

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.

\* \* \* \* \*

Center for Biologics Evaluation and Research<sup>9</sup>

\* \* \* \* \*

Office of Device Evaluation<sup>12</sup>

\* \* \* \* \*

Division of Clinical Laboratory Devices<sup>17</sup>

\* \* \* \* \*

Dated: February 26, 1996.

William K. Hubbard,  
*Associate Commissioner for Policy Coordination.*

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## 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

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

<sup>12</sup> Mailing address: 9200 Corporate Blvd., Rockville, MD 20850.

<sup>17</sup> See footnote 13.

Development, Department of Justice, Washington, DC 20530, telephone (202) 514-0052.

**SUPPLEMENTARY INFORMATION:** A working group consisting of representatives from senior Justice Department offices and litigating divisions and the United States Attorneys' Offices reviewed the Department's policy concerning consent to try civil matters before magistrate judges. As a result of this review, the Department reaffirms its existing policy of encouraging the use of magistrate judges to assist the district courts in resolving civil disputes whenever possible, as set forth in 28 CFR 52.01, but makes several clarifying changes.

Paragraphs (1) through (4) of § 52.01(a) merely summarize provisions of federal statutory and case law set forth elsewhere. This rule eliminates those paragraphs, thus streamlining the Code of Federal Regulations.

This rule deletes from § 52.01(b) the two sentences immediately following paragraph (7). The first sentence—referring to cases “involving significant rights of large numbers of persons, or complex, sensitive, or unusually important issues”—is unnecessary and inconsistent with existing Department policy set forth elsewhere in this Part. Instead, this rule amends § 52.01(b)(1) to include a reference to the involvement of significant rights of large numbers of persons as a factor to be considered relating to the complexity of the case.

The second sentence—referring to a formal consultation process with the appropriate Assistant Attorney General—is unnecessary given the large number of cases in which a consultation with the Assistant Attorney General is not required because redelegation authority has been exercised. This rule amends § 52.01(b) to require that the determination by the government attorney whether to consent to a trial before a magistrate judge simply be made “with the concurrence of his or her supervisor.” The rule retains the requirement currently existing in § 52.01(d), but incorporates it into § 52.01(c), for consultation with the appropriate Assistant Attorney General regarding consent to an appeal to the district court rather than to the court of appeals but deletes the phrase “to a trial before a magistrate.” The rule amends § 52.01(b) by adding the phrase “as set forth in this paragraph” to clarify that the determination is based upon consideration of all the enumerated factors.

This rule conforms the terminology of §§ 52.01 and 52.02 to the Judicial Improvements Act of 1990, Pub. L. 101-650, section 321, which changed the

designation of persons appointed under 28 U.S.C. 631 from United States magistrate to that of United States magistrate judge.

Administrative Procedure Act 5 U.S.C. 553

Because these regulations relate to agency management or personnel, the Department of Justice finds good cause for exempting them from the provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date.

#### Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b). The Attorney General has determined that this rule is not a significant regulatory action under Executive Order 12866, section 3(f), and, accordingly, this rule has not been reviewed by the Office of Management and Budget.

#### List of Subjects in 28 CFR Part 52

##### Courts.

Accordingly, for the reasons set forth in the preamble, part 52 of chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

#### **PART 52—PROCEEDINGS BEFORE U.S. MAGISTRATE JUDGES**

1. The heading for Part 52 is revised to read as set forth above.

2. The authority citation for part 52 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3401(f).

3. Section 52.01 is revised to read as follows:

##### **§ 52.01 Civil proceedings: Special master, pretrial, trial, appeal.**

(a) Sections 636 (b) and (c) of title 28 of the United States Code govern pretrial and case-dispositive civil jurisdiction of magistrate judges, as well as service by magistrate judges as special masters.

(b) It is the policy of the Department of Justice to encourage the use of magistrate judges, as set forth in this paragraph, to assist the district courts in resolving civil disputes. In conformity with this policy, the attorney for the government is encouraged to accede to

a referral of an entire civil action for disposition by a magistrate judge, or to consent to designation of a magistrate judge as special master, if the attorney, with the concurrence of his or her supervisor, determines that such a referral or designation is in the interest of the United States. In making this determination, the attorney shall consider all relevant factors, including—

- (1) The complexity of the matter, including involvement of significant rights of large numbers of persons;
- (2) The relief sought;
- (3) The amount in controversy;
- (4) The novelty, importance, and nature of the issues raised;
- (5) The likelihood that referral to or designation of the magistrate judge will expedite resolution of the litigation;
- (6) The experience and qualifications of the magistrate judge; and
- (7) The possibility of the magistrate judge's actual or apparent bias or conflict of interest.

(c) (1) In determining whether to consent to having an appeal taken to the district court rather than to the court of appeals, the attorney for the government should consider all relevant factors including—

- (i) The amount in controversy;
- (ii) The importance of the questions of law involved;
- (iii) The desirability of expeditious review of the magistrate judge's judgment.

(2) In making a determination under paragraph (c)(1) of this section the attorney shall, except in those cases in which delegation authority has been exercised under 28 CFR 0.168, consult with the Assistant Attorney General having supervisory authority over the subject matter.

##### **§ 52.02 [Amended]**

4. Section 52.02 is amended by removing the word “magistrate” wherever it appears and adding, in its place, “magistrate judge” and by removing the word “magistrate's” wherever it appears and adding, in its place, “magistrate judge's”.

Dated: February 26, 1996.

Janet Reno,

*Attorney General.*

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