alteration or processing (subheading 9813.00.05, Harmonized Tariff Schedule of the United States) and is subsequently exported to Canada or Mexico, duty shall be assessed on the good on the basis of its condition at the time of its importation into the United States. Such duty shall be paid no later than 60 calendar days after either the date of exportation or the date of entry into a duty-deferral program of Canada or Mexico, except that, upon filing of a proper claim under paragraph (a)(3) of this section, the duty shall be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the good under this section or the total amount of customs duties paid to Canada or Mexico.

Example. Company A imports glassware under subheading 9813.00.05, HTSUS. The glassware is from France and would be dutiable under a regular consumption entry at $6,000. Company A alters the glassware by etching hotel logos on the glassware. Two weeks later, Company A sells the glassware to Company B, a Mexican company, and ships the glassware to Mexico. Company B enters the glassware and is assessed duties in an amount equivalent to US$6,200 and claims NAFTA preferential tariff treatment. Company B provides a copy of the Mexican landing certificate to Company A showing that the US$6,200 equivalent in duties was assessed but not yet paid to Mexico. If Mexico ultimately denies Company B's NAFTA claim and the Mexican duty payment becomes final, Company A, upon submission to Customs of a proper claim under paragraph (a)(3) of this section, is entitled to a waiver of the full $6,000 in U.S. duty.

(c) *Recordkeeping requirements.* If a person intends to claim a waiver or reduction of duty on goods under this section, that person shall maintain records concerning the value of all involved goods or materials at the time of their importation into the United States and concerning the value of the goods at the time of their exportation to Canada or Mexico or entry into a duty-deferral program of Canada or Mexico, and if a person files a claim under this section for a waiver or reduction of duty on goods exported to Canada or Mexico or entered into a Canadian or Mexican duty-deferral program, that person shall maintain evidence of exportation or entry into a Canadian or Mexican duty-deferral program and satisfactory evidence of the amount of any customs duties paid to Canada or Mexico on the good (see § 181.47(c)). Failure to maintain adequate records will result in denial of the claim for waiver or reduction of duty.

(d) *Failure to file proper claim.* If the person identified in paragraph (a)(2)(iii)(A) of this section fails to file a proper claim within the 60-day period specified in this section, that person, or the FTZ operator pursuant to paragraph (a)(2)(iii)(A)(*3*) of this section, will be liable for payment of the full duties assessed under this section and without any waiver or reduction thereof.

(e) *Subsequent claims for preferential tariff treatment.* If a claim for a refund of duties is allowed by the Canadian or Mexican customs administration under Article 502(3) of the NAFTA or under any other circumstance after duties have been waived or reduced under this section, Customs may reliquidate the entry filed under this section pursuant to 19 U.S.C. 1508(b)(2)(B)(iii) even after liquidation of the entry has become final.

George J. Weise,

Commissioner of Customs.

Approved: January 24, 1996.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96–1677 Filed 1–29–96; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Oxytetracycline Hydrochloride Soluble Powder

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 abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for the use of a generic oxytetracycline hydrochloride soluble powder administered orally in drinking water for either control or control and treatment of certain diseases of chickens, turkeys, swine, cattle, and sheep.

EFFECTIVE DATE: January 30, 1996.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th St. Ter., P.O. Box 6457, St. Joseph, MO 64506–0457, filed ANADA 200–146 which provides for use of oxytetracycline hydrochloride soluble powder in the drinking water of chickens, turkeys, swine, cattle, and sheep. The medicated drinking water is used as follows: (1) Chickens for control of infectious synovitis caused by *Mycoplasma synoviae*, chronic respiratory disease and air sac infections caused by *Mycoplasma gallisepticum* and *Escherichia coli*, and fowl cholera caused by *Pasteurella multocida*; (2) turkeys for control of hexamitiasis caused by *Hexamita meleagridis*, infectious synovitis caused by *M. synoviae*, and complicating bacterial organisms associated with blue comb (transmissible enteritis; coronaviral enteritis); (3) swine for control and treatment of bacterial enteritis caused by *E. coli* and *Salmonella choleraesuis* and bacterial pneumonia caused by *P. multocida*; (4) breeding swine for control and treatment of leptospirosis (reducing the incidence of abortions and shedding of leptospira) caused by *Leptospira pomona*; (5) calves, beef cattle, and nonlactating dairy cattle for control and treatment of bacterial enteritis caused by *E. coli* and bacterial pneumonia (shipping fever complex) caused by *P. multocida*; and (6) sheep for control and treatment of bacterial enteritis caused by *E. coli* and bacterial pneumonia (shipping fever complex) caused by *P. multocida*.

ANADA 200–146 for Phoenix Scientific's oxytetracycline hydrochloride soluble powder is approved as a generic copy of Pfizer's Terramycin® Soluble Powder which is covered by NADA 8–622. The ANADA is approved as of December 7, 1995, and the regulations in 21 CFR 520.1660d are amended 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, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) 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.

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: 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]

BILLING CODE 4160–01–F

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.

Implemention 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]

BILLING CODE 4710–08–M