

# Federal Register

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Monday  
May 13, 1996

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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 2355]

**Unified Agenda of Federal Regulations**

**AGENCY:** Department of State.

**ACTION:** Semiannual 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 April 1996 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: March 14, 1996.

Richard M. Moose,

*Under Secretary for Management.*

**DEPARTMENT OF STATE (STATE)**

**Prerule Stage**

**1984. 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	07/00/96	

**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  
Phone: 202 647-3666  
Fax: 202 647-6289

**RIN:** 1400-AA62

**1985. 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	07/00/96	

**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  
Fax: 202 647-6201

**RIN:** 1400-AA63

**1986. • REVISION TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 93-400; PL 96-83

**CFR Citation:** 48 CFR 6

**Legal Deadline:** None

**Abstract:** The Department is revising the DOSAR to comply with changes to the procurement system as a result of the Federal Acquisition Streamlining Act. The Department also plans to make several administrative changes to reflect current policy and procedures.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/15/96	
ANPRM Comment	01/15/97	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

**Agency Contact:** Gladys Gines, Procurement Analyst, Department of State, Office of the Procurement Executive, Room 603, SA-6, Washington, DC 20520-0602  
Phone: 703 516-1691  
Fax: 703 875-6155

**RIN:** 1400-AA71

## DEPARTMENT OF STATE (STATE)

## Proposed Rule Stage

**1987. 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:**

Action	Date	FR Cite
Final Rule Reinventing Notarial and Related Services	10/03/95	60 FR 51719
NPRM Reinventing Coordination and Reporting of Int'l Agreements	10/23/95	60 FR 54319
Final Rule Eliminating Regs on Admin. Settlement of Tort Claims and Property Damage Claims	01/30/96	61 FR 2915
Final Rule Reinventing Regulations on Press Building Passes	02/02/96	61 FR 3800
Final Rule Elim. Regs on Removal of Alien Enemies, WWII Repar. and Disposal of Surplus Property	02/21/96	61 FR 6506

Action	Date	FR Cite
Final Rule Reinventing Coordination and Reporting of Int'l Agreements	02/26/96	61 FR 7070
Final Rule Reinventing Guidelines on Protection of Foreign Missions	03/14/96	61 FR 10447
NPRM	12/00/96	
<b>NPRM International Child Abduction</b> Procedures Under Hague Convention 05/15/95 (60 FR 25843) Final Rule 02/26/96 (61 FR 7069)		
<b>NPRM Reinventing Passport</b> Application -- Minors 10/03/95 (60 FR 51760) Correction NPRM 10/19/95 (60 FR 54103) Final Rule 02/21/96 (61 FR 6505)		

**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  
Phone: 202 647-5154  
Fax: 202 647-6794**RIN:** 1400-AA67

## DEPARTMENT OF STATE (STATE)

## Final Rule Stage

**1988. 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.**Timetable:**

Action	Date	FR Cite
Published Administrative Changes to the International Traffic in Arms Regulations	10/17/89	54 FR 42496

Action	Date	FR Cite
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

Action	Date	FR Cite
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 Rule	12/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Rose Biancanello, Deputy Director, Office of Defense and Trade Controls, Department of State,

## STATE

## Final Rule Stage

Room 200, SA-6, Washington, DC  
20522-0602

Phone: 703 875-7050

Fax: 703 875-6643

RIN: 1400-AA23

### 1989. 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  
NPRM 11/24/95 (60 FR 58026)  
NPRM Comment Period End 12/26/95  
NPRM Comment Period Extended to 01/26/96 (60 FR 65609)  
NPRM Comment Period Extended to 02/02/96 (61 FR 2915)  
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

### 1990. 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	09/15/93	
Comment Period End		
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

### 1991. 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 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. Ireland has also been added as a probationary country.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/29/93	58 FR 40585
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-AA49

### 1992. REVISION OF U.S. MUNITIONS LIST

**Priority:** Routine and Frequent

**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 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	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Rose Biancanello, Deputy Director, Office of Defense Trade Controls, Department of State,

## STATE

## Final Rule Stage

Room 200, SA-6, Washington, DC  
20522-0602

Phone: 703 875-7050

Fax: 703 875-6643

RIN: 1400-AA64

### 1993. 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	12/00/96	

**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

## DEPARTMENT OF STATE (STATE)

## Long-Term Actions

### 1994. 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:**

**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 Rule 08/15/95 (60 FR 42034)

Final Action 12/00/97

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stephen K. Fischel, Division Chief, Legislation and Regulation Division, Department of State, 2401 E Street, NW., SA-1, Washington, DC 20522-0113

Phone: 202 663-1204

Fax: 202 663-3898

RIN: 1400-AA36

### 1995. 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	12/00/97	

**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

### 1996. 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
NPRM Comment Period Extended to 11/23/93	09/23/93	58 FR 49456
NPRM Comment Period End	09/24/93	
NPRM Comment Period Extended to 12/06/93	11/23/93	58 FR 61856
Final Action	12/00/97	

**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

STATE

Long-Term Actions

**1997. 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

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

**Agency Contact:** Carmen A. DiPlacido, Director, Office of Policy Review and Interagency Liaison, Department of State, Bureau of Consular Affairs, 2201 C Street NW., Washington, DC 20520-5816

Phone: 202 647-3666

Fax: 202 647-6201

**RIN:** 1400-AA56

DEPARTMENT OF STATE (STATE)

Completed Actions

**1998. 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.

**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)

**Completed:**

Reason	Date	FR Cite
Final Action	01/24/96	61 FR 1832

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stephen K. Fischel  
Phone: 202 663-1204  
Fax: 202 663-3898

**RIN:** 1400-AA58

**1999. 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.

**CFR Citation:** 22 CFR 41

**Completed:**

Reason	Date	FR Cite
Final Action	01/24/96	61 FR 1834

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stephen K. Fischel  
Phone: 202 663-1204  
Fax: 202 663-3898

**RIN:** 1400-AA59

**2000. 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 the CFR to reduce burden or duplication, or streamline requirements.

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

**Completed:**

Reason	Date	FR Cite
Final Action	01/24/96	61 FR 1834

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stephen K. Fischel  
Phone: 202 663-1204  
Fax: 202 663-3898

**RIN:** 1400-AA60

**2001. 96 OLYMPICS - VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED; APPLICATION FOR NONIMMIGRANT VISA**

**Priority:** Substantive, Nonsignificant

**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)

**Completed:**

Reason	Date	FR Cite
Final Action	01/22/96	61 FR 1521

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stephen K. Fischel  
Phone: 202 663-1204  
Fax: 202 663-3898

**RIN:** 1400-AA61

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**STATE****Completed Actions**

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**2002. PERSONAL USE EXEMPTION  
FOR ENCRYPTION, CATEGORY XIII****Priority:** Routine and Frequent**CFR Citation:** 22 CFR 123.27**Completed:**

<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	02/16/96	61 FR 6111

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Rose Biancanello

Phone: 703 875-7050

Fax: 703 875-6640

**RIN:** 1400-AA66

[FR Doc. 96-6947 Filed 05-10-96; 8:45 am]

**BILLING CODE** 4710-08-F