



Federal Register

**Monday,
December 22, 2003**

Part XXX

**National Archives
and Records
Administration**

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Fall 2003 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 2003. 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, dated July 30, 2003. 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 actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are 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 Communications Staff, (301) 837-1477.

Dated: September 4, 2003.

John W. Carlin,
Archivist of the United States.

National Archives and Records Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3652	Federal Records Management (Reg Plan Seq No. 132)	3095—AB16

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

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3653	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095—AB09
3654	Revision of NARA Research Room Procedures	3095—AB10
3655	Restrictions on the Use of Records	3095—AB11
3656	Official Seals and Logos	3095—AB19
3657	Nondiscrimination on the Basis of Handicap When Receiving Federal Financial Assistance	3095—AB21
3658	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095—AB32
3659	Use of Meeting Rooms and Public Space	3095—AB33

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3660	Presidential Library Facilities	3095—AA82
3661	Implementation of OMB Circular A—110, Section 36	3095—AA96
3662	NARA Facilities; Phone Numbers	3095—AB30
3663	Information Security Oversight Office; National Industrial Security Program	3095—AB34

National Archives and Records Administration—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3664	Records Management; Electronic Text Documents	3095—AB05
3665	Review of Records Center Facility Standards	3095—AB31

NARA

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3666	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	3095—AB04
3667	Public Use of NARA Facilities	3095—AB17
3668	Information Security Oversight Office; Classified National Security Information	3095—AB18
3669	NARA Facilities—Phone Numbers	3095—AB20
3670	NARA Facilities; Hours of Operation for Exhibition Halls	3095—AB22

National Archives and Records Administration (NARA)

Prerule Stage

3652. FEDERAL RECORDS MANAGEMENT

Regulatory Plan: This entry is Seq. No. 132 in part II of this issue of the **Federal Register**.

RIN: 3095—AB16

National Archives and Records Administration (NARA)

Proposed Rule Stage

3653. 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 1213

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	12/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Federalism: Undetermined

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 20602—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: kimberly.richardson@nara.gov
RIN: 3095—AB09

3654. REVISION OF NARA RESEARCH ROOM PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1254

Legal Deadline: None

Abstract: NARA is updating and revising in plain language its regulations concerning use of records and donated historical materials in NARA research rooms.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	
Final Action	03/00/04	
Final Action Effective	04/00/04	

Regulatory Flexibility Analysis Required: 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
Phone: 301 837—1850
Fax: 301 837—0319
Email: jennifer.heaps@nara.gov
RIN: 3095—AB10

3655. RESTRICTIONS ON THE USE OF RECORDS

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2101 to 2118; 22 USC 1461(b); 5 USC 552, as amended; EO 12958 (3 CFR, 1995 Comp., p 333) as amended; . . .

CFR Citation: 36 CFR 1254, 1256

Legal Deadline: None

Abstract: NARA is updating and rewriting in plain language its regulations on statutory and other restrictions on access to archival records and donated historical materials transferred to the National Archives of the United States. NARA proposes to remove an existing policy that allows access to restricted

NARA

Proposed Rule Stage

information for purposes of biomedical statistical research.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	
Final Action	04/00/04	
Final Action Effective	05/00/04	

Regulatory Flexibility Analysis Required: 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
Phone: 301 837—1850
Fax: 301 837—0319
Email: jennifer.heaps@nara.gov

RIN: 3095—AB11**3656. OFFICIAL SEALS AND LOGOS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(e); 44 USC 2116(b); 44 USC 2302**CFR Citation:** 36 CFR 1200**Legal Deadline:** None

Abstract: NARA is amending its regulations to include rules on the use of NARA logos by the public and other Federal agencies. The existing regulations only cover official NARA seals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**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 20602—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: kimberly.richardson@nara.gov

RIN: 3095—AB19**3657. NONDISCRIMINATION ON THE BASIS OF HANDICAP WHEN RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 794**CFR Citation:** 36 CFR 1208**Legal Deadline:** None

Abstract: NARA is proposing to modify its regulations on nondiscrimination on the basis of handicap by adding rules that recipients of NARA grants must follow when they hire individuals for programs and projects.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**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 20602—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: kimberly.richardson@nara.gov

RIN: 3095—AB21**3658. • TESTIMONY BY NARA EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS**

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

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	03/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Federalism:** Undetermined**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**3659. • USE OF MEETING ROOMS AND PUBLIC SPACE**

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

Legal Authority: 44 USC 2104**CFR Citation:** 36 CFR 1280**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**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
Phone: 301 837—1850
Fax: 301 837—0319
Email: jennifer.heaps@nara.gov

RIN: 3095—AB33

National Archives and Records Administration (NARA)

Final Rule Stage

3660. 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	
Final Action	02/00/04	
Final Action Effective	03/00/04	

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, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: nancy.allard@nara.gov

RIN: 3095-AA82**3661. 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	
Final Action	12/00/03	

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 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: nancy.allard@nara.gov

RIN: 3095-AA96**3662. • NARA FACILITIES; PHONE NUMBERS**

Priority: Routine and Frequent. Major status under 5 USC 801 is undetermined.

Legal Authority: 44 USC 2104(a)**CFR Citation:** 36 CFR 1253**Legal Deadline:** None

Abstract: NARA is amending its regulation that lists the phone numbers of NARA facilities that are open to the public. This rule updates phone numbers for the facilities.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**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 20602—6001

Phone: 301 837—1850

Fax: 301 837—0319

Email: kimberly.richardson@nara.gov

RIN: 3095-AB30**3663. • INFORMATION SECURITY OVERSIGHT OFFICE; NATIONAL INDUSTRIAL SECURITY PROGRAM**

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

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 United States agencies.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/04	

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

National Archives and Records Administration (NARA)

Long-Term Actions

3664. RECORDS MANAGEMENT; ELECTRONIC TEXT DOCUMENTS**Priority:** Other Significant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1234**Legal Deadline:** None

Abstract: In response to a petition, NARA sought Federal agency and public comment concerning the management, scheduling and preservation of text documents created in electronic form. NARA is evaluating a revision of the regulation.

Timetable:

Action	Date	FR Cite
ANPRM	10/10/01	66 FR 51740
ANPRM Comment	01/08/02	
Period End		

Next Action Undetermined

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

www.regulations.gov

Agency Contact: Nancy Allard, Regulatory Contact, National Archives

and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: nancy.allard@nara.gov

RIN: 3095—AB05**3665. • REVIEW OF RECORDS CENTER FACILITY STANDARDS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 44 USC 2104(a)

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)

Legal Deadline: None

Abstract: NARA's regulation specifying facility standards for records storage facilities that house Federal records has been identified as being of particular concern to small businesses. Because of the stated concerns that the regulation places a burden on small businesses, we are reviewing the regulation to identify possible modifications to the

regulation that will still ensure protection of Federal records while reducing the burden on records centers that are small businesses. This review may result in further rulemaking activity

Timetable:

Action	Date	FR Cite
Begin Review	05/01/03	
Next Action		Undetermined

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Federalism:** Undetermined**URL For Public Comments:**

www.regulations.gov

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740—6001
Phone: 301 837—1850
Fax: 301 837—0319
Email: nancy.allard@nara.gov

RIN: 3095—AB31

National Archives and Records Administration (NARA)

Completed Actions

3666. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG—FREE WORKPLACE (GRANTS)**Priority:** Other Significant**CFR Citation:** 36 CFR 1209; 36 CFR 1211**Completed:**

Reason	Date	FR Cite
Final Action	11/26/03	68 FR 66533

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

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

Agency Contact: Nancy Allard
Phone: 301 837—1850
Fax: 301 837—0319

Email: nancy.allard@nara.gov

RIN: 3095—AB04**3667. PUBLIC USE OF NARA FACILITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1280**Completed:**

Reason	Date	FR Cite
NPRM	04/18/03	68 FR 19168
Final Action	09/15/03	68 FR 53882
Final Action Effective	10/15/03	

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

Agency Contact: Kimberly Richardson
Phone: 301 837—1850
Fax: 301 837—0319
Email: kimberly.richardson@nara.gov

RIN: 3095—AB17**3668. INFORMATION SECURITY OVERSIGHT OFFICE; CLASSIFIED NATIONAL SECURITY INFORMATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 2001**Completed:**

Reason	Date	FR Cite
Direct Final Rule	09/22/03	68 FR 55167

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

Agency Contact: J. William Leonard
Phone: 202 219—5250
Fax: 202 219—5385
Email: william.leonard@nara.gov

RIN: 3095—AB18**3669. NARA FACILITIES—PHONE NUMBERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1253

NARA

Completed Actions

Completed:

Reason	Date	FR Cite
Direct Final Rule	06/04/03	68 FR 33404

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

Agency Contact: Kimberly Richardson
 Phone: 301 837—1850
 Fax: 301 837—0319
 Email: kimberly.richardson@nara.gov

RIN: 3095—AB20**3670. • NARA FACILITIES; HOURS OF OPERATION FOR EXHIBITION HALLS**

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

Legal Authority: 44 USC 2104(a)**CFR Citation:** 36 CFR 1280**Legal Deadline:** None

Abstract: NARA is modifying the hours of operation for its Exhibition Halls during the months of April and May.

Timetable:

Action	Date	FR Cite
NPRM	06/17/03	68 FR 35829
NPRM Comment Period End	08/18/03	
Final Action	09/12/03	68 FR 53680
Final Action Effective	10/14/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**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 20602—6001

Phone: 301 837—1850

Fax: 301 837—0319

Email: kimberly.richardson@nara.gov

RIN: 3095—AB22

[FR Doc. 03—24022 Filed 12—19—03; 8:45 am]

BILLING CODE 7515—01—S