

**PART 184—DIRECT FOOD
SUBSTANCES AFFIRMED AS
GENERALLY RECOGNIZED AS SAFE**

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 371.

§ 184.1428 [Amended]

2. Section 184.1428 *Magnesium hydroxide* is amended in paragraph (a) by removing “(Mg(OH)₂, CAS Reg. No. 1409-42-8)” and adding in its place “(Mg(OH)₂, CAS Reg. No. 1309-42-8)”.

Dated: December 21, 1998.

L. Robert Lake,

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

[FR Doc. 99-28 Filed 1-4-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08-98-079]

RIN 2115-AE47

**Temporary Drawbridge Regulations;
Mississippi River, Iowa and Illinois**

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is temporarily changing the drawbridge operation regulation governing the Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River. The drawbridge shall open on signal if at least six (6) hours advance notice is given from 12:01 a.m. on December 31, 1998, until 12:01 a.m. on March 1, 1999. Advance notice may be given by calling (309) 345-6103 during work hours or (309) 752-5244 after hours. This arrangement is necessary to perform annual maintenance and repair work on the bridge.

DATES: This temporary rule is effective from 12:01 a.m. on December 31, 1998, until 12:01 a.m. on March 1, 1999.

ADDRESSES: The public docket and all documents referred to in this notice will be available for inspection and copying at room 2.107f in the Robert A. Young Federal Building at Director, Western Rivers Operations (ob), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63101-2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator; Director, Western Rivers

Operations, Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63101-2832, telephone (314) 539-3900, extension 378.

SUPPLEMENTARY INFORMATION: On December 1, 1998, Burlington Northern Santa Fe requested a temporary change to the operation of the Burlington Railroad Drawbridge across the Upper Mississippi River, Mile 403.1 at Burlington, Iowa. The Railroad requested that the bridge be allowed to open for navigation between December 31, 1998 and March 1, 1998 upon a six (6) hour advance notice so that necessary maintenance and bridge repair activities can be performed. Advance notice may be given by calling Al Poole, (309) 345-6103 during work hours and Larry Moll, (309) 752-5244, after hours.

In accordance with 5 U.S.C. 533, a notice of proposed rulemaking has not been published and good cause exists for making this rule effective in less than 30 days from publication. Following normal rulemaking procedures would be impractical. Delaying implementation of the regulation will not benefit navigation and would result in unnecessary delays in repairing the bridge.

Background and Purpose

The Burlington Railroad Drawbridge has a vertical clearance of 21.5 feet above normal pool in the closed to navigation position. Navigation on the waterway consists of commercial tows and recreational watercraft. Presently the draw opens on signal for passage of river traffic. This temporary drawbridge operation amendment has been coordinated with the commercial waterway operators who do not object. Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Locks No. 11, 12, 19, 20, 24, and 25 until March 1, 1999, will preclude any significant navigation demands for the drawspan openings. The Burlington Railroad Drawbridge is located downstream of Lock 18 and upstream of Lock 19. Performing maintenance on the bridge during the winter when no vessels are impacted is preferred to bridge closures or advance notification requirements during the commercial navigation season.

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 cost and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not

reviewed it 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. This is because river traffic will be extremely limited by lock closures and ice during this period.

Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this action to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this action will not have economic impact on a substantial number of small entities.

Collection of Information

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

Federalism Assessment

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

Environment Assessment

The Coast Guard considered the environmental impact of this temporary rule and concluded that this action is categorically excluded from further environmental documentation in accordance with Section 2.B.2, Figure 2-1 (32)(e) of the National Environmental Protection Act Implementing Procedures, COMDTINST M16475.1C.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. Sec. 499; 49 C.F.R. 1.46; 33 C.F.R. 1.05-(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Effective 12:01 a.m. on December 31, 1998, through 12:01 a.m. on March 1, 1999, Section 117.5-T-08-079 is added to read as follows:

§ 117.5-T-08-079 Upper Mississippi River.

Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River. From 12:01 a.m. on December 31, 1998 through 12:01 a.m. on March 1, 1999, the drawspan shall open on signal if at least six (6) hours advance notification is given. Advance notice may be given by calling (309) 345-6103 during work hours and (309) 752-5244 after hours.

Dated: December 22, 1998.

Paul J. Pluta,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-98-064]

RIN 2115-AE47

Drawbridge Operating Regulation; Lafourche Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is finalizing the interim regulations regarding the modifications to the operating regulations for the SR1 vertical lift bridge (Galliano-Tarpon bridge), mile 30.6, and the SR1 pontoon bridge (Cote Blanche bridge), mile 33.9, near Cutoff, Lafourche Parish, Louisiana.

DATES: This final rule becomes effective on January 5, 1999.

ADDRESSES: Documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. Commander

(ob) maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, telephone number 504-589-2965.

SUPPLEMENTARY INFORMATION: On October 14, 1998, the Coast Guard published interim regulations (63 FR 55030) to modify the drawbridge operation regulations for the SR1 vertical lift bridge (Galliano-Tarpon bridge), mile 30.6, and the SR1 pontoon bridge (Cote Blanche bridge), mile 33.9, near Cutoff, Lafourche Parish, Louisiana.

The modification to the regulation facilitates the movement of the school bus traffic while still providing for the reasonable needs of navigation. The interim rule requires the draws of the SR1 bridge, mile 30.6, and the SR1 bridge, mile 33.9, both near Cutoff, shall open on signal except that, from 2:30 p.m. to 3:30 p.m., and from 4:30 p.m. to 5:30 p.m. Monday through Friday except Federal holidays, the draws need not open for the passage of vessels.

The 60-day comment period expired on December 14, 1998. The Coast Guard did not receive any comments during the comment period. Therefore, the interim rule is being adopted as a final rule.

Regulatory Evaluation

This 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 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 final 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 *et seq.*), the Coast Guard considers whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include (1) small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with populations of less than 50,000.

The amended regulation adjusts the hours that the bridges need not open for

the passage of vessels by 30 minutes. Any impact the adjustment may have on small entities is not substantial. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

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 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, CE # 32(e) of the NEPA Implementing Procedures, COMDINST M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

Accordingly, the interim rule amending 33 CFR part 117 which was published at 63 FR 55030 on October 14, 1998, is adopted as a final rule without change.

Dated: December 22, 1998.

Paul J. Pluta,

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

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

RIN 0596-AB62

Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares

AGENCY: Forest Service, USDA.

ACTION: Final rule.
