



Federal Register

**Monday,
December 9, 2002**

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

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

2002. 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 15, 2002. 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 13, 2002.

John W. Carlin,
Archivist of the United States.

National Archives and Records Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3608	Federal Records Management (Reg Plan Seq No. 150)	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
3609	Revision of NARA Research Room Procedures	3095-AB10
3610	Restrictions on the Use of Records	3095-AB11
3611	Public Use of NARA Facilities	3095-AB17

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3612	Presidential Library Facilities	3095-AA82
3613	Expanding Transfer Options for Electronic Records	3095-AB03
3614	NARA Official Seals	3095-AB12

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3615	Implementation of OMB Circular A-110, Section 36	3095-AA96
3616	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	3095-AB04
3617	Records Management; Electronic Text Documents	3095-AB05
3618	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09

NARA

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3619	Debt Collection	3095-AA77
3620	National Historical Publications and Records Commission Grant Regulations	3095-AA93
3621	Records Disposition	3095-AB02
3622	Micrographic Records Management	3095-AB06
3623	Nixon Presidential Materials; Reproduction	3095-AB07
3624	NARA Facilities; Addresses and Hours	3095-AB08
3625	Presidential Records	3095-AB13
3626	Researcher Identification Cards	3095-AB14
3627	NARA Regulations; Technical Amendments	3095-AB15

National Archives and Records Administration (NARA)

Prerule Stage

3608. • FEDERAL RECORDS MANAGEMENT

Regulatory Plan: This entry is Seq. No. 150 in part II of this issue of the **Federal Register**.

RIN: 3095-AB16

National Archives and Records Administration (NARA)

Proposed Rule Stage

3609. 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	01/00/03	
NPRM Comment Period End	03/00/03	
Final Action	04/00/03	
Final Action Effective	05/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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-AB10

3610. RESTRICTIONS ON THE USE OF RECORDS

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2101 to 2118; 22 USC 1461(b)

CFR Citation: 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.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	
Final Action	02/00/03	
Final Action Effective	03/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3095-AB11

3611. • PUBLIC USE OF NARA FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1280

Legal Deadline: None

Abstract: NARA is amending its regulations on public use of NARA facilities to clarify the grounds on which individuals may be banned from the property for harmful or disruptive behavior. There is no anticipated cost. This rule will protect our visitors, staff members, and volunteers.

NARA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	
Final Action	03/00/03	
Final Action Effective	04/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**URL For More Information:**<http://www.archives.gov>**URL For Public Comments:**<http://opp> for public comment

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RIN: 3095-AB17

National Archives and Records Administration (NARA)

Final Rule Stage

3612. 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	11/00/02	
Final Action Effective	12/00/02	

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

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RIN: 3095-AA82**3613. EXPANDING TRANSFER OPTIONS FOR ELECTRONIC RECORDS****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1228.270**Legal Deadline:** None

Abstract: For agencies transferring electronic records to the National Archives of the United States, this rule would add certain magnetic tape cartridges with a storage capacity of up to 40GB to the list of acceptable transfer media. In addition, media-less transfer using File Transfer Protocol and the Internet will be added as an acceptable transfer mechanism.

Timetable:

Action	Date	FR Cite
NPRM	06/26/02	67 FR 43069
NPRM Comment Period End	08/26/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

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

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RIN: 3095-AB03**3614. NARA OFFICIAL SEALS****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 reviewing its regulation on its official seals and how they may be used. The regulations will be rewritten in plain language.

Timetable:

Action	Date	FR Cite
NPRM	07/17/02	67 FR 46945
NPRM Comment Period End	08/16/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

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

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RIN: 3095-AB12

National Archives and Records Administration (NARA)

Long-Term Actions

3615. 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:** State, Local, Federal**Federalism:** Undetermined

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RIN: 3095-AA96**3616. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a); EO 12549; EO 12698; 31 USC 6101 note**CFR Citation:** 36 CFR 1209; 36 CFR 1211**Legal Deadline:** None

Abstract: This rule will modify the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
Next Action	Undetermined	

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

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RIN: 3095-AB04**3617. RECORDS MANAGEMENT; ELECTRONIC TEXT DOCUMENTS****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1234**Legal Deadline:** None

Abstract: NARA will seek Federal agency and public comment concerning the management, scheduling and preservation of text documents created in electronic form.

Timetable:

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

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

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RIN: 3095-AB05**3618. 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	To Be	Determined

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

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RIN: 3095-AB09

National Archives and Records Administration (NARA)

Completed Actions

3619. DEBT COLLECTION**Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1201**Completed:**

Reason	Date	FR Cite
Interim Final Rule	07/05/02	67 FR 44757

Interim Final Rule
Effective 08/05/02

NARA

Completed Actions

Interim Final Rule 09/03/02
 Comment Period
 End
 Final Action 10/11/02 67 FR 63267

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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Related RIN: Merged With 3095-AA76**RIN:** 3095-AA77**3620. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1206**Completed:**

Reason	Date	FR Cite
Final Action	06/24/02	67 FR 42493
Final Action Effective	07/24/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal

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RIN: 3095-AA93**3621. RECORDS DISPOSITION****Priority:** Substantive, Nonsignificant

CFR Citation: 36 CFR 1228.32; 36 CFR 1228.42; 36 CFR 1228.50; 36 CFR 1228.106; 36 CFR 1232.20; 36 CFR 1232.32; 36 CFR 1220; 36 CFR 1228; 36 CFR 1232; 36 CFR 1234; 36 CFR 1236

Completed:

Reason	Date	FR Cite
Final Action	05/13/02	67 FR 31961
Final Action Effective	06/12/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 3095-AB02**3622. MICROGRAPHIC RECORDS MANAGEMENT****Priority:** Other Significant**CFR Citation:** 36 CFR 1230**Completed:**

Reason	Date	FR Cite
Final Action	05/14/02	67 FR 34574
Final Action Effective	06/10/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 3095-AB06**3623. NIXON PRESIDENTIAL MATERIALS; REPRODUCTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1275**Completed:**

Reason	Date	FR Cite
Final Action	07/05/02	67 FR 44765
Final Action Effective	08/05/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3095-AB07**3624. NARA FACILITIES; ADDRESSES AND HOURS****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1253**Completed:**

Reason	Date	FR Cite
NPRM	04/15/02	67 FR 18146
Final Action	06/27/02	67 FR 43259
Final Action Effective	06/27/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 3095-AB08**3625. PRESIDENTIAL RECORDS****Priority:** Other Significant**CFR Citation:** 36 CFR 1270**Completed:**

Reason	Date	FR Cite
Withdrawn	08/28/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Gary M. Stern
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RIN: 3095-AB13**3626. • RESEARCHER IDENTIFICATION CARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2101-2118**CFR Citation:** 36 CFR 1254.6**Legal Deadline:** None

Abstract: This rule will change the time period researcher identification cards are valid from three years to one year. NARA is making this change to increase our ability to obtain accurate address and telephone information from researchers who use archival materials in NARA facilities. This will allow NARA to contact researchers if necessary and to ensure better protection of NARA's holdings.

Timetable:

Action	Date	FR Cite
NPRM	07/10/02	67 FR 45683
NPRM Comment Period End	09/09/02	
Final Action	10/11/02	67 FR 63267
Final Action Effective	11/12/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 3095-AB14**3627. • NARA REGULATIONS; TECHNICAL AMENDMENTS****Priority:** Info./Admin./Other**Legal Authority:** 44 USC 2104(a)

NARA

Completed Actions

CFR Citation: 36 CFR 1228; 36 CFR 1250; 36 CFR 1254

Legal Deadline: None

Abstract: This final rule corrects the Web site addresses for references in our records management and public availability and use of records regulations.

Timetable:

Action	Date	FR Cite
Final Action	07/22/02	67 FR 47701
Final Action Effective	07/22/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3095-AB15

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