



Federal Register

**Monday,
October 31, 2005**

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

Fall 2005 Regulatory Plan and 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 spring of 2005. 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 this edition of NARA's regulatory agenda, the most important significant regulatory action is included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entry is listed in the table of contents below and is denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

FOR FURTHER INFORMATION CONTACT: Nancy Allard, Regulatory Contact, Policy and Planning Staff, (301) 837-1477.

Dated: August 4, 2005.

Allen Weinstein,
Archivist of the United States.

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3473	Federal Records Management (Reg Plan Seq No. 133)	3095-AB16
3474	Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance	3095-AB21
3475	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095-AB32
3476	Use of Meeting Rooms and Public Space	3095-AB33
3477	Information Security Oversight Office; National Industrial Security Program	3095-AB34
3478	Nondiscrimination on the Basis of Age When Receiving Federal Financial Assistance	3095-AB36
3479	Declassification of National Security Information	3095-AB38
3480	Public Availability and Use of Federal Records	3095-AB42
3481	National Historical Publications and Records Commission Grant Program	3095-AB45
3482	Classified National Security Information Directive No. 1	3095-AB46

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3483	Records Management; Electronic Mail; Electronic Records; Disposition of Records	3095-AB39
3484	Federal Records Management; Media Neutral Records Schedules	3095-AB43

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3485	Presidential Library Facilities	3095-AA82
3486	Implementation of OMB Circular A-110, Section 36	3095-AA96
3487	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3488	Review of Records Center Facility Standards	3095-AB31
3489	NARA Facility Locations and Hours	3095-AB47

National Archives and Records Administration (NARA)

Proposed Rule Stage

3473. FEDERAL RECORDS MANAGEMENT

Regulatory Plan: This entry is Seq. No. 133 in part II of this issue of the Federal Register.

RIN: 3095-AB16

3474. 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	
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kimberly Richardson, Policy Specialist, National Archives and Records Administration, Room 4100, 8601 Adelphi Road, College Park, MD 20740

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Email: kimberly.richardson@nara.gov

RIN: 3095-AB21

3475. 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; 44 USC 2109; 44 USC 2112; 44 USC ch 22

CFR Citation: 36 CFR 1201; 36 CFR 1250; 36 CFR 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	04/00/06	

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

Agency Contact: Jason R. Baron, Director of Litigation, National Archives and Records Administration, Room 3110, NGC, 8601 Adelphi Road, College Park, MD 20740

Phone: 301 837-1750

Fax: 301 837-0293

Email: jason.baron@nara.gov

RIN: 3095-AB32

3476. 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. We are also modifying the hours the exhibit areas are open to the public.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Jennifer Davis Heaps, Policy Specialist, National Archives and Records Administration, Room 4100, 8601 Adelphi Road, College Park, MD 20740

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RIN: 3095-AB33

3477. INFORMATION SECURITY OVERSIGHT OFFICE; NATIONAL INDUSTRIAL SECURITY PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: EO 12829, as amended by EO 12885

CFR Citation: 32 CFR 2001

Legal Deadline: None

Abstract: The Information Security Oversight Office is publishing through NARA an implementing directive for Executive Order 12829 that is binding on executive branch agencies that enter into classified contracts, licenses, or grants. The purpose of the National Industrial Security Program is to safeguard classified information that may be released or has been released to current, prospective, or former contractors, licensees, or grantees of U.S. agencies.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For Public Comments:

www.regulations.gov

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

Phone: 202 219-5250

Fax: 202 219-5385

Email: william.leonard@nara.gov

RIN: 3095-AB34

3478. 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

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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:

Action	Date	FR Cite
NPRM	04/00/06	

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

Agency Contact: Kimberly Richardson, Policy Specialist, National Archives and Records Administration, Room 4100, 8601 Adelphi Road, College Park, MD 20740

Phone: 301 837-1850

Fax: 301 837-0319

Email: kimberly.richardson@nara.gov

RIN: 3095-AB36**3479. DECLASSIFICATION OF NATIONAL SECURITY INFORMATION****Priority:** Other Significant

Legal Authority: 44 USC 2104(a); 44 USC 2108(a); 5 USC 552, as amended; EO 12958 (60 FR 19825), 3 CFR, 1995 Comp., p. 333; EO 13142 (64 FR 66089); 3 CFR, 1999 Comp., p. 236; EO 13292 (68 FR 15315); 32 CFR 2001; 32 CFR 2004 (68 FR 55168)

CFR Citation: None**Legal Deadline:** None

Abstract: NARA is updating references to Executive Order 12958, as amended, updating the section on reclassification to reflect the changes in the Executive order, and adding a section on automatic declassification to reflect how it will be applied to the equities of agencies that have not had a chance to review their information.

Timetable:

Action	Date	FR Cite
NPRM	08/12/05	70 FR 47161
NPRM Comment Period End	10/11/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

Agency Contact: Jennifer Davis Heaps, Policy Specialist, National Archives and Records Administration, Room 4100, 8601 Adelphi Road, College Park, MD 20740

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RIN: 3095-AB38**3480. PUBLIC AVAILABILITY AND USE OF FEDERAL RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 36 CFR 1250**CFR Citation:** 44 USC 2104(a); 5 USC 552**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 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 E.O. 13233, Further Implementation of the Presidential Records Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

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**3481. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2501 to 2506**CFR Citation:** 36 CFR 1206**Legal Deadline:** None

Abstract: NARA is updating and clarifying its regulations relating to the National Historical Publications and Records Commission Grant Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local, State, Tribal

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

URL For More Information:

www.archives.gov/grants/index.html

URL For Public Comments:

www.regulations.gov

Agency Contact: Kathleen Williams, National Archives and Records Administration, 700 Pennsylvania Avenue NW., Washington, DC 20408

Phone: 202 501-5610

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RIN: 3095-AB45**3482. 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	10/00/05	

Regulatory Flexibility Analysis Required: No

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Proposed Rule Stage

Government Levels Affected: Federal
Agency Contact: Gregory Pannoni,
 National Archives and Records

Administration, 700 Pennsylvania
 Avenue NW., Washington, DC 20408
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 Email: gregory.pannoni@nara.gov
RIN: 3095-AB46

National Archives and Records Administration (NARA)

Final Rule Stage

3483. RECORDS MANAGEMENT; ELECTRONIC MAIL; ELECTRONIC RECORDS; DISPOSITION OF RECORDS

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1228

Legal Deadline: None

Abstract: NARA proposes a revision to our regulations to provide for the appropriate management and disposition of very short-term temporary e-mail by allowing agencies to manage these records within the e-mail system.

Timetable:

Action	Date	FR Cite
NPRM	11/03/04	69 FR 63980
NPRM Comment Period End	01/03/05	
Final Action	11/00/05	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.archives.gov/records-mgmt

URL For Public Comments:

www.regulations.gov

Agency Contact: Cheryl StadelBevans,
 National Archives and Records
 Administration, 8601 Adelphi Road,
 College Park, MD 20740
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Related RIN: Related to 3095-AB16

RIN: 3095-AB39

3484. 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
NPRM Comment Period End	01/18/05	
Final Action	11/00/05	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

URL For Public Comments:
 www.regulations.gov

Agency Contact: Nancy Allard,
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Related RIN: Related to 3095-AB16

RIN: 3095-AB43

National Archives and Records Administration (NARA)

Long-Term Actions

3485. 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	
Next Action Undetermined		

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

URL For Public Comments:
 www.regulations.gov

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RIN: 3095-AA82

3486. IMPLEMENTATION OF OMB CIRCULAR A-110, SECTION 36

Priority: Other Significant

Legal Authority: 5 USC 301

CFR Citation: 36 CFR 1210

Legal Deadline: None

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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	05/15/00	
Comment Period		
End		

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

URL For Public Comments: www.regulations.gov

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room

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RIN: 3095-AA96

3487. 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:

Action	Date	FR Cite
NPRM	10/00/06	

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, Room 4100, 8601 Adelphi Road, College Park, MD 20740

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RIN: 3095-AB09

National Archives and Records Administration (NARA)

Completed Actions

3488. REVIEW OF RECORDS CENTER FACILITY STANDARDS

Priority: Other Significant

CFR Citation: 36 CFR 1228.228(b); 36 CFR 1228.230(b); 36 CFR 1228.230(e); 36 CFR 1228.230(i); 36 CFR 1228.230(l); 36 CFR 1228.230(s)

Completed:

Reason	Date	FR Cite
Final Action	08/29/05	70 FR 50980

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Nancy Allard
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RIN: 3095-AB31

3489. NARA FACILITY LOCATIONS AND HOURS

Priority: Info./Admin./Other

CFR Citation: 36 CFR 1253

Completed:

Reason	Date	FR Cite
Final Action	05/03/05	70 FR 22800
Final Action Effective	06/02/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3095-AB47

[FR Doc. 05-17873 Filed 10-28-05; 8:45 am]

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