

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.

[FR Doc. 96-4927 Filed 3-4-96; 8:45 am]

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**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 64**

[Docket No. FEMA-7636]

Suspension of Community Eligibility**AGENCY:** Federal Emergency Management Agency, FEMA.**ACTION:** Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities

will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Acting Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region VI				
Texas: Terrell, city of, Kaufman County	480416	June 18, 1976, Emerg; Sept. 30, 1980, Reg; Mar. 4, 1996, Susp.	03-04-96	Mar. 4, 1996.
Region II				
New York: Clarence, town of, Erie County	360232	Apr. 4, 1975, Emerg; Apr. 1, 1982, Reg; Mar. 5, 1996, Susp.	03-05-96	Mar. 5, 1996.
Region III				
Pennsylvania:				
Fayette City, borough of, Fayette County ...	420464	July 30, 1975, Emerg; Feb. 3, 1982, Reg; Mar. 5, 1996, Susp.	12-19-95	Do.
North Charleroi, borough of, Washington County.	422137	Dec. 13, 1974, Emerg; July 16, 1981, Reg; Mar. 5, 1996, Susp.	.....do	Do.
West Virginia:				
Bath, town of, Morgan County	540005	May 20, 1975, Emerg; Jan. 20, 1980, Reg; Mar. 5, 1996, Susp.	03-05-96	Do.
Morgan County, unincorporated areas	540144	Oct. 28, 1975, Emerg; July 1, 1987, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Paw Paw, town of, Morgan County	540252	Oct. 2, 1975, Emerg; Nov. 2, 1984, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Region V				
Indiana: Tipton, city of, Tipton County	180255	Oct. 29, 1975, Emerg; Mar. 5, 1996, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Michigan:				
Plymouth, city of, Wayne County	260236	Aug. 6, 1975, Emerg; Feb. 18, 1981, Reg; Mar. 5, 1996, Susp.	01-05-96	Do.
Plymouth, Charter township of, Wayne County.	260237	Aug. 6, 1975, Emerg; Mar. 2, 1981, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Minnesota:				
Aitkin County, unincorporated areas	270628	Apr. 23, 1974, Emerg; Mar. 15, 1982, Reg; Mar. 5, 1996, Susp.	02-02-96	Do.
Hopkins, city of, Hennepin County	270166	May 2, 1974, Emerg; May 5, 1981, Reg; Mar. 5, 1996, Susp.	12-19-95	Do.
Wisconsin:				
Cadott, village of, Chippewa County	550043	Jan. 23, 1975, Emerg; Mar. 5, 1996, Reg; Mar. 5, 1996, Susp.	03-05-96	Do.
Dane County, unincorporated areas	550077	Oct. 20, 1972, Emerg; Sept. 29, 1978, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Madison, city of, Dane County	550083	July 17, 1975, Emerg; Sept. 30, 1980, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Middleton, city of, Dane County	550087	June 27, 1974, Emerg; May 1, 1980, Reg; Mar. 5, 1996, Susp.	.....do	Do.
Region VI				
Louisiana: Duson, town of, Lafayette County	220104	Nov. 11, 1975, Emerg; Sept. 30, 1981, Reg; Mar. 5, 1996, Susp.	02-02-96	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: February 27, 1996.

Richard W. Krimm,
Acting Associate Director, Mitigation
Directorate.

[FR Doc. 96-5088 Filed 3-4-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 2, 5, 21, 22, 23, 25, 73, 78, 80, 90, 94, and 95

[FCC 95-423]

Reorganization of the Compliance and Information Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action restructures the Compliance and Information Bureau. The Commission reviewed the

operations of the Bureau in light of principles of the National Performance Review to makes its operations more cost effective and to privatize those that could be handled by the private sector. It is the intent of this action to improve service to the public at a reduced cost.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Wayne T. McKee, Compliance and Information Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 418-1191.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order,