

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-14-02 Boeing: Amendment 39-9684. Docket 95-NM-154-AD.

**Applicability:** Model 767 series airplanes having line position 1 through 329, inclusive; equipped with Pratt & Whitney Model JT9D-7R4 engines; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent chafing of the number 18 fuel nozzle secondary transfer fuel tube of the engine, and subsequent fuel leakage and possible engine fire, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform a visual inspection to verify proper clearance (0.5 inch) between the number 18 fuel nozzle secondary transfer fuel tube and the pylon drain tube of the engine.

(1) If the clearance is equal to or greater than 0.5 inch: Prior to further flight, install clamps and associated fasteners between the environmental control system (ECS) and the pylon drain tube, in accordance with Boeing Alert Service Bulletin 767-71A0082, dated July 6, 1995.

(2) If the clearance is less than 0.5 inch: Prior to further flight, perform a visual inspection to detect damage of the number 18 fuel nozzle secondary transfer fuel tube and the pylon drain tube.

(i) If no damage is detected; or if any damage to the number 18 fuel nozzle secondary transfer tube is less than or equal to 0.003 inch deep, as specified in Section 72-09-71 of Pratt & Whitney JT9D Engine Manual, and if any damage to the drain tube is less than or equal to 0.004 inch deep, as specified in the Boeing 767 Maintenance Manual 28-22-07: Prior to further flight, relocate the pylon drain tube to meet the 0.5 inch specification. After accomplishing the relocation, prior to further flight, install the clamps and associated fasteners between the ECS and the pylon drain tube, in accordance with Boeing Alert Service Bulletin 767-71A0082, dated July 6, 1995.

(ii) If any damage to the number 18 fuel tube is greater than 0.003 inch deep, as specified in Section 72-09-71 of the Pratt & Whitney JT9D Engine Manual; or if any damage to the drain tube is greater than 0.004 inch deep, as specified in the Boeing 767 Maintenance manual 28-22-07: Prior to further flight, repair or replace the damaged tube, in accordance with Section 28-00-10 of the Boeing 767 Overhaul Manual. After accomplishing the repair or replacement, prior to further flight, install the clamps and associated fasteners between the ECS and the pylon drain tube, in accordance with Boeing Alert Service Bulletin 767-71A0082, dated July 6, 1995.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The installation of the clamps and associated fasteners shall be done in

accordance with Boeing Alert Service Bulletin 767-71A0082, dated July 6, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 9, 1996.

Issued in Renton, Washington, on June 25, 1996.

S.R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 96-16652 Filed 7-3-96; 8:45 am]

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## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

#### **21 CFR Part 522**

### **Implantation or Injectable Dosage Form New Animal Drugs; Ceftiofur**

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by The Upjohn Co. The supplemental NADA provides for a revised indication for use of a reconstituted solution of ceftiofur sterile powder for injection in day-old chicks for control of mortality associated with *Escherichia coli* organisms susceptible to ceftiofur and for use of the reconstituted injection in day-old turkey poulters for the same indication.

**EFFECTIVE DATE:** July 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** George K. Haibel, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1644.

**SUPPLEMENTARY INFORMATION:** The Upjohn Co., Kalamazoo, MI 49001, is sponsor of supplemental NADA 140-338, which provides for use of Naxcel® Sterile Powder (ceftiofur sodium) as a 50 milligrams per milliliter reconstituted injectable for use in cattle, swine, day-old chicks, horses, and dogs. The supplemental NADA provides for:  
(1) A revised indication for use in

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.

\* \* \* \* \*

(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.

\* \* \* \* \*

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.