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**Monday,
December 11, 2006**

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 2006 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 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 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: Jennifer Davis Heaps, Regulatory Contact, Policy and Planning Staff, (301) 837-1801.

Dated: August 18, 2006.

Allen Weinstein,
Archivist of the United States.

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3433	Federal Records Management (Reg Plan Seq No. 135)	3095-AB16
3434	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095-AB32
3435	Use of Meeting Rooms and Public Space	3095-AB33
3436	Public Availability and Use of Federal Records	3095-AB42
3437	Classified National Security Information Directive No. 1	3095-AB46
3438	NARA Reproduction Fees	3095-AB49
3439	Revisions to 32 CFR Part 2003, National Security Information Standard Forms	3095-AB54
3440	Governmentwide Debarment and Suspension (Nonprocurement)	3095-AB56

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
3441	Federal Records Management; Media Neutral Records Schedules	3095-AB43
3442	Use of NARA Facilities	3095-AB55

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3443	Presidential Library Facilities	3095-AA82
3444	Implementation of OMB Circular A-110, Section 36	3095-AA96
3445	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09
3446	Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance	3095-AB21
3447	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
3448	Information Security Oversight Office; National Industrial Security Program	3095-AB34
3449	National Historical Publications and Records Commission Grant Program	3095-AB45
3450	Official Seals and Logos	3095-AB48

NARA

National Archives and Records Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3451	NARA Facility Locations and Hours	3095-AB50
3452	General Guidelines for Systematic Declassification Review of Foreign Government Information; Removal of Part ..	3095-AB51
3453	Changes in NARA Research Room and Museum Hours	3095-AB52

National Archives and Records Administration (NARA)

Proposed Rule Stage

3433. FEDERAL RECORDS MANAGEMENT

Regulatory Plan: This entry is Seq. No. 135 in part II of this issue of the Federal Register.

RIN: 3095-AB16

3434. 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	12/00/06	

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

3435. 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	01/00/07	

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, 8601 Adelphi Road, College Park, MD 20740
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Fax: 301 837-0319
Email: jennifer.heaps@nara.gov

RIN: 3095-AB33

3436. 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 EO 13233, Further Implementation of the Presidential Records Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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
Phone: 301 837-2024
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Email: ramona.oliver@nara.gov

RIN: 3095-AB42

3437. CLASSIFIED NATIONAL SECURITY INFORMATION DIRECTIVE NO. 1

Priority: Substantive, Nonsignificant

Legal Authority: EO 12958

CFR Citation: 32 CFR 2001

Legal Deadline: None

NARA

Proposed Rule Stage

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	03/00/07	

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
Phone: 202 357-5047
Fax: 202 357-5907
Email: gregory.pannoni@nara.gov

RIN: 3095-AB46

3438. 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	12/00/06	

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, 8601 Adelphi Road, College Park, MD 20740
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RIN: 3095-AB49

3439. ● 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	12/00/06	

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: 202 357-5250
Fax: 202 357-5907
Email: william.leonard@nara.gov

RIN: 3095-AB54

3440. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104; EO 12549; 3 CFR, 1986 Comp p 189; EO 12689; 3 CFR, 1989 Comp p 235; sec 2455; PL 103-355; 108 Stat 3327

CFR Citation: 2 CFR 180.35

Legal Deadline: None

Abstract: NARA is revising its regulations to implement changes related to Governmentwide suspension and debarment guidance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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-AB56

National Archives and Records Administration (NARA)

Final Rule Stage

3441. 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	12/00/06	

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, 8601 Adelphi Road, College Park, MD 20740-6001
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NARA

Final Rule Stage

Email: nancy.allard@nara.gov

Related RIN: Related to 3095-AB16

RIN: 3095-AB43

3442. • USE OF NARA FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2102

CFR Citation: 36 CFR 1280

Legal Deadline: None

Abstract: The National Archives and Records Administration (NARA)

proposes to revise NARA's policy on the inspection of personal property in the possession of a contractor, employee, student intern, visitor or volunteer of NARA properties.

Timetable:

Action	Date	FR Cite
NPRM	09/28/06	71 FR 56919
NPRM Comment Period End	11/27/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Laura McCarthy, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740
Phone: 301 837-3023
Email: laura.mccarthy@nara.gov

RIN: 3095-AB55

National Archives and Records Administration (NARA)

Long-Term Actions

3443. 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

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

RIN: 3095-AA82

3444. 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

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

RIN: 3095-AA96

3445. 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

NARA

Long-Term Actions

3446. 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

Agency Contact: Kimberly Richardson, Policy Specialist, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740
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RIN: 3095-AB21

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

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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Fax: 301 837-0319

Email: nancy.allard@nara.gov

RIN: 3095-AB36**3447. 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

National Archives and Records Administration (NARA)

Completed Actions

3448. INFORMATION SECURITY OVERSIGHT OFFICE; NATIONAL INDUSTRIAL SECURITY PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 2001**Completed:**

Reason	Date	FR Cite
Final Action	04/10/06	71 FR 18007
Final Action Effective	05/10/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** J. William Leonard

Phone: 202 357-5250

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Email: william.leonard@nara.gov

RIN: 3095-AB34**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Local, State, Tribal

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

Agency Contact: Kathleen Williams

Phone: 202 357-5263

Fax: 202 357-5914

Email: kathleen.williams@nara.gov

RIN: 3095-AB45

Email: kimberly.richardson@nara.gov

RIN: 3095-AB48**3449. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1206**Completed:**

Reason	Date	FR Cite
Final Action	05/12/06	71 FR 27623
Final Action Effective	06/12/06	

3450. OFFICIAL SEALS AND LOGOS**Priority:** Info./Admin./Other**CFR Citation:** 36 CFR 1200**Completed:**

Reason	Date	FR Cite
Final Action	05/09/06	71 FR 26834
Final Action Effective	06/08/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kimberly Richardson

Phone: 301 837-1850

Fax: 301 837-0319

3451. • NARA FACILITY LOCATIONS AND HOURS**Priority:** Info./Admin./Other**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR part 1253**Legal Deadline:** None

Abstract: NARA proposes to revise its regulations on the locations and hours of NARA facilities to reflect the relocation of two facilities in the past fiscal year. This proposed rule will affect the public.

The NARA—Southeast Region (Atlanta) records center relocated from East Point, Georgia to Ellenwood, Georgia. The hours of the facility are Monday through Friday, 7:30 a.m. to 3:00 p.m.. The NARA—Pacific Region (Riverside) records moved from Laguna Niguel, California to Riverside, California; the hours at this facility are Monday through Friday, 8:45 a.m. to 3:00 p.m. for scheduled appointments.

Timetable:

Action	Date	FR Cite
Final Action	06/12/06	71 FR 35395
Final Action Effective	06/20/06	

NARA

Completed Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**<http://www.regulations.gov>

Agency Contact: Londell Buckson,
Archives Specialist, National Archives
and Records Administration, 8601
Adelphi Road, College Park, MD 20740
Phone: 301 837-3081

Fax: 301 837-0319

Email: londell.buckson@nara.gov**RIN:** 3095-AB50

**3452. • GENERAL GUIDELINES FOR
SYSTEMATIC DECLASSIFICATION
REVIEW OF FOREIGN GOVERNMENT
INFORMATION; REMOVAL OF PART**
Priority: Info./Admin./Other**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 32 CFR 2002**Legal Deadline:** None

Abstract: The National Archives and Records Administration (NARA) is removing its regulations on the general guidelines for systematic declassification review of foreign government information. Following the issuance of Executive Order 12958 (Classified National Security Information) part 2002 of title 32 of the Code of Federal Regulations, General Guidelines for Systematic Declassification Review of Foreign Government Information, became obsolete. The final rule will affect the public.

Timetable:

Action	Date	FR Cite
Final Action	09/07/06	71 FR 52743
Final Action Effective	09/07/06	

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

Agency Contact: Laura McCarthy,
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Email: laura.mccarthy@nara.gov**RIN:** 3095-AB51

**3453. • CHANGES IN NARA
RESEARCH ROOM AND MUSEUM
HOURS**
Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2102 notes;
44 USC 2104(a); 44 USC
2112(a)(1)(A)(iii); 44 USC 2903

CFR Citation: 36 CFR 1253; 36 CFR 1280**Legal Deadline:** None

Abstract: NARA is revising its regulations with respect to research room and museum hours at its facilities in the Washington, DC area. The operating costs for these facilities have been increasing every year, particularly for staffing, security services and utilities. In these times of fiscal restraint, NARA has determined reluctantly that it is necessary to curtail service during time frames when only

a small percentage of our users are present to ensure that we are able to provide quality services to customers during the times of greatest public use while we are also conducting other mission-critical duties. This regulation will affect individuals who use our archival research rooms in the National Archives Building and National Archives at College Park facility, and individuals who visit the National Archives Experience and the Rotunda exhibits in the National Archives Building.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/06	71 FR 42058
Interim Final Rule Comment Period End	09/08/06	
Interim Final Rule Effective	10/02/06	
Final Action	09/27/06	71 FR 56357

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

Agency Contact: Jennifer Davis Heaps,
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Email: jennifer.heaps@nara.gov**RIN:** 3095-AB52

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