moveable bridges and required to be maintained in good operable condition by the general requirements for bridges, should continue to open for vessel traffic on an advance notice basis regardless of the frequency of the requests to open the bridge. The need to open bridges based upon the historical frequency of opening requests can be helpful in determining a reasonable time period for advance notice to be given to bridge owners for bridge openings.

Discussion of Revised Proposal

The Coast Guard proposes to amend the operating regulations to allow the draw to open on signal after a twenty four hour advance notice for openings is given, relieving the bridge owner of the requirement and expense to crew the bridge. The fact that there have been only 8 requests to open the bridge since 1987 indicates that there is insufficient need to require the bridge owner to crew the bridge on a regular basis. Since the bridge is still a moveable bridge, required to be maintained in good operable condition, the Coast Guard believes that the bridge should still be required to open for vessel traffic. Bridges placed on a need not open status should be bridges that, because of special circumstances, should never need to open for vessel traffic. The fact that there have been some requests to open the I–280 Bridge indicates that there is still a need to have the bridge operational. Based upon the number of openings since 1987, the Coast Guard believes that a twenty four hour advance notice is a reasonable period of advance notice for mariners in need of openings as well as sufficient time for the bridge owner to have a crew at the bridge to provide openings.

The Coast Guard is also correcting an error in the published mile point of the Route 7 Bridge which is currently listed at 6.9 and should be 8.9. The Route 7 Bridge regulations would then be placed after the regulations for the NJTRO Bridge in § 117.739 to maintain the ascending order of mile points in the regulation text.

Regulatory Evaluation

This proposed 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; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that there have been only 8 requests to open this bridge in the last ten years. The Coast Guard believes this proposed rule achieves the requirement of balancing both the needs of navigation and the bridge owners responsibility to crew the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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 less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.).*

Federalism

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

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. NJDOT will be effected by this rule in so far as they will continue to be required to maintain the operating machinery of the bridge. The continued maintenance of the operating machinery of the bridge will not result in a new expenditure of public funds but will merely be a continuation of their requirement to maintain the bridge in good operable condition. 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.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Figure 2–1, paragraph 32(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 449; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.739, redesignate paragraphs (j) and (k) as paragraphs (k) and (j); amend newly redesignated paragraph (k) by removing the number ''6.9'' and adding, in its place, the number ''8.9''; and revise paragraph (h) to read as follows:

§ 117.739 Passaic River

* * * * *

(h) The Route 280 Bridge, mile 5.8, at Harrison, New Jersey, shall open on signal after a twenty four hour advance notice is given by calling the number posted at the bridge.

* * * * *

Dated: October 19, 1998.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 98–29046 Filed 10–28–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 126

[USCG–1998–4302]

RIN 2115–AE22

Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the regulations covering waterfront facilities handling dangerous cargoes. Current regulations would be updated to reflect improved safety procedures and modern transportation methods, such as the use of containers. This proposed rule would also update the requirements for the handling of these hazardous materials and incorporate industry standards.

DATES: Comments must reach the Coast Guard on or before December 28, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG–1998–4302), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at