



Federal Register

**Monday,
June 28, 2004**

Part XIV

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 4724]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of State.

ACTION: Semiannual regulatory agenda.

SUMMARY: Consistent with the Regulatory Flexibility Act of 1980, 5 U.S.C. 602, and OMB guidance to the Department of State pursuant to Executive Order 12866, the spring 2004 regulatory agenda 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.

FOR FURTHER INFORMATION CONTACT: Jo Brooks, Attorney Adviser for Legislation and General Management, Office of the Legal Adviser, Department of State, Room 3422, 2201 C Street NW., Washington, DC 20520, telephone (202) 647-2318.

Dated: May 27, 2004.

Grant S. Green, Jr.,

Under Secretary of State for Management.

Department of State—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2005	Cultural Exchange Program, Summer Work/Travel	1400-AB10
2006	Availability of Information to the Public	1400-AB85
2007	Child Status Protection Act Beneficiaries	1400-AB87
2008	Documentation of Immigrant and Nonimmigrant Visas—Fingerprint Requirements	1400-AB88
2009	Department of State Acquisition Regulation (DOSAR)	1400-AB90
2010	National Security Information Regulations	1400-AB91
2011	Electronic Passport	1400-AB93

Department of State—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2012	Hague Intercountry Adoption Convention Implementation	1400-AA88
2013	Student Exchange Visitor Information System (SEVIS) Rule	1400-AB45
2014	Elimination of Crew List Visas	1400-AB49
2015	Documentation of Nonimmigrants; Border Commuter Students	1400-AB64
2016	Documentation of Nonimmigrant Visas; Student and Exchange Visitor System (SEVIS)	1400-AB65
2017	Uncertified Foreign Health Care Workers	1400-AB68
2018	Hague Intercountry Adoption Preservation of Convention Records	1400-AB69
2019	Documentation of Immigrants Under the Immigration and Nationality Act—Electronic Petition for Diversity Immigrant Status	1400-AB84
2020	Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Professionals Under the North American Free Trade Agreement	1400-AB89

Department of State—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2021	Revision to Department of State Acquisition Regulation (DOSAR)	1400-AB06
2022	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	1400-AB17
2023	Documentation of Immigrants; Special Immigrant Status Fee for Relatives of Victims of September 11, 2001, Attacks	1400-AB63
2024	Documentation of Immigrants; Diversity Visas	1400-AB66
2025	Amendment to the International Traffic in Arms Regulations: United States Munitions List	1400-AB70
2026	Amendment to the International Traffic in Arms Regulations for the US Munitions List, Categories I, VI, and XX	1400-AB71
2027	International Traffic in Arms Regulations	1400-AB86

Department of State (STATE)

Proposed Rule Stage

2005. CULTURAL EXCHANGE PROGRAM, SUMMER WORK/TRAVEL**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101(2)(15)(J), 1182, 1184, 1258; 22 USC 1431 to 1442, 1475e, 2451 to 2460; Foreign Affairs Reform and Restructuring Act, PL 105-277, 112 Stat 2681 et seq; Reorganization Plan No 2 of 1977, 3 CFR, 1977 Comp, p 200; EO 12048 of March 27, 1978, 3 CFR, 1978 Comp, p 168**CFR Citation:** 22 CFR 62.32**Legal Deadline:** None**Abstract:** The Department is adopting specific regulations governing participation in summer work/travel programs conducted by Department-designated sponsors pursuant to Public Law 105-277. These regulations supersede program guidelines promulgated by the USIA and published at 61 FR 13760 (March 28, 1996).**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3116-AA16.**Agency Contact:** Stanley S. Colvin, Acting Director, Office of Exchange Coordination and Designation, Department of State, Bureau of Educational and Cultural Affairs, 301 4th Street SW, Washington, DC 20547
Phone: 202 401-9810
Fax: 202 401-9809
Email: scolvin@pd.state.gov.**RIN:** 1400-AB10**2006. AVAILABILITY OF INFORMATION TO THE PUBLIC****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 552.552a; EO 12858, as amended; 68 FR 15313; EO 12600; 55 FR 9318; Ethics in Government Act of 1978, PL 95-521, as amended**CFR Citation:** 22 CFR 171**Legal Deadline:** None**Abstract:** This proposed rule revises the regulation governing access by the public to information that is under the

control of the Department in order to reflect changes in the provisions of the basic laws and Executive orders pertaining to access to information.

Timetable:

Action	Date	FR Cite
NPRM	03/31/04	69 FR 16841
NPRM Comment Period End	06/29/04	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Margaret Peppe, Chief, Programs and Plans Division of the Office of Information Programs and Services, Department of State, SA-2, Room 6073, Washington, DC 20522
Phone: 202 261-8327
Fax: 202 663-2717
Email: peppemg@state.gov**RIN:** 1400-AB85**2007. CHILD STATUS PROTECTION ACT BENEFICIARIES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The rule implements the Child Status Protection Act of 2002. The Act helps protect certain immigrant visa applicants from being denied immigration benefits due to their reaching the age of 21 and because of delays in legacy INS petition approval and adjustment processing. If an alien is eligible for relief after reaching age 21, his/her age is frozen throughout the pendency of his/her case. The rule sets forth the special formulas for calculating an alien's age for immigrant visa processing purposes.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of

State, 2401 E Street NW, Washington, DC 20522

Phone: 202 663-1205

Fax: 202 663-3898

Email: ackerrl@state.gov

RIN: 1400-AB87**2008. DOCUMENTATION OF IMMIGRANT AND NONIMMIGRANT VISAS—FINGERPRINT REQUIREMENTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The rule announces the Department's intention to fingerprint certain immigrant and nonimmigrant visa applicants. Pursuant to section 303 of the Enhanced Border Security and Visa Entry Reform Act, on and after October 26, 2004, the Secretary of State will issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. Fingerprints will be taken for the purpose of establishing a pilot program for meeting the biometric requirement. 22CFR 41.105 authorizes consular officers to fingerprint visa applicants if the officer considers that necessary for the purposes of investigation or identification.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-1202
Fax: 202 663-3898
Email: ackerrl@state.gov**RIN:** 1400-AB88

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Proposed Rule Stage

2009. • DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: This (DOSAR) change will update the (DOSAR) with respect to Defense Base Act coverage, as well as make other editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gladys G. Gines, Procurement Analyst, Office of the Procurement Executive, Department of State, SA-6, Room 603, Washington, DC 20522-0602
Phone: 703 516-1691
Fax: 703 875-6155
Email: ginesgg@state.gov

RIN: 1400-AB90

2010. • NATIONAL SECURITY INFORMATION REGULATIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: EO 12958, as amended

CFR Citation: 22 CFR Part 9

Legal Deadline: None

Abstract: The rule will revise the regulations governing the classification of national security information under the control of the Department in order to reflect the provisions of EO 12958, as amended by EO 13292 (March 25, 2003), on national security information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nicholas M. Murphy, Foreign Affairs Officer, Department of State, A/RPS/IPS, Room 4057, State Annex 2, 515 22nd St., NW, Washington, DC 20522-6001
Phone: 202 261-8333
Fax: 202-261-8571
Email: murphynm@state.gov

RIN: 1400-AB91

2011. • ELECTRONIC PASSPORT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 22 USC 211a, 213, 2651(a), 2671(d)(3), 2714, 3926; 31 USC 9701; EO 11295; 18 USC 1621(a)(2)

CFR Citation: 22 CFR 51

Legal Deadline: NPRM, Statutory, August 2004.

Abstract: 22 CFR Part 51 will be amended to include language governing the issuance of the new electronically readable U.S. passports

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Polansky C. Polansky, Attorney Advisor, Department of State, 2100 Pennsylvania Ave., N.W., Washington, DC 20037
Phone: 202 663-3686
Fax: 202-663-2654
Email: polanskysc@state.gov

RIN: 1400-AB93

Department of State (STATE)

Final Rule Stage

2012. HAGUE INTERCOUNTRY ADOPTION CONVENTION IMPLEMENTATION

Priority: Other Significant

Legal Authority: 42 USC 14901 to 14954

CFR Citation: 22 CFR 96

Legal Deadline: None

Abstract: Regulations will implement accreditation aspects of the Hague Convention for the Protection of Children and Cooperation in Respect of Intercountry Adoption and its implementing legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/15/03	68 FR 54064
NPRM Comment Period End	11/14/03	
Final Action	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Anna Mary Coburn, Office of Policy Review and Interagency Liaison, Bureau of Consular Affairs, Department of State, 2201 C Street NW, Washington, DC 20520
Phone: 202 736-9081
Fax: 202 736-9111
Email: coburna@state.gov

RIN: 1400-AA88

2013. STUDENT EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) RULE

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 8 USC 1101(a)(15)(j), 1182, 1184, 1258; 22 USC 1431 to 1442, 1475e, 2451 to 2460; Foreign Affairs Reform and Restructuring Act, PL 105-277, 112 Stat 2681 et seq; Reorganization Plan No 2 of 1977, 3 CFR 1977 Comp, p 200; EO 12048 of March 27, 1978, 3 CFR, 1978 Comp, p 168

CFR Citation: 22 CFR Part 62, Subpart F

Legal Deadline: None

Abstract: The Department is amending the Exchange Visitor Program regulations to facilitate the requirements established by section 641 of Public Law 104-208 (as amended) for the Legacy INS Student and Exchange Visitor Program (SEVP).

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Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/02	67 FR 76307
Interim Final Rule Comment Period End	01/13/03	
Final Action	01/00/05	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** Undetermined

Agency Contact: Stanley S. Colvin,
Acting Director, Office of Exchange
Coordination and Designation,
Department of State, Bureau of
Educational and Cultural Affairs, 301
4th Street SW, Washington, DC 20547
Phone: 202 401-9810
Fax: 202 401-9809
Email: scolvin@pd.state.gov.

RIN: 1400-AB45**2014. ELIMINATION OF CREW LIST
VISAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101(a)(15)(D);
8 USC 1201(f)**CFR Citation:** 22 CFR 41.42**Legal Deadline:** None**Abstract:** Rule eliminates crew list
visas.**Timetable:**

Action	Date	FR Cite
NPRM	12/13/02	67 FR 76711
NPRM Comment Period End	02/11/03	
Interim Final Rule	03/18/04	69 FR 12797
Final Action	06/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ronald L. Acker,
Lead Visa Specialist, Department of
State, 2401 E Street NW, Washington,
DC 20522
Phone: 202 663-1205
Fax: 202 663-3898
Email: ackerrl@state.gov

RIN: 1400-AB49**2015. • DOCUMENTATION OF
NONIMMIGRANTS; BORDER
COMMUTER STUDENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1104**CFR Citation:** 22 CFR 41.61**Legal Deadline:** None**Abstract:** This regulation allows foreign
students living in Canada and Mexico
to commute to the U.S. to study.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/23/03	68 FR 28129
Interim Final Rule Comment Period End	07/22/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ronald L. Acker,
Lead Visa Specialist, Department of
State, 2401 E Street NW, Washington,
DC 20522
Phone: 202 663-1205
Fax: 202 663-3898
Email: ackerrl@state.gov

Related RIN: Related to 1400-AB65**RIN:** 1400-AB64**2016. • DOCUMENTATION OF
NONIMMIGRANT VISAS; STUDENT
AND EXCHANGE VISITOR SYSTEM
(SEVIS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1104**CFR Citation:** 22 CFR 41.61 and 41.62**Legal Deadline:** None**Abstract:** This regulation provides for
the electronic monitoring of students
and exchange visitors.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/23/03	68 FR 28129
Interim Final Rule Comment Period End	07/22/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ronald L. Acker,
Lead Visa Specialist, Department of

State, 2401 E Street NW, Washington,
DC 20522

Phone: 202 663-1205

Fax: 202 663-3898

Email: ackerrl@state.gov

Related RIN: Related to 1400-AB64**RIN:** 1400-AB65**2017. UNCERTIFIED FOREIGN
HEALTH CARE WORKERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1104**CFR Citation:** 22 CFR 40.53**Legal Deadline:** None**Abstract:** This regulation outlines
requirements for foreign health care
workers.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/17/02	67 FR 77158
Interim Final Rule Effective	12/17/02	
Interim Final Rule Comment Period End	02/18/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ronald L. Acker,
Lead Visa Specialist, Department of
State, 2401 E Street NW, Washington,
DC 20522
Phone: 202 663-1205
Fax: 202 663-3898
Email: ackerrl@state.gov

RIN: 1400-AB68**2018. HAGUE INTERCOUNTRY
ADOPTION PRESERVATION OF
CONVENTION RECORDS****Priority:** Substantive, Nonsignificant.
Major status under 5 USC 801 is
undetermined.**Legal Authority:** 42 USC 14901 to
14954**CFR Citation:** 22 CFR 98**Legal Deadline:** None**Abstract:** Regulation to implement
preservation of records requirements
under the Intercountry Adoption Act of
2000.**Timetable:**

Action	Date	FR Cite
NPRM	09/15/03	68 FR 54119

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Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/14/03	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Anna Mary Coburn, Office of Policy Review and Interagency Liaison, Bureau of Consular Affairs, Department of State, 2201 C Street NW, Washington, DC 20520
Phone: 202 736-9081
Fax: 202 736-9111
Email: coburna@state.gov

RIN: 1400-AB69

2019. DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT—ELECTRONIC PETITION FOR DIVERSITY IMMIGRANT STATUS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This rule changes the manner in which aliens may petition for the opportunity to participate in the

Diversity Visa Program from a standard mail-in system to an entirely electronic system utilizing a specifically designated Internet website.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/18/03	68 FR 49353
Interim Final Rule Comment Period End	10/17/03	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-1205
Fax: 202 663-3898
Email: ackerrl@state.gov
RIN: 1400-AB84

2020. • DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED—PROFESSIONALS UNDER THE NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

Legal Authority: North American Free Trade Agreement, PL 103-182

CFR Citation: 22 CFR 41.59**Legal Deadline:** None

Abstract: Consistent with NAFTA requirements, this amendment removes limitations on the number of Mexicans who may enter the United States as non-immigrant professionals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-1205
Fax: 202 663-3898
Email: ackerrl@state.gov

RIN: 1400-AB89

Department of State (STATE)

Completed Actions

2021. REVISION TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Priority: Info./Admin./Other**CFR Citation:** 48 CFR 6**Completed:**

Reason	Date	FR Cite
NPRM	11/13/03	68 FR 64297
Final Action	04/13/04	69 FR 19329

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Gladys G. Gines
Phone: 703 516-1691
Fax: 703 875-6155
Email: ginesgg@state.gov

RIN: 1400-AB06

2022. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant**CFR Citation:** 22 CFR 141 to 143**Completed:**

Reason	Date	FR Cite
Final Action	09/25/03	68 FR 51334

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Antoinette St. Clair
Phone: 202 647-9295
Fax: 202 647-4969
Email: stclairaf@state.gov

RIN: 1400-AB17

2023. • DOCUMENTATION OF IMMIGRANTS; SPECIAL IMMIGRANT STATUS FEE FOR RELATIVES OF VICTIMS OF SEPTEMBER 11, 2001, ATTACKS

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1104**CFR Citation:** 22 CFR 42.21**Legal Deadline:** None

Abstract: This body of regulations grants special immigrant status under section 421 of Public Law 107-56 for certain relatives of victims of the September 11, 2001, attacks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/02	67 FR 1414

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Completed Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	03/12/02	
Final Action	03/20/03	68 FR 13628

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Acker,
Lead Visa Specialist, Department of
State, 2401 E Street NW, Washington,
DC 20522

Phone: 202 663-1205

Fax: 202 663-3898

Email: ackerrl@state.gov

Related RIN: Previously reported as
1400-AB38

RIN: 1400-AB63

2024. • DOCUMENTATION OF IMMIGRANTS; DIVERSITY VISAS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 42.33

Legal Deadline: None

Abstract: This regulation governs the
usage of O-Net to determine work
experience for the issuance of Visas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/02	67 FR 51752
Interim Final Rule Comment Period End	09/09/02	
Interim Final Rule Effective	09/09/02	
Withdrawn	04/28/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Acker,
Lead Visa Specialist, Department of
State, 2401 E Street NW, Washington,
DC 20522

Phone: 202 663-1205

Fax: 202 663-3898

Email: ackerrl@state.gov

Related RIN: Related to 1400-AB84

RIN: 1400-AB66

2025. • AMENDMENT TO THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS: UNITED STATES MUNITIONS LIST

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is
undetermined.

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 121

Legal Deadline: None

Abstract: U.S. Munitions List Category
VII Tanks and Military Vehicles;
Category IX Military Training
Equipment; and Category X Protective
Personnel Equipment are being
amended to provide further
clarification of the items covered under
these categories.

Timetable:

Action	Date	FR Cite
Withdrawn	04/22/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary Sweeney,
Munitions Control Analyst, Department
of State, 2401 E Street NW, 12th Floor,
Washington, DC 20522

Phone: 202 663-2865

Fax: 202 261-8199

Email: sweeneymf@state.gov

RIN: 1400-AB70

2026. • AMENDMENT TO THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS FOR THE US MUNITIONS LIST, CATEGORIES I, VI, AND XX

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is
undetermined.

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 121

Legal Deadline: None

Abstract: U.S. Munitions List Category
I, Firearms; Category VI Vessels of War
and Special Naval Equipment; and
Category XX Submersible Vessels,
oceanographic and associated
equipment are being amended to
provide further clarification of the
items covered under these categories.

Timetable:

Action	Date	FR Cite
Withdrawn	04/22/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Sweeney,
Munitions Control Analyst, Department
of State, 2401 E. Street, NW, 12th Floor,
Washington, DC 20522

Phone: 202 663-2865

Fax: 202-261-8199

Email: sweeneymf@state.gov

RIN: 1400-AB71

2027. • INTERNATIONAL TRAFFIC IN ARMS REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 120

Legal Deadline: Final, Statutory,
November 1, 2003.

Abstract: The International Traffic in
Arms Regulations have been amended
at section 120.1 to reflect that two
individuals hold the separate positions
of Deputy Assistant Secretary for
Defense Trade Controls and Managing
Director of Defense Trade Controls.

Timetable:

Action	Date	FR Cite
Final Action	10/03/03	68 FR 57352

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Mary Frances
Sweeney, Munitions Control Analyst,
Department of State, 12th Floor, 2401
E Street NW, Washington, DC
20522-0112

Phone: 202 663-2865

Fax: 202 261-8199

Email: sweeneymf@state.gov

RIN: 1400-AB86

[FR Doc. 04-12682 Filed 06-25-04; 8:45 am]

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