

Substances	Limitations
<p>* * *</p> <p>2-Methyl-4,6-bis[(octylthio)methyl]phenol (CAS Reg. No. 110553-27-0).</p> <p>* * *</p>	<p>* * *</p> <p>For use only:</p> <p>* * *</p> <p>5. At levels not to exceed 0.1 percent by weight of petroleum alicyclic hydrocarbon resins complying with § 175.320 of this chapter; rubber-modified polystyrene complying with § 177.1640 of this chapter; and petroleum hydrocarbon resins and rosins and rosin derivatives complying with § 178.3800 of this chapter.</p> <p>* * *</p>

Dated: October 9, 1998.

**L. Robert Lake,**

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

[FR Doc. 98-27992 Filed 10-19-98; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 178

[Docket No. 98F-0390]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 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) as a colorant for all polymers intended for use in contact with food. This action responds to a petition filed by BASF Corp.

**DATES:** This regulation is effective October 20, 1998; written objections and requests for a hearing by November 19, 1998.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of June 15, 1998 (63 FR 32672), FDA announced that a food additive petition

(FAP 8B4596) had been filed by BASF Corp., 3000 Continental Dr. North, Mt. Olive, NJ 07828-1234. The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of 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) as a colorant for all polymers intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.3297 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4596 (63 FR 32672, June 15, 1998). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any

time on or before November 19, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

#### PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348, 379e.

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-Dimethylantra(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.*

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## 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