

chicks for control of early mortality associated with *E. coli* organisms susceptible to ceftiofur, and (2) use in a new species, day-old turkey poults, for the revised indication. According to 21 CFR 556.113 a tolerance for ceftiofur residues in edible tissues derived from treated poultry is not needed. The supplemental NADA is approved as of May 21, 1996, and the regulations are amended in 21 CFR 522.313(d) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), approval for use in turkeys qualifies for 3 years of marketing exclusivity beginning May 21, 1996, because the application contains reports of new clinical or field investigations (other than bioequivalence or residue studies) or human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.313 is amended by revising paragraph (d)(3)(ii), by redesignating paragraphs (d)(4) and (d)(5) as paragraphs (d)(5) and (d)(6), respectively, and by adding new paragraph (d)(4) to read as follows:

§ 522.313 Ceftiofur sterile powder for injection.

* * * * *

(d) * * *

(3) * * *

(ii) *Indications for use.* For control of early mortality associated with *Escherichia coli* organisms susceptible to ceftiofur.

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(4) *Day-old turkey poults—(i)*

Amount. 0.17 to 0.5 milligram per poult.

(ii) *Indications for use.* For control of early mortality associated with *E. coli* organisms susceptible to ceftiofur.

(iii) *Limitations.* For subcutaneous use in the neck of day-old poults only. As a single dose only. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

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Dated: June 14, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96-17103 Filed 7-3-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-96-041]

RIN 2115-AA97

Safety Zone: Macy's 1996 Fourth of July Fireworks, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the annual Macy's Fourth of July Fireworks program in New York Harbor. The event will take place on Thursday, July 4, 1996, from 7:30 p.m. until 11 p.m. on the East River. This safety zone temporarily closes a major portion of the East River to vessel transits.

EFFECTIVE DATE: This rule is effective from 7:30 p.m. until 11 p.m. on July 4, 1996, unless extended or terminated sooner by the Captain of the Port New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. W. Green, Chief,

Waterways Oversight Branch, Waterways Management Division, Coast Guard Activities New York (212) 668-7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after Federal Register publication. Due to the date complete information regarding this event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed protect the maritime public from the hazards associated with large amounts of fireworks exploding from four separate barge locations in the waters of the East River.

Background and Purpose

Macy's has submitted an Application for Approval of Marine Event to hold a fireworks program on the waters of the East River. This regulation establishes a temporary safety zone in the waters of the East River. The safety zone includes all waters of the East River, shore to shore, north of a line drawn from the foot of East 10th Street, Manhattan, east through the chartered position of Buoy 18 (LLNR 27335) to the foot of North 8th Street, Brooklyn, New York, and south of a line drawn from Lawrence Point (40°47'27"N latitude 073°54'35"W longitude) to Stony Point (40°47'48"N latitude 073°54'42"W longitude), and south of the Harlem River Foot Bridge, New York. This safety zone area also includes all waters of Newtown Creek west of the 073°57'37"W line of longitude and all waters inward of the pierheads and bulkheads between the Queensboro Bridge, Roosevelt Island, and the southern boundary of this safety zone. No vessel may enter the safety zone without permission of the Captain of the Port New York. Certain designated vessels will be allowed to take position within the zone as follows: (1) vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks may take position north of the southern tip of Roosevelt Island; and (2) vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may take position in an area at least 300 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River.

between a line drawn from East 15th Street, Manhattan, to a point due east on the Brooklyn shore north of the entrance to Bushwick Inlet and a line drawn from the foot of East 10th Street, Manhattan, east through the chartered position of Buoy 18 (LLNR 27335) to the foot of North 8th Street, Brooklyn.

All vessels must be in their respective viewing areas not later than 7:30 p.m. These vessels once in position within the zone must remain in position until released by the Captain of the Port New York. On scene patrol personnel will monitor the number of designated vessels taking position in the viewing areas of the zone. If it becomes apparent that any additional spectator vessels in a specific viewing area will create a safety hazard, the patrol commander may prevent additional vessels from entering into that viewing area.

Vessels not complying with this criteria have a significant potential to create a hazardous condition in this area of the East River, due in great part, to the extremely strong currents.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all vessels and the fireworks handlers aboard the barges.

Regulatory Evaluation

This proposal 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 been exempted from review 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This proposed safety zone temporarily closes a major portion of the East River to vessel traffic. There is a regular flow of traffic through this area; however, due to the limited duration of the event; the extensive, advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the fact that the event is taking place at a late hour on a Federal holiday, and that vessel traffic is expected to be somewhat reduced due to this Federal holiday falling on a weekday not immediately proceeding or following a weekend, the impact of this regulation is expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard finds that this rule 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 significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01–041 is added to read as follows:

§ 165.T01–041 Safety Zone: Macy's 1996 Fourth of July Fireworks, East River, New York.

(a) *Location.* The safety zone includes all waters of the East River, shore to shore, north of a line drawn from the foot of East 10th Street, Manhattan, east through the charted position of Buoy 18 (LLNR 27335) to the foot of North 8th Street, Brooklyn, and south of a line drawn from Lawrence Point (40°47'27"N latitude 073°54'35"W longitude) to Stony Point (40°47'48"N latitude 073°54'42"W longitude), and south of the Harlem River Foot Bridge, New York. This safety zone area also includes all waters of Newtown Creek west of the 073°57'37"W line of longitude and all waters inward of the pierheads and bulkheads between the Queensboro Bridge, Roosevelt Island and the southern boundaries of this safety zone.

(b) *Effective period.* This section is effective from 7:30 p.m. until 11 p.m. on July 4, 1996, unless extended or terminated sooner by the Captain of the Port New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply to this safety zone.

(2) No vessels will be allowed to enter the safety zone without permission of the Captain of the Port New York.

(3) The following vessels may remain within the safety zone:

(i) Vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display may take position within the zone north of the southern tip of Roosevelt Island.

(ii) Vessels greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display may take position within an area at least 300 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between a line drawn from the foot of 15th Street, Manhattan, to a point due east on the Brooklyn shore north of the entrance to Bushwick Inlet and a line drawn from the foot of

East 10th Street, Manhattan, east through the charter position of Buoy 18 (LLNR 27335) to the foot of North 8th Street, Brooklyn.

(iii) Vessels taking position within the safety zone in either of these viewing areas must be in their respective viewing area not later than 7:30 p.m.

(4) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 20, 1996.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc. 96-16894 Filed 7-3-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 05-96-045]

RIN 2115-AA97

Safety Zone Regulations: Delaware Bay, Delaware River

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Delaware Bay and Delaware River from Marcus Hook, Pennsylvania, to the Delaware Breakwater. This safety zone is needed to protect vessels, the port community and the environment from potential safety and environmental hazards associated with the loading and outbound transit of the T/V EMSGAS.

EFFECTIVE DATES: This rule is effective from 11:59 p.m. June 23, 1996, and terminates at 11:59 p.m. July 5, 1996. The Captain of the Port, Philadelphia, may, at an earlier date, advise mariners by Broadcast Notice to Mariners that the safety zone will not be enforced.

FOR FURTHER INFORMATION CONTACT: LTJG S.J. Kelly, Project Officer at the Captain of the Port, Philadelphia, (215) 271-4909.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. The Coast Guard was informed by the owner/operator of the T/V EMSGAS on June 19, 1996 of

the intended transit of the T/V EMSGAS along the Delaware River. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to respond to protect the environment and vessel traffic against potential hazards associated with the transit of the T/V EMSGAS while it is loaded with liquefied petroleum gas.

Drafting Information

The drafters of this regulation are LTJG Scott J. Kelly, project officer for the Captain of the Port, Philadelphia, and CDR T. Cahill, project Attorney, Maintenance and Logistics Command Atlantic, Legal Division.

Discussion of the Regulation

This safety zone includes a specified area around the vessel during cargo operations and while underway outbound. It will be in effect during the T/V EMSGAS's transit of the Delaware River and Delaware Bay and during cargo operations at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania. The circumstances requiring this regulation are the potential hazards associated with the transportation of liquefied petroleum gas by a large tankship in heavily trafficked areas of the Delaware River and Delaware Bay as well as in the Ports of Philadelphia. The transit consists of T/V EMSGAS's outbound transit on the Delaware River and the Delaware Bay between the vessel's berth at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania and the Delaware Breakwater. Coast Guard Captain of the Port Philadelphia may impose transit restrictions on vessels operating within the safety zone while the T/V EMSGAS is loaded with LPG that exceeds 2% of the vessel's cargo carrying capacity.

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 costs and benefits under section 6(a)(3) of that order. It has been exempted from review 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the

regulatory policies and procedures of DOT is unnecessary.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that under section 2.B.2.e (34) of Commandant Instruction M16475.1B (as revised by 49 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation.

Collection of Information

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

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and Record Keeping Requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.T05-045 is added to read as follows:

§ 165.T05-045 Safety Zone: Delaware Bay, Delaware River

(a) *Location.* A safety zone is established for:

(1) All waters within an area which extends 500 yards on either side and 1,000 yards ahead and astern of the T/V EMSGAS while the vessel is in the loaded condition and underway in the area bounded by the Delaware Breakwater and the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania.

(2) All waters within a 200 yard radius of the T/V EMSGAS while it is moored at the Sun Refining and Marketing Refinery terminal.

(b) No vessel may enter the safety zone unless its operator obtains permission of the Captain of the Port or his designated representative.