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Part XXIX

**National Archives
and Records
Administration**

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Spring 2007 Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: National Archives and Records Administration.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the

National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since the fall of 2006. This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of

NARA's regulatory plans and to participate in the rulemaking process. Some of the regulations listed in the agenda are considered significant under Executive Order 12866, "Regulatory Planning and Review."

FOR FURTHER INFORMATION CONTACT: Jennifer Davis Heaps, Regulatory Contact, Policy and Planning Staff, (301) 837-1801.

Dated: February 28, 2007.

Allen Weinstein,
Archivist of the United States.

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3085	Presidential Library Facilities	3095-AA82
3086	Federal Records Management	3095-AB16
3087	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095-AB32
3088	Use of Meeting Rooms and Public Space	3095-AB33
3089	Public Availability and Use of Federal Records	3095-AB42
3090	Classified National Security Information Directive No. 1	3095-AB46
3091	NARA Reproduction Fees	3095-AB49
3092	Revisions to 32 CFR Part 2003, National Security Information Standard Forms	3095-AB54

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3093	Federal Records Management; Media Neutral Records Schedules	3095-AB43

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3094	Implementation of OMB Circular A-110, Section 36	3095-AA96
3095	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09
3096	Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance	3095-AB21
3097	Nondiscrimination on the Basis of Age When Receiving Federal Financial Assistance	3095-AB36

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3098	Use of NARA Facilities	3095-AB55
3099	Governmentwide Debarment and Suspension (Nonprocurement)	3095-AB56

National Archives and Records Administration (NARA)

Proposed Rule Stage

3085. PRESIDENTIAL LIBRARY FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2112**CFR Citation:** 36 CFR 1281**Legal Deadline:** None

Abstract: NARA is issuing regulations relating to the acceptance of a Presidential library facility by the Archivist of the United States from a non-Federal group or institution. The regulations will address requirements in the Presidential Libraries Act of 1986 for architectural and design standards, certifications, and reporting to Congress.

Timetable:

Action	Date	FR Cite
NPRM	08/25/98	63 FR 45203
NPRM Comment Period End	10/26/98	
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**URL For Public Comments:**
www.regulations.gov

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
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RIN: 3095-AA82**3086. FEDERAL RECORDS MANAGEMENT****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a); 44 USC ch 21; 44 USC ch 29; 44 USC ch 33**CFR Citation:** 36 CFR 1220 to 1238**Legal Deadline:** None

Abstract: As part of its initiative to redesign Federal records management, NARA is revising its records management regulations in 36 CFR ch. XII, subchapter B to ensure that the regulations are appropriate, effective, and clear. The proposed revision will be issued in fiscal year 2007 for Federal agency and public comment.

Timetable:

Action	Date	FR Cite
Begin Review	09/17/02	
ANPRM	03/15/04	69 FR 12100
ANPRM Comment Period End	05/14/04	
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**
www.archives.gov/records-mgmt/initiatives/rm-redesign-project.html**URL For Public Comments:**
www.regulations.gov

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Related RIN: Related to 3095-AB05, Related to 3095-AB41, Related to 3095-AB43, Related to 3095-AB39**RIN:** 3095-AB16**3087. TESTIMONY BY NARA EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 44 USC 2104; 44 USC 2108 to 2109; 44 USC 2112; 44 USC ch 22**CFR Citation:** 36 CFR 1201; 36 CFR 1250 to 1251 (new); 36 CFR 1254**Legal Deadline:** None

Abstract: This regulation will establish NARA's policies and procedures with respect to testimony by NARA staff and/or production of information and records in legal proceedings.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Federalism:** This action may have federalism implications as defined in EO 13132.**URL For Public Comments:**

www.regulations.gov

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RIN: 3095-AB32**3088. USE OF MEETING ROOMS AND PUBLIC SPACE****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104**CFR Citation:** 36 CFR 1280**Legal Deadline:** None

Abstract: NARA is updating its regulations on the use of NARA facilities in the Washington, DC, area. The renovation of the National Archives Building in Washington, DC, has changed and expanded the space available for public programs and meetings.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**
www.regulations.gov

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RIN: 3095-AB33**3089. PUBLIC AVAILABILITY AND USE OF FEDERAL RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 44 USC 2104(a)**CFR Citation:** 36 CFR 1250**Legal Deadline:** None

Abstract: NARA is making minor revisions to its Freedom of Information Act (FOIA) regulation, which governs access to NARA's archival holdings and

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NARA's own operational records through FOIA. These revisions include: clarifying that records transferred to NARA from legislative branch agencies retain their legislative branch status and remain outside the scope of FOIA; noting that the custody of certain official military personnel files at NARA's National Personnel Records Center located in St. Louis, Missouri, has been transferred to NARA; and modifying section 1250.26(e) to reflect EO 13233, Further Implementation of the Presidential Records Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Ramona Oliver, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740
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RIN: 3095-AB42

3090. CLASSIFIED NATIONAL SECURITY INFORMATION DIRECTIVE NO. 1

Priority: Substantive, Nonsignificant

Legal Authority: EO 12958

CFR Citation: 32 CFR 2001

Legal Deadline: None

Abstract: The Information Security Oversight Office (ISOO) is revising Directive No. 1 in two subject areas: Referrals, subpart C section 2001.34,

and Identifications and Markings, subpart B section 2001.21. The revisions update and clarify the current policy in these sections.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Gregory Pannoni, National Archives and Records Administration, 700 Pennsylvania Avenue NW., Washington, DC 20408
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RIN: 3095-AB46

3091. NARA REPRODUCTION FEES

Priority: Substantive, Nonsignificant

Legal Authority: 36 USC 2116(c); 36 USC 2307

CFR Citation: 36 CFR 1258

Legal Deadline: None

Abstract: NARA is revising its reproduction fee schedule in 36 CFR part 1258 to reflect changes in costs for providing copies of records.

Timetable:

Action	Date	FR Cite
NPRM	02/26/07	72 FR 8327
NPRM Comment Period End	04/27/07	
Interim Final Rule	02/26/07	72 FR 8279
Interim Final Rule Comment Period End	04/27/07	
Interim Final Rule Effective	05/29/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

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RIN: 3095-AB49

3092. REVISIONS TO 32 CFR PART 2003, NATIONAL SECURITY INFORMATION STANDARD FORMS

Priority: Substantive, Nonsignificant

Legal Authority: EO 12958 as amended

CFR Citation: 32 CFR 2003

Legal Deadline: None

Abstract: The Information Security Oversight Office (ISOO) proposes revising the regulations on the list of prescribed standard forms used in the administration of the security classification programs in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: J. William Leonard, Director, Information Security Oversight Office, National Archives and Records Administration, Room 500, 700 Pennsylvania Avenue NW., Washington, DC 20408
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RIN: 3095-AB54

National Archives and Records Administration (NARA)

Final Rule Stage

3093. FEDERAL RECORDS MANAGEMENT; MEDIA NEUTRAL RECORDS SCHEDULES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 21; 44 USC 29; 44 USC 33

CFR Citation: 36 CFR 1228; 36 CFR 1234

Legal Deadline: None

Abstract: NARA proposes to amend its regulations relating to scheduling Federal records to make existing approved records schedules and future records schedules applicable to bodies of records regardless of the medium in which the records are created and maintained. This proposed rule would

reduce the workload for both agencies and NARA allowing both to focus resources on critical records management needs.

Timetable:

Action	Date	FR Cite
NPRM	11/19/04	69 FR 67692

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Action	Date	FR Cite
NPRM Comment Period End	01/18/05	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: Federal
URL For Public Comments: www.regulations.gov
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Related RIN: Related to 3095-AB16
RIN: 3095-AB43

National Archives and Records Administration (NARA)

Long-Term Actions

3094. IMPLEMENTATION OF OMB CIRCULAR A-110, SECTION 36

Priority: Other Significant

Legal Authority: 5 USC 301

CFR Citation: 36 CFR 1210

Legal Deadline: None

Abstract: This rule will incorporate the provisions of OMB Circular A-110, section 36, regarding the availability of data produced under an award through the Freedom of Information Act (FOIA) into our NHPRC grants administration regulation at 36 CFR part 1210.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14406
Interim Final Rule Comment Period End	05/15/00	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

URL For Public Comments: www.regulations.gov

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RIN: 3095-AA96

3095. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Priority: Other Significant

Legal Authority: 44 USC 2104(a); 42 USC 2000d to 2000d-7; EO 12250

CFR Citation: 36 CFR 1214

Legal Deadline: None

Abstract: NARA is adopting Governmentwide regulations on nondiscrimination on the grounds of race, color, or national origin in any program or activity receiving Federal financial assistance from NARA. These regulations will affect the National Historical Publications and Records Commission grant program.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Federalism: This action may have federalism implications as defined in EO 13132.

URL For Public Comments: www.regulations.gov

Agency Contact: Kimberly Richardson, Policy Specialist, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740
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RIN: 3095-AB09

3096. NONDISCRIMINATION ON THE BASIS OF DISABILITY WHEN RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 36 CFR 1213

Legal Deadline: None

Abstract: NARA is proposing a new regulation on nondiscrimination on the basis of disability by identifying rules that recipients of NARA grants must follow when they hire individuals for programs and projects.

Timetable:

Action	Date	FR Cite
NPRM	10/22/03	68 FR 60313
NPRM Comment Period End	12/22/03	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3095-AB21

3097. NONDISCRIMINATION ON THE BASIS OF AGE WHEN RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6101 et seq; 45 CFR 90

CFR Citation: 36 CFR 1215

Legal Deadline: None

Abstract: NARA is proposing to add a new part to its regulations. This new part concerns nondiscrimination on the basis of age when receiving Federal financial assistance. NARA and recipients of NARA grants must follow the nondiscrimination rules in this new part when they hire individuals for programs and projects.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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NARA

Long-Term Actions

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 RIN: 3095-AB36

National Archives and Records Administration (NARA)

Completed Actions

3098. USE OF NARA FACILITIES

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 1280

Completed:

Reason	Date	FR Cite
Final Action	01/31/07	72 FR 4432
Final Action Effective	01/31/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Laura McCarthy

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RIN: 3095-AB55

3099. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Priority: Substantive, Nonsignificant

CFR Citation: 2 CFR 180.35

Completed:

Reason	Date	FR Cite
Final Action	01/23/07	72 FR 2767
Final Action Effective	02/28/07	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

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RIN: 3095-AB56

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