

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

2. Section 520.1660d is amended by adding new paragraphs (a)(7) and (b)(5) to read as follows:

§ 520.1660d Oxytetracycline hydrochloride soluble powder.

(a) * * *

(7) Each 18.14 grams of powder contains 1 gram of OTC HCl (pail: 2 lb).

(b) * * *

(5) No. 059130 for use of OTC HCl concentration in paragraph (a)(7) of this section in chickens, turkeys, swine, cattle, and sheep.

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Dated: January 3, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

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DEPARTMENT OF STATE

22 CFR Part 31

[Public Notice 2298]

**Repeal of Certain Tort and Property
Damage Claims Regulations**

AGENCY: Office of the Legal Adviser, Department of State.

ACTION: Direct final rule.

SUMMARY: The Department of State will repeal 22 CFR part 31, which contains regulations implementing the Federal Tort Claims Act (FTCA) with respect to the Department (subparts A and B), the State Department's independent authority to pay tort claims arising in foreign countries (subpart C), and certain claims against the International Boundary and Water Commission, United States and Mexico (IBWC) (subpart D).

DATES: This rule is effective May 13, 1996, unless significant adverse comments are received on or before March 8, 1996.

If significant adverse comments are received, the State Department will publish a document in the Federal Register before May 13, 1996 withdrawing this rule.

ADDRESSES: Interested persons are invited to submit comments to the Office of International Claims and Investment Disputes, Office of the Legal Adviser, Suite 203, South Building, 2430 E Street NW., Washington, DC 20037-2800.

FOR FURTHER INFORMATION CONTACT: Stephen D. McCreary, Attorney-Adviser, Office of International Claims and Investment Disputes, Office of the Legal Adviser, Suite 203, South Building, 2430 E Street NW., Washington, DC 20037-2800; telephone (202) 776-8440.

SUPPLEMENTARY INFORMATION: The State Department regulations implementing the Federal Tort Claims Act are a combination of substantive provisions largely drawn from the Department of Justice FTCA regulations in 28 CFR part 14, which apply to tort claims against all government agencies, and procedural provisions drawn from the State Department's internal Foreign Affairs Manual. The State Department FTCA regulations in subparts A and B of part 31 add little additional information, and are thus duplicative and unnecessary. Section 2672 of the FTCA (28 U.S.C. 2672) provides that claims are to be considered in accordance with regulations issued by the Attorney General. Section 14.11 of the Justice Department regulations authorize agencies to issue supplementary FTCA regulations, but do not require that they do so. The State Department has concluded that it need not maintain supplementary FTCA regulations.

Claims against the Department of State should continue to be submitted directly to the office, bureau, division, or Foreign Service establishment out of whose activities the claim arises, if known; or if not known, to the Assistant Legal Adviser for International Claims and Investment Disputes, L/CID, Department of State, Washington, DC 20520.

Subpart C of part 31 concerns the Department's independent authority to pay tort claims arising overseas, and has no counterpart in the Justice Department's FTCA regulations. However, subpart C is a single paragraph which provides little information beyond that already available in the statute (22 U.S.C. 2669(f)). Thus, the Department has concluded that subpart C may be deleted.

The regulations in subpart D of part 31 regarding claims against the International Boundary and Water Commission, United States and Mexico, have not been used in many years, and in any case essential repeat the provisions of the underlying statute.

Repeal of these regulations has been coordinated with the Legal Adviser's Office of the IBWC, United States Section. The State Department and the IBWC, United States Section, have concluded that it is appropriate to delete subpart D.

Implementation of this rule as a direct final rule, with provision for postpromulgation comments, is based on the "good cause" exception to the Administrative Procedures Act found at 5 U.S.C. 553(b)(B). Repeal of these regulations is expected to be noncontroversial, and therefore unlikely to engender public comment. Thus, provision for prepromulgation notice and comment is considered unnecessary. Written comments are invited from the public on or before March 8, 1996. Unless the State Department receives on or before that date significant comments adverse to repeal of these regulations, and publishes a notice in the Federal Register before May 13, 1996, withdrawing this rule, this rule becomes effective on May 13, 1996.

Repeal of these regulations by this rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule does not impose a Federal regulatory mandate on state, local, or tribal government entities under the Unfunded Mandates Act (P.L. 104-4) because it repeals regulations which themselves created no such mandate. This rule has been reviewed as required by Executive Order 12778 and is in compliance therewith. This rule is exempt from review under Executive Order 12866, but has been reviewed to ensure consistency with its overall policies and purposes. This rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act of 1980.

List of Subjects in 22 CFR Part 31

Claims.

PART 31—[REMOVED]

Accordingly, under the authority of 22 U.S.C. 2651a(4), 22 CFR part 31 is removed.

Dated: December 8, 1995.

Jamison Selby Borek,

Deputy Legal Adviser.

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