

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.

* * * * *

Dated: January 3, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96-1741 Filed 1-29-96; 8:45 am]

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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.

[FR Doc. 96-1531 Filed 1-29-96; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 312, 317, 318, 320, 321, 323, 505, 701, and 806b

Privacy Program

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: The President signed Executive Order 12958 on April 17, 1995, replacing Executive Order 12356 effective October 14, 1995. Therefore, the Department of Defense is amending Privacy Act procedural and exemption rules where they cite the old Executive Order 12356, replacing it with Executive Order 12958.

EFFECTIVE DATE: October 14, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 607-2943 or DSN 327-2943.

SUPPLEMENTARY INFORMATION: Executive Order 12866. The Director, Administration and Management, Office of the Secretary of Defense has determined that this proposed Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

Regulatory Flexibility Act of 1980. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act proposed rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent

with 5 U.S.C. 552a, known as the Privacy Act of 1974.

The President signed Executive Order 12958 on April 17, 1995, replacing Executive Order 12356 effective October 14, 1995. Therefore, the Office of the Inspector General is amending Privacy Act procedural and exemption rules where they cite the old Executive Order 12356, replacing it with Executive Order 12958.

List of Subjects in 32 CFR part 312, 317, 318, 320, 321, 323, 505, 701, and 806b

Privacy.

Accordingly, 32 CFR part 312 is amended as follows:

1. The authority citation for 32 CFR part 312, 317, 318, 320, 321, 323, 505, 701, and 806b continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C.552a).

2. Section 312.12, paragraph (a), is amended by revising the first sentence to read as follows:

§ 312.12 Exemptions.

(a) Any record in a system of records maintained by the Office of the Inspector General which falls within the provisions of 5 U.S.C. 552a(k)(1) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G) through (I) and (f) to the extent that a record system contains any record properly classified under Executive Order 12958 and that the record is required to be kept classified in the interest of national defense or foreign policy.* * *

3. Section 317.133, paragraph (b), is amended by revising the first sentence to read as follows:

§ 317.133 DCAA exempt record systems.

(b) *Classified material.* The Director, DCAA has made a determination that all systems of records maintained by the agency shall be exempt from 5 U.S.C. 552a(d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) to the extent that the record system contains any information properly classified under Executive Order 12958 and required by the executive order to be withheld in the interest of national defense or foreign policy.* * *

4. Section 318.5, paragraph (a), is amended by revising the first sentence to read as follows:

§ 318.5 Exemptions.

(a) *Exemption for classified material.* All systems of records maintained by

the Defense Nuclear Agency shall be exempt under section (k)(1) of 5 U.S.C. 552a, to the extent that the systems contain any information properly classified under E.O. 12958 and that is required by that E.O. to be kept secret in the interest of national defense or foreign policy.* * *

5. Section 320.11, is amended by revising the first sentence to read as follows:

§ 320.11 Specific exemptions.

All systems of records maintained by the Defense Mapping Agency and its components shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12958 and that is required by Executive Order to be kept secret in the interest of national defense or foreign policy.* * *

6. Section 321.14, paragraph (b), first sentence is revised to read as follows:

§ 321.14 Exemptions.

(b) All systems of records maintained by DIS shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12958 and which is required by the Executive Order to be withheld in the interest of national defense or foreign policy.* * *

7. Appendix H to part 323, introductory text, first sentence is revised to read as follows:

Appendix H to Part 323—DLA Exemption Rules

Exempt Records Systems. All systems of records maintained by the Defense Logistics Agency will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12958 and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy.* * *

8. Section 505.5 is amended in paragraphs (e)k.(4), (e)m.(4), (e)n.(4), (e)o.(4), and (e)p.(4) by revising '12356' to read '12958' and by revising paragraph (c)(1) to read as follows:

§ 505.5 Exemptions.

(c) *Specific exemptions.*

(1) *Classified information in every Army system of records.* This exemption is not limited to the systems listed in paragraph (d) of this section. Before denying as individual access to classified information, the Access and Amendment Refusal Authority must make sure that it was properly classified under the standards of Executive Orders 11652, 12065, or 12958 and that it must remain so in the interest of national defense of foreign policy. (5 U.S.C. 552a(k)(1)).

* * * * *

9. Part 701 is amended by revising '12356' to read '12958' in the following sections:

a. Section 701.113 paragraphs (d) and (g)(1).

b. Section 701.117.

c. Section 701.118, paragraphs (a) *Reasons*; (m) *Reasons*; (p) *Reasons*;

d. Section 701.119, paragraph (b) *Reasons*;

10. Appendix C to Part 806b, paragraph (b)(1)(i), is amended by revising '12356' to read '12958'.

Dated: December 4, 1995.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 96-1614 Filed 1-29-96; 8:45 am]

BILLING CODE 5000-04-F

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 1

RIN 1024-AC06

Penalty Provisions

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is amending the existing penalty provisions for convictions of violating NPS regulations to conform with the Criminal Fine Improvements Act of 1987 (Pub. L. 100-185; 18 U.S.C. 3571). This Act changed the maximum fine levels for all petty offenses, including those of a regulatory nature, to \$5,000 for individuals and \$10,000 for organizations.

EFFECTIVE DATE: This rule is effective January 30, 1996.

ADDRESSES: Comments should be addressed to Dennis Burnett, National Park Service, Ranger Activities Division, P.O. Box 37127, Washington, DC 20013-7127.

FOR FURTHER INFORMATION CONTACT:

Dennis Burnett, Ranger Activities Division, at the above address. Phone: 202-208-4874.

SUPPLEMENTARY INFORMATION:

Background

The current NPS penalty provisions are found in 36 CFR 1.3. Under these provisions, four levels of penalties are delineated under different penalty authorities. First, in § 1.3(a), a person convicted of violating applicable NPS regulations in 36 CFR Chapter 1 "shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both", as authorized by 16 U.S.C. 3. Second, § 1.3(b) applies to certain military parks, battlefield sites, national monuments, or other memorials originally under the jurisdiction of the Secretary of the Army. In these areas the fine and penalty are currently set, pursuant to the Act of March 2, 1933 (47 Stat. 1420), at "not more than \$100, or by imprisonment for not more than 3 months, or by both" for persons who "knowingly and willfully" violate applicable regulations. Third, at § 1.3(c), persons convicted of violating applicable regulations in park areas established by the Act of August 21, 1935 (79 Stat. 971) "shall be punished by a fine of not more than \$500". Last, at § 1.3(d), a person convicted of violating 36 CFR 2.23 relating to recreation fees, pursuant to Pub. L. No. 92-347 (86 Stat. 459) "shall be punished by a fine of not more than \$100".

This rule will revise the penalty language at 36 CFR 1.3 (a), (b), (c) and (d) to reflect the revised statutory fine provisions of the Criminal Fine Improvements Act of 1987 (18 U.S.C. 3571).

Fines: On January 1, 1985, the Criminal Fine Enforcement Act of 1984 (Pub. L. No. 98-596) became effective, in which the definition of "petty offense" was changed to include an offense in which the maximum fine level was \$5,000 for an individual and \$10,000 for an organization. However, this Act did not change the actual fine levels themselves for petty offenses. This was accomplished by the Criminal Fine Improvements Act of 1987 (Pub. L. No. 100-185). This latter Act specifically established the maximum fine levels for petty offenses to be \$5,000 for individuals and \$10,000 for organizations (18 U.S.C. 3571). Petty offenses were also defined to mean any Class B or C misdemeanor, or an infraction, as defined in 18 U.S.C. 3559.

Additionally, Chapter 227 of Title 18, which became effective on November 1, 1987, states:

Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in *any Federal statute*, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter. (18 U.S.C. 3551(a); emphasis added).

Therefore, this rule will reflect the change in law, making the fine levels as stated in 18 U.S.C. 3571 apply to NPS regulations.

Applicability: Section 3 of the Act of August 25, 1916 (NPS Organic Act), as amended by § 5 of the Act of June 2, 1920 (41 Stat. 732), provides the Secretary of the Interior with the authority to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings." (16 U.S.C. 3).

The NPS is adopting this final rule pursuant to the "agency procedure" exception of the Administrative Procedures Act (5 U.S.C. 553(b)(A)) from general notice and comment rulemaking. The NPS believes that this exception from rulemaking procedures is warranted because it is merely conforming the penalty language found at 36 CFR 1.3 (a), (b), (c) and (d) to reflect the revised statutory fine provisions of the Criminal Fine Improvements Act of 1987 (18 U.S.C. 3571). The NPS finds that notice and comment are unnecessary and contrary to the public interest for this final rule.

The NPS has also determined, in accordance with the Administrative Procedures Act (5 U.S.C. 553(d)(3)), that the publishing of this final rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay would be contrary to the public interest and the interest of the agency. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(3)), it has been determined that this rulemaking is excepted from the 30-day delay in the effective date and shall therefore become effective on the date published in the Federal Register.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to