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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 2004 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 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. 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: Nancy Allard, Regulatory Contact, Policy and Communications Staff, (301) 837-1477.

Dated: May 5, 2004.
John W. Carlin,
Archivist of the United States.

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3538	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09
3539	Federal Records Management	3095-AB16
3540	Review of Records Center Facility Standards	3095-AB31
3541	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095-AB32
3542	Use of Meeting Rooms and Public Space	3095-AB33
3543	Information Security Oversight Office; National Industrial Security Program	3095-AB34
3544	Nondiscrimination on the Basis of Age When Receiving Federal Financial Assistance	3095-AB36
3545	Declassification of National Security Information	3095-AB38

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3546	Presidential Library Facilities	3095-AA82
3547	Revision of NARA Research Room Procedures	3095-AB10
3548	Restrictions on the Use of Records	3095-AB11
3549	Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance	3095-AB21
3550	NARA Facilities: Phone Numbers	3095-AB30

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3551	Implementation of OMB Circular A-110, Section 36	3095-AA96

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3552	Records Management; Electronic Text Documents	3095-AB05
3553	Official Seals and Logos	3095-AB19
3554	Price Changes to Federal Register Publications	3095-AB35
3555	Publication of Revised Bylaws of the Interagency Security Classification Appeals Panel	3095-AB37

National Archives and Records Administration (NARA)

Proposed Rule Stage

3538. 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	08/00/04	

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 20740
Phone: 301 837-1850
Fax: 301 837-0319
Email: kimberly.richardson@nara.gov

RIN: 3095-AB09**3539. 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 reviewing its records management regulations in 36 CFR ch. XII, subchapter B to ensure that the regulations are appropriate, effective, and clear. Where needed, we are developing updated regulations.

Timetable:

Action	Date	FR Cite
Begin Review	09/17/02	
ANPRM	03/15/04	69 FR 12100
ANPRM Comment	05/14/04	
Period End		
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:** www.archives.gov/records1management/initiatives/strategic1directions.html**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

Related RIN: Related to 3095-AB05**RIN:** 3095-AB16**3540. 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 proposes to modify its facility standards for records storage facilities that house Federal records to clarify and revise certain requirements that were identified as of particular concern to small businesses.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/03	
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		
Final Action	10/00/04	

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**3541. 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	12/00/04	

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

NARA

Proposed Rule Stage

3542. 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: NARA is updating its regulations on the use of NARA facilities. 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	08/00/04	

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

3543. 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
NPRM	07/00/04	

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

3544. • NONDISCRIMINATION ON THE BASIS OF AGE WHEN RECEIVING FEDERAL FINANCIAL ASSISTANCE

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

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

CFR Citation: 36 CFR 1214

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:

Action	Date	FR Cite
NPRM	07/00/04	

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

3545. • DECLASSIFICATION OF NATIONAL SECURITY INFORMATION

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

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	07/00/04	
NPRM Comment Period End	09/00/04	
Final Action	11/00/04	
Final Action Effective	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

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-AB38

National Archives and Records Administration (NARA)

Final Rule Stage

3546. 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	07/00/04	
Final Action Effective	08/00/04	

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**3547. 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	03/31/04	69 FR 16863
NPRM Comment Period End	06/01/04	
Final Action	07/00/04	
Final Action Effective	08/00/04	

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**3548. 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; 36 CFR 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 information for purposes of biomedical statistical research.

Timetable:

Action	Date	FR Cite
NPRM	01/05/04	69 FR 295
NPRM Comment Period End	03/05/04	
Final Action	07/00/04	
Final Action Effective	08/00/04	

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**3549. NONDISCRIMINATION ON THE BASIS OF DISABILITY 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 disability by adding 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	
Final Action	07/00/04	
Final Action Effective	08/00/04	

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

Phone: 301 837-1850

Fax: 301 837-0319

Email: kimberly.richardson@nara.gov

RIN: 3095-AB21**3550. 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	07/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**URL For Public Comments:**

NARA

Final Rule Stage

www.regulations.gov

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-AB30

National Archives and Records Administration (NARA)

Long-Term Actions

**3551. 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	To Be Determined	

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

National Archives and Records Administration (NARA)

Completed Actions

**3552. RECORDS MANAGEMENT;
ELECTRONIC TEXT DOCUMENTS**

Priority: Other Significant

CFR Citation: 36 CFR 1234

Completed:

Reason	Date	FR Cite
Merged With 3095-AB16	05/07/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Nancy Allard

Phone: 301 837-1850

Fax: 301 837-0319

Email: nancy.allard@nara.gov

RIN: 3095-AB05

Government Levels Affected: None

Agency Contact: Kimberly Richardson

Phone: 301 837-1850

Fax: 301 837-0319

Email: kimberly.richardson@nara.gov

RIN: 3095-AB19

**3554. • PRICE CHANGES TO
FEDERAL REGISTER PUBLICATIONS**

Priority: Info./Admin./Other

Legal Authority: 44 USC 15; EO 12866
1(b)

CFR Citation: 1 CFR 11

Legal Deadline: None

Abstract: The Administrative Committee of the Federal Register (AFRO) is prescribing the prices to be charged for the paper and microfiche editions of Federal Register publications.

Timetable:

Action	Date	FR Cite
Final Action	03/18/04	69 FR 12781
Final Action Effective	04/19/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michael White,
National Archives and Records
Administration, Room 700, 800 N.
Capitol Street NW., Washington, DC
20002

Phone: 202 741-6025

Email: michael.white@nara.gov

RIN: 3095-AB35

**3555. • PUBLICATION OF REVISED
BYLAWS OF THE INTERAGENCY
SECURITY CLASSIFICATION
APPEALS PANEL**

Priority: Info./Admin./Other

Legal Authority: Sec 5.1(a), EO 12958
(60 FR 19825); Sec 5.1(b), EO 12958
(60 FR 19825); 3 CFR Comp., p. 333,
as amended by EO 13292 (68 FR 15315,
03/28/2003)

CFR Citation: 32 CFR 2001

Legal Deadline: None

Abstract: The Information Security Oversight Office, National Archives and Records Administration, is publishing a revision of the bylaws of the Interagency Security Classification Appeals Panel (ISCAP). The bylaws are revised in accordance with section 5.3(c) of Executive Order 12958, as amended, "Classified National Security Information." Under the terms of E.O. 12958, as amended, the Director of

3553. OFFICIAL SEALS AND LOGOS

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 1200

Completed:

Reason	Date	FR Cite
NPRM	02/20/04	69 FR 7881
Final Action	05/11/04	69 FR 26045
Final Action Effective	06/10/04	

Regulatory Flexibility Analysis

Required: No

NARA

Completed Actions

ISOO serves as Executive Secretary to the ISCAP.

Timetable:

Action	Date	FR Cite
Direct Final Rule	04/01/04	69 FR 17052

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

Phone: 202 219-5250

Fax: 202 219-5385

Email: william.leonard@nara.gov

RIN: 3095-AB37

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