

Federal Register

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Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 2257]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: Consistent with the Regulatory Flexibility Act of 1980, 5 U.S.C. 602, the Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 421(g), and OMB guidance to the Department of State pursuant to Executive Order 12866, the October 1995 agenda of regulations of the Department of State is set forth below. The purpose of this publication is to provide information to the public on the Department's regulatory plans. Consistent with OMB guidance, this

agenda includes active continuing items from prior agendas.

FOR FURTHER INFORMATION CONTACT: Mary Beth West, Assistant Legal Adviser for Legislation and General Management, Department of State, Room 5425, 2201 C Street NW., Washington, DC 20520-6310; telephone (202) 647-5154.

Dated: October 17, 1995.
Richard M. Moose,
Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

2188. • PERSONS AUTHORIZED TO ADJUDICATE NATIONALITY CLAIMS

Priority: Routine and Frequent

Legal Authority: 22 USC 211a

CFR Citation: 22 CFR 51.1; 22 CFR 51.21(b); 22 CFR 51.21(d)

Legal Deadline: None

Abstract: This regulation implements a statute authorizing designated State Department employees to issue passports and adjudicate nationality claims overseas.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carmen A. DiPlacido, Director, Office of Policy Review, Under Interagency Liaison, Department of State, Bureau of Consular Affairs
Phone: 202 647-3666
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RIN: 1400-AA62

2189. • RESUMPTION OF NATIONALITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-416, sec 324(d), Immigration and Nationality Act

CFR Citation: 22 CFR 50.30

Legal Deadline: None

Abstract: This regulation implements a statute restoring U.S. citizenship to persons who failed to fulfill citizenship retention requirements.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carmen A. DiPlacido, Director, Office of Policy Review and Interagency Liaison, Department of State, Bureau of Consular Affairs
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RIN: 1400-AA63

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

2190. • PART 40 - REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 40.1(d); 22 CFR 40.1(f) to 40.1(l); 22 CFR 40.1(m); 22 CFR 40.6; 22 CFR 40.9; 22 CFR 40.21(a); 22 CFR 40.22(b) and 40.22(c); 22 CFR 40.41(b) and 40.41(c); 22 CFR

40.51; 22 CFR 40.52; 22 CFR 40.63(b); 22 CFR 40.81; 22 CFR 40.93; 22 CFR 40.101(a)(5) and 40.101(b)

Legal Deadline: None

Abstract: This regulation amends several sections in accordance with the President's directive to eliminate or streamline regulations. The Department estimates publishing a proposed rule in December 1995.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	01/00/96	
Final Action	03/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Division Chief of Legislation and Regulation Division, Department of State, 2401 E Street NW., Washington, DC 20520-0113
Phone: 202 663-1204
Fax: 202 663-3898

RIN: 1400-AA58

2191. • PART 42-VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in

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Proposed Rule Stage

the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 42 to 45; 22 CFR 47

Legal Deadline: None

Abstract: This regulation amends several sections in accordance with the

President's directive to eliminate or streamline regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	11/00/95	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Division Chief of Legislation and Regulation Division, Department of State, 2401 E Street NW., Washington, DC 20520-0113
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RIN: 1400-AA60

DEPARTMENT OF STATE (STATE)

Final Rule Stage

2192. FOREIGN PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1288(d)

CFR Citation: 22 CFR 89 (Revision)

Legal Deadline: Final, Statutory, December 31, 1995.

Legal deadline reflects the statutory requirement that the list be updated on an annual basis.

Abstract: The above-mentioned statute requires the Secretary of State to compile, and update annually through Notice-and-Comment rulemaking procedures, a list, by particular longshore activity, of countries where performance of such activity is prohibited by law, regulation, or in practice in the country concerned.

According to the statute cited above, the Attorney General will use this list for enforcing restrictions on work performed by crewmembers of vessels from such countries. Compilation of the list itself does not involve any significant costs and is based upon information being provided to the Department of State by U.S. diplomatic missions overseas as well as by the public. Questions regarding the policy justification for the list and its use are best directed to the Departments of Labor, Transportation, and Justice.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/91	56 FR 24338
Final Rule	12/27/91	56 FR 66970
Final Rule Effective	01/01/92	
Final Rule Correction	01/04/92	57 FR 1384

Updated List of Countries

NPRM 11/04/92 (57 FR 52600)
NPRM Comment Period End 12/04/92
Final Rule 12/13/93 (58 FR 65118)
Final Rule Effective 12/13/93
NPRM 03/24/94 (59 FR 13904)
NPRM Comment Period End 04/25/94
Final Rule 06/00/96

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In accordance with the mandate to maintain annually the list of countries, the Department will issue Final Rules to amend the list as appropriate.

Agency Contact: Stephen Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State, 2201 C Street NW., Washington, DC 20520-5816

Phone: 202 647-6961

RIN: 1400-AA34

2193. VISAS; PART 41 DOCUMENTATION OF NONIMMIGRANTS UNDER THE INA, AS AMENDED

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-603, sec 313; PL 101-649, sec 201; PL 102-232, sec 303; 8 USC 1104

CFR Citation: 22 CFR 41.51; 22 CFR 41.58; 22 CFR 41.31

Legal Deadline: None

Abstract: The Immigration Act of 1990 (the Act), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This law modified certain nonimmigrant visa (NIV) classifications and created others. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over

the issuance and refusal of visas and to promulgate necessary regulations. This regulation also incorporated RIN 1400-AA52, Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended; Business and Media Visas, Treaty Trader, and Treaty Investors.

Timetable:

Action	Date	FR Cite
Final Action	08/15/95	60 FR 42034
Creation of New NIV Classification (R Visa)		
Interim Final Rule	01/06/92	57 FR 341
Comment Period End	02/05/92	
Modification of E Visa Classification		
NPRM	09/03/91	56 FR 43565
Comment Period End	11/04/91	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1400-AA36

2194. VISA WAIVER PILOT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-603, sec 313; PL 101-649, sec 201; PL 102-232, sec 303

CFR Citation: 22 CFR 41.2(l)

Legal Deadline: None

Abstract: Section 313 of PL 99-603 amended the Immigration and Nationality Act by adding section 217 which established the nonimmigrant Visa Waiver Pilot Program (VWPP). This program waives the nonimmigrant visa requirements, to facilitate the admission of certain nonimmigrant

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Final Rule Stage

alien visitors under the VWPP. Section 217, as amended by PL 101-649 and PL 102-232, revises from time to time the list of countries designated by the Secretary of State and the Attorney General, acting jointly, to participate in the Visa Waiver Pilot Program. Brunei has been added to that list.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/93	58 FR 40585
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
Phone: 202 663-1184

RIN: 1400-AA49

2195. NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Substantive, Nonsignificant

Legal Authority: North American Free Trade Agreement (NAFTA); NAFTA Implementation Act, sec 341 and 342

CFR Citation: 22 CFR 41.51; 22 CFR 41.52; 22 CFR 41.59 (New)

Legal Deadline: NPRM, Statutory, January 11, 1994.

Abstract: Implements chapter 16 of the North American Free Trade Agreement (NAFTA), and sections 341 and 342 of the North American Free Trade Agreement Implementation Act (the Implementation Act), signed December 8, 1993, which addressed the movement of business persons among the United States, Canada, and Mexico. This rule amends regulations concerning two nonimmigrant visa classifications, treaty traders and

investors and intracompany transfers, and promulgates new regulations for a category for professionals under INA section 214(e) as amended by the Implementation Act. Regulations spell out requirements for classification as a NAFTA professional.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/93	58 FR 68526
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Chief, Division of Legislation and Regulations, Visa Office, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
Phone: 202 663-1204

RIN: 1400-AA51

2196. PART 41- VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41

Legal Deadline: None

Abstract: This regulation amends several sections in accordance with the President's directive to eliminate or streamline regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Division Chief of Legislation and Regulation Division, Department of State, 1401 E Street NW., Washington, DC 20520-0113
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Fax: 202 663-3898

RIN: 1400-AA59

2197. 96 OLYMPICS - VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED; APPLICATION FOR NONIMMIGRANT VISA

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41.101(c); 22 CFR 41.104(e); 22 CFR 41.105(c)(3)(iv); 22 CFR 41.113(k)(3)

Legal Deadline: None

Abstract: This regulation amends or adds to 41.101(c); 41.104(e); 41.105(a)(3)(iv); and 41.113(k)(3). The revision provides special procedures for processing "Olympic families."

Timetable:

Action	Date	FR Cite
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Division Chief of Legislation and Regulation Division, Department of State, 2401 E Street NW., Washington, DC 20520-0113
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RIN: 1400-AA61

DEPARTMENT OF STATE (STATE)

Long-Term Actions

2198. REVISION OF REPORTING REQUIREMENTS AND ERRORS UNDER THE ITAR

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 120.10; 22 CFR 123.22; 22 CFR 124.12; 22 CFR 128; 22 CFR 130

Legal Deadline: None

Abstract: These changes are being made as part of regulatory reinvention.

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Long-Term Actions

Timetable:

Action	Date	FR Cite
Published	10/17/89	54 FR 42496
Administrative Changes to the International Traffic in Arms Regulations		
New License Exemptions Under ITAR	06/26/90	53 FR 25981
NPRM - Amending the ITAR (Two Rules)	09/05/91	56 FR 43894
NPRM - Two Rule Changes to the ITAR	09/16/91	56 FR 46753
Amend Prohibited Destination List	10/29/91	56 FR 55630
Amend USML	01/16/92	57 FR 1886
Designate Non-Significant Military Equipment	01/16/92	57 FR 1888
NPRM - Amends USML	04/13/92	57 FR 12774
NPRM - Amends USML	04/22/92	57 FR 14671
Final Rule - Amends Section 121 of ITAR	04/27/92	57 FR 15227
NPRM - Revision of ITAR	05/07/92	57 FR 19666
NPRM	07/20/92	57 FR 32148
NPRM - Global Position Systems Receivers	09/09/92	57 FR 41077
Final Rule - Amends USML	10/23/92	57 FR 48315
NPRM - Space	12/28/92	57 FR 61589
Final Rule	07/22/93	58 FR 39280
Final Rule - Clarify U.S. Person	05/18/94	59 FR 25811
Final Rule - Rwanda Embargo	06/02/94	59 FR 28533
Final Rule - 3 Changes to ITAR	06/10/94	59 FR 16681
Final Rule - Termination of South Africa Embargo	06/20/94	59 FR 31667
Final Rule - Prohibit Lethal Items to Peru	06/23/94	59 FR 32481
Final Rule Amending Proscribed Country List	08/17/94	59 FR 42158
Final Rule Revising Encryption Controls	09/02/94	59 FR 45621
Final Rule Amending USML	09/09/94	59 FR 46548
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1400-AA23

2199. TRANSIT WITHOUT VISA (TWOV)

Priority: Substantive, Nonsignificant

Legal Authority: Section 212(d)(4)(C) of the Immigration & Nationality Act (INA)

CFR Citation: 22 CFR 41.2(i)

Legal Deadline: None

Abstract: Under the provision of section 212(d)(4)(C), the Secretary of State and the Attorney General acting jointly have the authority to waive nonimmigrant visa requirements for aliens in continuous and direct transit through the United States. Yugoslavia was removed from the list of countries participating in this program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/16/93	58 FR 43438
Interim Final Rule Comment Period End	09/15/93	
Final Action	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
Phone: 202 663-1184

RIN: 1400-AA48

2200. B-1 VISA CLASSIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-649, Immigration Act of 1990

CFR Citation: 22 CFR 4131

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: B Visa Regulation revisions which incorporate 9FAM notes and INS OI reflect changes in interpretation of B Visa classes resulting from enactment of Immigration and Naturalization Act of 1990 and MATINA.

Timetable:

Action	Date	FR Cite
NPRM	07/26/93	58 FR 40024

Action Date FR Cite

NPRM Comment	09/23/93	58 FR 49456
Period Extended to	11/23/93	
NPRM Comment	09/24/93	58 FR 49456
Period End		
NPRM Comment	11/23/93	58 FR 61856
Period Extended to	12/06/93	
Final Action	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Chief, Division of Legislation and Regulations, Department of State, 2401 E Street NW. (SA-1), Washington, DC 20522-0113
Phone: 202 663-1204

RIN: 1400-AA54

2201. • ESTABLISHING OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Priority: Substantive, Nonsignificant

Legal Authority: International Legal Materials, vol XII, no.6, Nov. 1973, p 1302

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the 1973 convention on the forms of international wills, there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the convention to the Senate on July 2, 1986, with the recommendation that the Senate give its advice and consent to U.S. ratification of the convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29). The Senate gave advice and consent on August 2, 1991. Implementing legislation (the International Wills Act) is required before the United States can take further action to ratify the convention.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

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Long-Term Actions

Additional Information: U.S. ratification of the 1973 convention providing a uniform law on the form of an international will would provide the basis for establishment of the registry.

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RIN: 1400-AA56

2202. • REVISION OF U.S. MUNITIONS LIST

Priority: Routine and Frequent

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 121.1; 22 CFR 121.16

Legal Deadline: None

Abstract: Review and revision as appropriate of USML on compliance with AECA.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rose Biancanello, Deputy Director, Office of Defense Trade Controls, Department of State, Room 200, SA-6, Washington, DC 20522-0602

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RIN: 1400-AA64

2203. • COMSAT REVIEW CATEGORY XV OF USML

Priority: Routine and Frequent

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 121.1

Legal Deadline: None

Abstract: Review of technical parameters to determine whether licensing jurisdiction is appropriate (State v. Commerce).

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rose Biancanello, Deputy Director, Office of Defense Trade Control, Department of State, Room 200, SA-6, Washington, DC 20520-0602

Phone: 703 875-7050
 Fax: 703 875-6640

RIN: 1400-AA65

2204. • PERSONAL USE EXEMPTION FOR ENCRYPTION, CATEGORY XIII

Priority: Routine and Frequent

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 123.27

Legal Deadline: None

Abstract: To provide exemption for export of cryptographic products for personal use when traveling abroad.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rose Biancanello, Deputy Director, Office of Defense Trade Control, Department of State, Room 200, SA-6, Washington, DC 20520-0602

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RIN: 1400-AA66

2205. • MISCELLANEOUS REGULATIONS BEING ELIMINATED OR REINVENTED AS PART OF REGULATORY REINVENTION INITIATIVE

Priority: Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 22 USC 2651a

CFR Citation: 22 CFR 2a; 22 CFR 2; 22 CFR 4; 22 CFR 9b; 22 CFR 10; 22 CFR 31; 22 CFR 33; 22 CFR 111; 22 CFR 112; 22 CFR 133; 22 CFR 171; 22 CFR 181

Legal Deadline: None

Abstract: The Department will be eliminating or modifying the above rules in response to the President's Regulatory Reinvention Initiative. The rules affected include rules concerning protection of foreign missions, notification of foreign official status, obtaining press building passes, employee responsibilities and conduct settlement of property damage and tort claims, fisherman's protective act procedures, reparations and removal of alien enemies, disposal of surplus government property in foreign areas, freedom of information, and coordination and reporting of international agreements.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Beth West, Assistant Legal Adviser, Department of State, Office of the Legal Adviser, Washington, DC 20520-0602

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 Fax: 202 647-6794

RIN: 1400-AA67

DEPARTMENT OF STATE (STATE)

Completed Actions

2206. SMALL PURCHASE THRESHOLD FOR GRANTEE PROCUREMENT

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 135.36

Completed:

Reason	Date	FR Cite
Final Action	04/14/95	60 FR 19638

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Robert Lloyd
 Phone: 703 516-1690

RIN: 1400-AA53

STATE

Completed Actions

**2207. NONPROCUREMENT
DEBARMENT AND SUSPENSION;
COMMON RULE TO ACHIEVE
RECIPROCITY WITH PROCUREMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 137.100; 22 CFR 137.105; 22 CFR 137.110; 22 CFR 137.200; 22 CFR 137.225 and app A

Completed:

Reason	Date	FR Cite
Final Action	06/26/95	60 FR 33037
Final Action Effective	08/25/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Lloyd
Phone: 703 516-1690

RIN: 1400-AA55

**2208. NOTARIAL AND RELATED
SERVICES**

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 92.1(b); 22 CFR 92.2; 22 CFR 92.4; 22 CFR 92.5; 22 CFR 92.6 and 92.6(B); 22 CFR 92.7; 22 CFR 92.31; 22 CFR 92.51; 22 CFR 92.52; 22 CFR 92.55; 22 CFR 92.66

Completed:

Reason	Date	FR Cite
Final Action	10/03/95	60 FR 51719
Final Action Effective	10/03/95	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Carmen A. DiPlacido
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RIN: 1400-AA57

[FR Doc. 95-27021 Filed 11-24-95; 8:45 am]

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