

living. So, 50% of the death gratuity will be paid to his spouse and the remaining 50% of the death gratuity paid under this subpart would be paid to John Smith. This means the surviving spouse will receive \$10,000 and John Smith will receive \$10,000.

(2) *Example Two.* Employee dies in circumstances that would qualify her for payment of the gratuity under this subpart; her agency has paid the \$10,000 death gratuity pursuant to Public Law 104–208. The employee had not completed any designation form. The FECA death gratuity is reduced by the \$10,000 death gratuity and employee's spouse receives \$90,000.

(3) *Example Three.* An employee of the Foreign Service whose annual salary is \$75,000 dies in circumstances that would qualify for payment of both the Foreign Service Act death gratuity and the death gratuity under this subpart. Before his death, the employee designated that 40% of the death gratuity under this subpart be paid to his cousin Jane Smith, pursuant to the alternate beneficiary designation provision at section 10.908 and that 10% be paid to his uncle John Doe who has since died. At the time of his death, the employee had no surviving spouse, children, parents, or siblings. Therefore, the Foreign Service Act death gratuity will not be paid, because no eligible survivors according to the Foreign Service Act provision exist. The death gratuity under this subpart would equal \$100,000, because no other death gratuity has been paid, and Jane would receive \$40,000 according to the employee's designation. As John Doe is deceased, no death gratuity may be paid pursuant to the designation of a share of the death gratuity to him.

Signed at Washington, DC, this 29th day of July 2009.

**Shelby S. Hallmark,**

*Acting Assistant Secretary for Employment Standards Administration.*

[FR Doc. E9–18523 Filed 8–17–09; 8:45 am]

**BILLING CODE 4510–CF–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 558

[Docket No. FDA–2009–N–0665]

#### New Animal Drugs for Use in Animal Feeds; Semduramicin; Virginiamycin

**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 an original new animal drug application (NADA) filed by Phibro Animal Health. The NADA provides for use of single-ingredient Type A medicated articles containing semduramicin (as semduramicin sodium biomass) and virginiamycin to manufacture 2-way combination drug Type C medicated feeds for use in broiler chickens.

**DATES:** This rule is effective August 18, 2009.

**FOR FURTHER INFORMATION CONTACT:** Timothy Schell, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8116, e-mail: [timothy.schell@fda.hhs.gov](mailto:timothy.schell@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Phibro Animal Health, 65 Challenger Rd., 3d floor, Ridgefield Park, NJ 07660, filed NADA 141–289 that provides for the use of AVIAX II (semduramicin sodium biomass) and STAFAC (virginiamycin) Type A medicated articles to manufacture 2-way combination drug Type C medicated feeds for broiler chickens. The NADA is approved as of July 13, 2009, and the regulations are amended in 21 CFR 558.555 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 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 Division of Dockets Management (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.

The agency has determined under 21 CFR 25.33 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 558

Animal drugs, Animal feeds.

■ 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 558 is amended as follows:

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

■ 2. In § 558.555, add paragraphs (e)(2) through (e)(4) to read as follows:

#### § 558.555 Semduramicin.

\* \* \* \* \*

(e) \* \* \*

| Semduramicin in grams per ton | Combination in grams per ton | Indications for use   | Limitations  | Sponsor |
|-------------------------------|------------------------------|---|--|---------|
| *                             | *                            | *   | *  | *       |
| (2) 22.7                      | Virginiamycin 5              | Broiler chickens: As in paragraph (e)(1) of this section; for increased rate of weight gain and improved feed efficiency. | Feed continuously as sole ration. Withdraw 1 day before slaughter. Do not feed to laying hens. Virginiamycin provided by No. 066104 in § 510.600(c) of this chapter. | 066104  |

| Semduramicin in grams per ton | Combination in grams per ton | Indications for use  | Limitations  | Sponsor |
|-------------------------------|------------------------------|--|--|---------|
| (3) 22.7                      | Virginiamycin 5 to 15        | Broiler chickens: As in paragraph (e)(1) of this section; for increased rate of weight gain.   | Feed continuously as sole ration. Withdraw 1 day before slaughter. Do not feed to laying hens. Virginiamycin provided by No. 066104 in § 510.600(c) of this chapter. | 066104  |
| (4) 22.7                      | Virginiamycin 20             | Broiler chickens: As in paragraph (e)(1) of this section; for prevention of necrotic enteritis caused by <i>C. perfringens</i> susceptible to virginiamycin. | Feed continuously as sole ration. Withdraw 1 day before slaughter. Do not feed to laying hens. Virginiamycin provided by No. 066104 in § 510.600(c) of this chapter. | 066104  |

Dated: August 12, 2009.

**William T. Flynn,**

*Acting Director, Center for Veterinary Medicine.*

[FR Doc. E9-19738 Filed 8-17-09; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0101]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Sabine River, Echo, TX

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulation governing the operation of the Union Pacific Railroad Swing Span Bridge across the Sabine River, mile 19.3, at Echo, Orange County, TX. The bridge currently opens on signal with 24 hours advance notice but because of the limited number of requests for openings, the bridge owner requested an increase in the length of notification time required to open the bridge.

**DATES:** This rule is effective September 17, 2009.

**ADDRESSES:** Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2009-0101 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0101 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey

Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Kay Wade, Bridge Administration Branch, Coast Guard; telephone 504-671-2128, e-mail [kay.b.wade@uscg.mil](mailto:kay.b.wade@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On March 26, 2009, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Sabine River, Echo, TX in the **Federal Register** (74 FR 13164). We received 2 comments on the proposed rule. No public meeting was requested, and none was held.

##### Background and Purpose

Due to a lack of bridge openings requested by mariners, Union Pacific Railroad Company, the bridge owner, requested a change in the operating regulation governing the Union Pacific railroad swing span bridge across the Sabine River, mile 19.3 at Echo, Texas from 24 hours advance notice to open the bridge to 14 days advance notice to open the bridge. This change allows the bridge owner to open the bridge for the passage of vessels while minimizing his requirements to staff and maintain the bridge. The bridge has a vertical clearance of 7.9 feet above Mean High Water (MHW), elevation 2.18 feet NGVD in the closed-to-navigation position and unlimited in the open-to-navigation position. In accordance with 33 CFR 117.493(a), the bridge is currently required to open on signal for the passage of marine vessels if at least 24 hours of advanced notice is given. Bridge tender logs indicate no requests for bridge openings in several years.

#### Discussion of Comments and Changes

The Coast Guard received a total of two comments in response to the NPRM. The comments were from Federal and State agencies having no objections to the proposal. Therefore, no change was made to the regulatory text.

#### Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

#### Regulatory Planning and Review

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.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary.

The public will need to notify the bridge owner of a required opening 14 days in advance rather than 24 hours in advance. There is no change in the regulatory text published in the NPRM.

#### 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.