



Federal Register

**Monday,
April 24, 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

Spring 2006 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 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 FURTHER INFORMATION CONTACT: Nancy Allard, Regulatory Contact, Policy and Planning Staff, (301) 837-1477.

Dated: February 17, 2006
Allen Weinstein,
Archivist of the United States.

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3358	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09
3359	Federal Records Management	3095-AB16
3360	Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance	3095-AB21
3361	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095-AB32
3362	Use of Meeting Rooms and Public Space	3095-AB33
3363	Nondiscrimination on the Basis of Age When Receiving Federal Financial Assistance	3095-AB36
3364	Public Availability and Use of Federal Records	3095-AB42
3365	National Historical Publications and Records Commission Grant Program	3095-AB45
3366	Classified National Security Information Directive No. 1	3095-AB46
3367	Official Seals and Logos	3095-AB48
3368	NARA Fees For Self-Service Reproductions	3095-AB49

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3369	Information Security Oversight Office; National Industrial Security Program	3095-AB34
3370	Federal Records Management; Media Neutral Records Schedules	3095-AB43

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3371	Presidential Library Facilities	3095-AA82
3372	Implementation of OMB Circular A-110, Section 36	3095-AA96

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3373	Declassification of National Security Information	3095-AB38
3374	Records Management; Electronic Mail; Electronic Records; Disposition of Records	3095-AB39

National Archives and Records Administration (NARA)

Proposed Rule Stage

3358. 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, 8601 Adelphi Road, College Park, MD 20740
Phone: 301 837-1850
Fax: 301 837-0319
Email: kimberly.richardson@nara.gov

RIN: 3095-AB09**3359. 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. During fiscal year 2006, we will publish several rules relating to the redesign.

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	09/00/06	

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

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

Phone: 301 837-1477

Fax: 301 837-0319

Email: nancy.allard@nara.gov

Related RIN: Related to 3095-AB05, Related to 3095-AB41, Related to 3095-AB43, Related to 3095-AB39

RIN: 3095-AB16**3360. 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	12/22/03	
Period End		
NPRM	04/00/06	

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
Phone: 301 837-1850

Fax: 301 837-0319

Email: kimberly.richardson@nara.gov

RIN: 3095-AB21**3361. 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	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**3362. 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.

NARA

Proposed Rule Stage

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	04/00/06	

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
Phone: 301 837-1850
Fax: 301 837-0319
Email: jennifer.heaps@nara.gov

RIN: 3095-AB33

3363. 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:

Action	Date	FR Cite
NPRM	04/00/06	

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

Phone: 301 837-1477

Fax: 301 837-0319

Email: nancy.allard@nara.gov

RIN: 3095-AB36

3364. 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	06/00/06	

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
Fax: 301 837-0293

Email: ramona.oliver@nara.gov

RIN: 3095-AB42

3365. 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	02/17/06	71 FR 8551
NPRM Comment Period End	04/18/06	
Final Action	06/00/06	

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: 202 357-5263
Fax: 202 357-5914

Email: kathleen.williams@nara.gov

RIN: 3095-AB45

3366. 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	04/00/06	

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

NARA

Proposed Rule Stage

3367. • OFFICIAL SEALS AND LOGOS**Priority:** Info./Admin./Other**Legal Authority:** 18 USC 506, 701, 1017; 44 USC 2104(e), 2116(b), 2302**CFR Citation:** 36 CFR 1200**Legal Deadline:** None**Abstract:** NARA is proposing to update its regulations on the use of official NARA seals by the public and other Federal agencies by updating two of its logos.**Timetable:**

Action	Date	FR Cite
NPRM	02/24/06	71 FR 9503
NPRM Comment Period End	04/25/06	
Final Action	06/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kimberly Richardson, Policy Specialist, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740
Phone: 301 837-1850
Fax: 301 837-0319
Email: kimberly.richardson@nara.gov**RIN:** 3095-AB48

service fees only. Any changes to other fees will be covered in a subsequent rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

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

www.regulations.gov

Agency Contact: Debra Leahy, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740

Phone: 301 837-1903

Fax: 301 837-0319

Email: debra.leahy@nara.gov

RIN: 3095-AB49**3368. • NARA FEES FOR SELF-SERVICE REPRODUCTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 36 USC 2116(c), 2307**CFR Citation:** 36 CFR 1258**Legal Deadline:** None**Abstract:** NARA is revising its reproduction fee schedule in 36 CFR Part 1258. The changes update self-

National Archives and Records Administration (NARA)

Final Rule Stage

3369. 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	01/27/06	71 FR 4541
NPRM Comment Period End	03/13/06	
Final Action	05/00/06	

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: 202 357-5250
Fax: 202 357-5907
Email: william.leonard@nara.gov**RIN:** 3095-AB34

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

Phone: 301 837-1477

Fax: 301 837-0319

Email: nancy.allard@nara.gov

Related RIN: Related to 3095-AB16**RIN:** 3095-AB43**3370. 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

National Archives and Records Administration (NARA)

Long-Term Actions

3371. 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

Phone: 301 837-1477

Fax: 301 837-0319

Email: nancy.allard@nara.gov

RIN: 3095-AA82**3372. 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

Phone: 301 837-1477

Fax: 301 837-0319

Email: nancy.allard@nara.gov

RIN: 3095-AA96

National Archives and Records Administration (NARA)

Completed Actions

3373. DECLASSIFICATION OF NATIONAL SECURITY INFORMATION**Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Rule	03/24/06	71 FR 14808

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

Agency Contact: Jennifer Davis Heaps
Phone: 301 837-1850

Fax: 301 837-0319

Email: jennifer.heaps@nara.gov

RIN: 3095-AB38**3374. RECORDS MANAGEMENT; ELECTRONIC MAIL; ELECTRONIC RECORDS; DISPOSITION OF RECORDS****Priority:** Other Significant**CFR Citation:** 36 CFR 1228**Completed:**

Reason	Date	FR Cite
Final Action	02/21/06	71 FR 8806

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Nancy Allard

Phone: 301 837-1477

Fax: 301 837-0319

Email: nancy.allard@nara.gov

Related RIN: Related to 3095-AB16**RIN:** 3095-AB39

[FR Doc. 06-2041 Filed 04-21-06; 8:45 am]

BILLING CODE 7515-01-S