

(a) \* \* \*  
 (77) Pursuant to Section 6(g)(3) of the Act, 15 U.S.C. 78f(g)(3), to publish acknowledgement of receipt of a notice of registration as a national securities exchange for the sole purpose of trading security futures products under Section 6(g) of the Act and Rule 6a-4 of the Act (17 CFR 240.6a-4).

\* \* \* \* \*

By the Commission.  
 Dated: October 16, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02-26883 Filed 10-22-02; 8:45 am]

BILLING CODE 8010-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 520**

**Oral Dosage Form New Animal Drugs; Carprofen**

**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 Pfizer, Inc. The supplemental NADA provides for the veterinary prescription use of carprofen oral caplets in dogs for the control of postoperative pain associated with soft tissue and orthopedic surgery.

**DATES:** This rule is effective October 23, 2002.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7540, e-mail: mberson@cvm.fda.gov.

**SUPPLEMENTARY INFORMATION:** Pfizer, Inc., 235 East 42d Street, New York, NY 10017-5755, filed a supplement to NADA 141-053 for RIMADYL (carprofen) Caplets for Dogs. The supplemental NADA provides for the veterinary prescription use of carprofen oral caplets in dogs for the control of postoperative pain associated with soft tissue and orthopedic surgery. The supplemental application is approved as of July 8, 2002, and the regulations are amended in 21 CFR 520.309 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part

20 and 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, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning July 8, 2002.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subjects in 21 CFR Part 520**

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 520 is amended as follows:

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

2. Section 520.309 is amended by revising paragraphs (a), (b), and (d) to read as follows:

**§ 520.309 Carprofen.**

(a) *Specifications.* (1) Each caplet contains 25, 75, or 100 milligrams (mg) carprofen.

(2) Each chewable tablet contains 25, 75, or 100 mg carprofen.

(b) *Sponsor.* See No. 000069 in § 510.600(c) of this chapter for use of caplets described in paragraph (a)(1) of this section as in paragraphs (d)(1)(i), (d)(2), and (d)(3) of this section and chewable tablets described in paragraph (a)(2) of this section as in paragraphs (d)(1)(ii), (d)(2)(ii), and (d)(3) of this section.

\* \* \* \* \*

(d) *Conditions of use in dogs—(1) Amount—*(i) 2 mg per pound (/lb) of body weight once daily or 1 mg/lb twice

daily. For the control of postoperative pain, administer approximately 2 hours before the procedure.

(ii) 2 mg/lb of body weight once daily or 1 mg/lb twice daily.

(2) *Indications for use.* (i) For the control of postoperative pain associated with soft tissue and orthopedic surgery.

(ii) For the relief of pain and inflammation associated with osteoarthritis.

(3) *Limitations.* Federal Law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: September 30, 2002.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 02-26876 Filed 10-22-02; 8:45 am]

BILLING CODE 4160-01-S

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Parts 110 and 165**

[CGD05-02-087]

RIN 2115-AA97 and 2115-AA98

**Anchorage Grounds and Safety Zone; Delaware Bay and River**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Army Corps of Engineers will begin dredging parts of the Delaware River including Anchorage 7 off Marcus Hook. Because of the dredging operations, temporary additional requirements will be imposed in Anchorage 6 off Deepwater Point and Anchorage 9 near the entrance to Mantua Creek. Vessels desiring to use these anchorage grounds will need to observe these temporary requirements and no vessels will be permitted in the safety zone without the permission of the Captain of the Port.

**DATES:** This rule is effective from October 12, 2002, to November 2, 2002.

**ADDRESSES:** Documents indicated in this preamble as available are available as part of docket CGD05-02-087 for inspection or copying at Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania, 19147, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Brian Ly, Lieutenant Junior Grade Xaimara Vicencio-Roldan, or Lieutenant Junior Grade Kevin Sligh, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271-4889.

**SUPPLEMENTARY INFORMATION:**

## Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) the Coast Guard finds that good cause exists for not publishing a NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**. The U.S. Army Corps of Engineers, Philadelphia District, informed the Coast Guard on October 4, 2002, that dredging operations would commence on October 12, 2002. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to protect mariners against potential hazards associated with the dredging operations in Anchorage 7 off Marcus Hook and to modify the anchorage regulations to facilitate vessel traffic. In addition, notifications will be made via Notice to Mariners.

## Background and Purpose

The U.S. Army Corps of Engineers (ACOE) notified the Coast Guard that it needed to conduct dredging operations on the Delaware River, in the vicinity of Anchorage 7 off Marcus Hook. The dredging is needed to maintain the project depth of the anchorage. During the dredging operations from October 12, 2002 through October 22, 2002, Marcus Hook Anchorage will be closed from Buoy "A" (LLNR 3165) to Buoy "B" (LLNR 3180). Then from October 22, 2002 through November 2, 2002, the Marcus Hook Anchorage will be closed from Buoy "B" (LLNR 3180) to Buoy "C" (LLNR 3205).

For the protection of mariners transiting in the vicinity of dredging operations, the Coast Guard is also establishing a safety zone around the dredging vessel PULLEN. The safety zone will ensure mariners remain a safe distance from the potentially dangerous dredging equipment.

## Discussion of Rule

In 33 CFR 110.157(b)(2), vessels are allowed to anchor for up to 48 hours in the anchorage grounds listed in § 110.157(a), which includes Anchorage 7. However, because of the limited anchorage space available in Anchorage 7, the Coast Guard is adding a temporary paragraph in 33 CFR 110.157(b)(11) to provide additional requirements and restrictions on vessels utilizing Anchorage 7. During the effective period, vessels desiring to use Anchorage 7 must obtain permission from the Captain of the Port Philadelphia at least 24 hours in

advance. The Captain of the Port will permit only two vessels at a time to anchor in Anchorage 7 and will grant permission on the "first come, first serve" basis. Vessels will be directed to a location within Anchorage 7 where it may anchor, and will not be permitted to remain in the Anchorage 7 from more than 12 hours.

The Coast Guard expects that vessels normally permitted to anchor in Anchorage 7 will use Anchorage 6 off Deepwater (Anchorage 6) or Anchorage 9 near the entrance to Mantua Creek (Anchorage 9), because they are the closest anchorage grounds to Anchorage 7. To control access to Anchorage 7, the Coast Guard is requiring a vessel desiring to anchor in Anchorage 7 obtain advance permission from the Captain of the Port. To control access to Anchorage 6 and 9, the Coast Guard is requiring any vessel 700 feet or greater in length to obtain advance permission from the Captain of the Port before anchoring. The Coast Guard is also concerned that the holding grounds in Anchorage 6 and 9 are not as adequate as in Anchorage 7. Therefore, a vessel 700 to 750 feet in length is required to have one tug standing alongside while at anchor, and a vessel of over 750 feet in length must have two tugs standing alongside. The tug(s) must have sufficient horsepower to prevent the vessel they are attending from swinging into the channel.

The Coast Guard is also establishing a safety zone within a 150-yard radius of the dredging operations being conducted in the Marcus Hook Anchorage by the dredge vessel PULLEN. The safety zone will protect mariners transiting the area from the potential hazards associated with dredging operations. No vessel may enter the safety zone unless it receives permission from the Captain of the Port.

## Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this rule requires certain vessels to have one or two tugs alongside while at anchor, the requirement only applies to vessels 700 feet or greater in length, that choose to anchor in Anchorage 6 and 9. Alternate anchorage grounds such as Anchorage A off the entrance to the Mispillion River ("Anchorage A," described in § 110.157(a)(1) or Anchorage 1 off Bombay Hook Point ("Anchorage 1," described in § 110.157(a)(2)) in Delaware Bay, are also reasonably close and generally available. Vessels anchoring in Anchorages A and 1 are not required to have tugs alongside, except when specifically directed to do so by the Captain of the Port because of a specific hazardous condition. Furthermore, few vessels 700 feet or greater are expected to enter the port during the effective period. The majority of the vessels expected are less than 700 feet and thus will not be required to have tugs alongside.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605 (b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule's greatest impact is on vessels 700 feet and greater in length which choose to anchor in Anchorage 6 and 9 and will have virtually no impact on any small entities.

## Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you

wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**Taking of Private Property**

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Security Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to security that may disproportionately affect children.

**Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the

Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

**Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**Environment**

We have considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(f) and (g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation.

**List of Subjects**

33 CFR Part 110

Anchorage Grounds.

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 110 and 165 as follows:

**PART 110—ANCHORAGE REGULATIONS**

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. A new temporary § 110.157(b)(11) is added to read as follows:

**§ 110.157 Delaware Bay and River.**

\* \* \* \* \*

(b) \* \* \*

(11) Additional requirements and restrictions for the anchorage grounds defined in paragraphs (a)(7), (a)(8), and (a)(10) of this section.

(i) Prior to anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, vessels must first obtain permission from the

Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a "first-come, first-serve" basis. The Captain of the Port will allow only two vessels at a time to anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours.

(ii) For Anchorage 6 off Deepwater Point as described in paragraph (a)(7) of this section, and Anchorage 9 near entrance to Mantua Creek as described in paragraph (a)(10) of this section.

(A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(D) The master, owner or operator of a vessel at anchor shall ensure that a tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) For the purposes of paragraph (b)(11) of this section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port can be reached at (215) 271-4940.

(iv) *Effective dates.* Paragraph (b)(11) of this section is effective from October 12, 2002 until November 2, 2002.

\* \* \* \* \*

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

3. 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.

4. Add temporary § 165.T05-087 to read as follows:

**§ 165.T05-087 Safety Zone; Delaware Bay and River.**

(a) *Location.* The following area is a safety zone: All waters within the arc of a circle with a 150-yard radius of the dredging vessel PULLEN operating in the vicinity of Anchorage 7, Marcus Hook Anchorage.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in § 165.23 of this part.

(2) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4940.

(3) The Captain of the Port will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHz).

(c) *Definition.* For the purposes of this temporary section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(d) *Effective dates.* This section is effective from October 12, 2002 to November 2, 2002.

Dated: October 11, 2002.

**A.E. Brooks,**

*Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.*

[FR Doc. 02-26820 Filed 10-22-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-02-127]

#### **Drawbridge Operation Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Florida East Coast Railroad Bridge across the St. Johns River, mile 24.9, Jacksonville, Florida. This deviation allows the bridge to remain in the closed position from 11 p.m. until 7 a.m. each day from October 27, 2002 until November 2, 2002, for emergency repairs.

**DATES:** This deviation is effective from 11 p.m. on October 27 until 7 a.m. on November 2, 2002.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket [CGD07-02-127] will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, FL 33131 between 7:30 a.m. and 4 p.m.,

Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:** The Florida East Coast Railroad Bridge across the St. Johns River, Jacksonville, Florida, is a single leaf bascule bridge with a vertical clearance of 9 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 195 feet. The current operating regulation in 33 CFR 117.325(c) requires that: (1) The bridge be constantly tended and have a mechanical override capability for the automated operation. A radiotelephone must be maintained at the bridge for the safety of navigation. (2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass. (3) When a train approaches, large signs on both the upstream and downstream sides of the bridge flash "Bridge Coming Down," the lights go to flashing red, and siren signals sound. After an eight minute delay, the draw lowers and locks if there are no vessels under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied. (4) After the train has cleared, the draw opens and the lights return to flashing green.

On October 9, 2002, the bridge owner, Florida East Coast Railroad, requested a deviation from the current operating regulations to allow the owner and operator to keep this bridge in the closed position during certain times each day to facilitate emergency repairs. The Commander, Seventh Coast Guard District has granted a temporary deviation from the operating requirements listed in 33 CFR 117.325(c) to complete emergency repairs to the bridge. Under this deviation the Florida East Coast Railroad Bridge, across the St. Johns River, mile 24.9, Jacksonville, FL, need not open from 11 p.m. until 7 a.m., each day, from October 27, 2002 until November 3, 2002.

Dated: October 16, 2002.

**Greg Shapley,**

*Chief, Bridge Administration, Seventh Coast Guard District.*

[FR Doc. 02-27031 Filed 10-22-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD09-02-001]

RIN 2115-AA97

#### **Security Zones; Captain of the Port Chicago Zone, Lake Michigan**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The Coast Guard published a final rule on August 16, 2002, creating a permanent security zone on the navigable waters of the Des Plaines River, the Kankakee River, the Rock River, and Lake Michigan. The section number for the security zones in that rule was incorrect. This document corrects the section number for the security zones.

**DATES:** This correction is effective October 23, 2002.

**FOR FURTHER INFORMATION CONTACT:** MST3 Kathryn Varela, U.S. Coast Guard Marine Safety Office Chicago, at (630) 986-2175.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background and Purpose**

The Coast Guard published a permanent security zone in the **Federal Register** on August 16, 2002, (67 FR 53501), adding section 165.908.

##### **Need for Correction**

As published, the section number used in the amendatory instruction and regulatory text was incorrect.

##### **Correction of Publication**

In rule FR Doc. 02-20755 published on August 16, 2002 (67 FR 53501) make the following corrections. On page 53502, in the third column, in line 49 and in line 50, change "165.908" to read "165.910".

Dated: September 30, 2002.

**L. M. Henderson,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Chicago.*

[FR Doc. 02-27032 Filed 10-22-02; 8:45 am]

**BILLING CODE 4910-15-P**