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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 785

[Docket No. 960221039-6039-01]

RIN 0694-AB31

Exports to Iran; Imposition of Economic Sanctions

AGENCY: Bureau of Export Administration.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) to reflect the imposition of additional economic sanctions on Iran as a result of the issuance of Executive Order 12959 on May 6, 1995. The Executive Order delegates implementation responsibility to the Department of the Treasury's Office of Foreign Assets Control (OFAC), including authority for exports and certain reexports.

EFFECTIVE DATE: March 5, 1996.

FOR FURTHER INFORMATION CONTACT: Hillary Hess, Office of Exporter Services, Bureau of Export Administration, Telephone: (202) 482-2440.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1995, President Clinton issued Executive Order 12959 (60 FR 24757), imposing significant new economic sanctions on Iran. The effective date of the Executive Order was May 7, 1995 at 12:01 EDT, except that an effective date of June 6, 1995, 12:01 a.m. EDT applied for exports and reexports under contracts that were entered into prior to May 7, 1995, and that were authorized pursuant to regulations in force immediately prior to May 6, 1995. The Department of the

Treasury's Office of Foreign Assets Control (OFAC) has responsibility for implementing the Executive Order, including issuing licenses for exports and certain reexports to Iran. (See OFAC's Iranian Transactions Regulations, 31 CFR part 560.) If OFAC authorizes an export or reexport, no separate authorization from BXA is necessary. This rule makes clear that enforcement action may be taken under the EAR with respect to an export or reexport prohibited both by the EAR and by the Executive Order and not authorized by OFAC.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR in Executive Order 12924 of August 19, 1994, as extended by the President's notice of August 15, 1995 (60 Fed. Reg. 42767).

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694-0005, 0694-0007, and 0694-0010. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Hillary Hess, Office of Exporter Services, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553(a)(1) or by any other law, under sections 3(a) and 4 (a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

List of Subjects in 15 CFR Part 785

Exports.

Accordingly, Part 785 of the Export Administration Regulations (15 CFR Parts 730-799) is amended as follows:

1. The authority citation for 15 CFR Part 785 continues to read as follows:

Authority: Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; Pub. L. 102-484, 106 Stat. 2575 (22 U.S.C. 6004); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as continued by Notice of September 25, 1992 (57 FR 44649, September 28, 1992); E.O. 12924 of August 19, 1994 (59 FR 43437, August 23, 1994); E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994); E.O. 12957 of March 15, 1995 (60 FR 14615 of March 17, 1995); E.O. 12959 of May 6, 1995 (60 FR 24757 of May 9, 1995); and Notice of August 15, 1995, 60 FR 42767.

PART 785—[AMENDED]

2. Section 785.4 is amended by adding paragraph (b) to read as follows:

§ 785.4 Country Groups T & V.

* * * * *

(b) Iran.

Note: The Treasury Department's Office of Foreign Assets Control (OFAC) administers a comprehensive trade and investment embargo against Iran under the authority of the International Emergency Economic

Powers Act of 1977, as amended, section 505 of the International Security and Development Cooperation Act of 1985, and Executive Orders 12957 and 12959 of March 15, 1995 and May 6, 1995, respectively. This embargo includes prohibitions on export and certain reexport transactions involving Iran, including transactions dealing with items subject to the EAR. (See OFAC's Iranian Transactions Regulations, 31 CFR part 560.)

(1) The controls on exports and reexports to Iran, as specified in the CCL and in paragraph (d) of this section, continue to apply. To avoid duplication, exporters or reexporters are not required to seek separate authorization from BXA for an export or reexport subject both to the EAR and to OFAC's Iranian Transactions Regulations. Therefore, if OFAC authorizes an export or reexport, no separate authorization from BXA is necessary.

(2) Section 3 of the Executive Order directs all agencies of the United States Government to take all appropriate measures within their jurisdiction to carry out the order. Accordingly, no validated license, general license or other authorization constitutes authority for any export or reexport prohibited by the Iranian Transactions Regulations unless authorized by OFAC, and no person may export or reexport items subject to both the EAR and OFAC's Iranian Transactions Regulations without prior OFAC authorization. Any export or reexport prohibited both by the EAR and by the Executive Order and not authorized by OFAC is a violation of the EAR.

(3) Exporters should consult with OFAC (Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Annex, 2nd Floor, Washington, D.C. 20220. Telephone (202) 622-2480) for authorization for:

- (i) Exports from the United States involving Iran;
- (ii) Exports or reexports to Iran from a third country, when the exporter or reexporter is a United States person (as defined in OFAC's Iranian Transactions Regulations, 31 CFR part 560); or
- (iii) Reexports to Iran of U.S.-origin items that were subject to any export license application requirements prior to Executive Order 12959 of May 6, 1995.

(Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Annex, 2nd Floor, Washington, D.C. 20220. Telephone (202) 622-2480.)

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Dated: February 29, 1996.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 96-5103 Filed 3-4-96; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to set forth the current organizational structure of the agency as well as the current addresses for headquarters and field offices. This action is necessary to ensure accuracy of the regulations.

EFFECTIVE DATE: March 5, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: The regulations are being amended in 21 CFR 5.100 to reflect the current addresses for headquarters and for field and district offices.

Notice and comment on these amendments are not necessary under the Administrative Procedure Act because this is a rule of Agency organization (5 U.S.C. 553(b)).

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b),

801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354, 361, 362, 1701-1706; 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 2421, 242n, 243, 262, 263, 263b, 264, 265, 300u-300u-5, 300aa-1, 300aa-25, 300aa-27, 300aa-28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99-660 (42 U.S.C. 300aa-1 note).

§ 5.100 [Amended]

2. Section 5.100 is amended by revising footnotes 9 and 12, and by adding new footnote 17 to the entry for "Division of Clinical Laboratory Devices." To read as follows:

§ 5.100 Headquarters.

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Center for Biologics Evaluation and Research⁹

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Office of Device Evaluation¹²

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Division of Clinical Laboratory Devices¹⁷

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Dated: February 26, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96-4977 Filed 3-4-96; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

28 CFR Part 52

[AG ORDER No. 2012-96]

RIN 1105-AA43

Revision of Policy Concerning Consent To Try Civil Matters Before Magistrate Judges

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The United States Department of Justice is publishing a final rule to revise and clarify Department policy concerning consent to try civil matters before magistrate judges.

EFFECTIVE DATE: This final rule is effective March 5, 1996.

FOR FURTHER INFORMATION CONTACT: Mary C. Morgan, Deputy Assistant Attorney General, Office of Policy

⁹ Mailing address: 1401 Rockville Pike, suite 200N, Rockville, MD 20852-1448.

¹² Mailing address: 9200 Corporate Blvd., Rockville, MD 20850.

¹⁷ See footnote 13.