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May 16, 2005**

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 2005 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 2004. 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: March 9, 2005.
Allen Weinstein,
Archivist of the United States.

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3336	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09
3337	Federal Records Management	3095-AB16
3338	Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance	3095-AB21
3339	Testimony by NARA Employees and Production of Records in Legal Proceedings	3095-AB32
3340	Use of Meeting Rooms and Public Space	3095-AB33
3341	Information Security Oversight Office; National Industrial Security Program	3095-AB34
3342	Nondiscrimination on the Basis of Age When Receiving Federal Financial Assistance	3095-AB36
3343	Declassification of National Security Information	3095-AB38
3344	Public Availability and Use of Federal Records	3095-AB42
3345	National Historical Publications and Records Commission Grant Program	3095-AB45
3346	Classified National Security Information Directive No. 1	3095-AB46

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3347	Review of Records Center Facility Standards	3095-AB31
3348	Records Management; Electronic Mail; Electronic Records; Disposition of Records	3095-AB39
3349	Federal Records Management; Media Neutral Records Schedules	3095-AB43
3350	NARA Facility Locations and Hours	3095-AB47

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3351	Presidential Library Facilities	3095-AA82
3352	Implementation of OMB Circular A-110, Section 36	3095-AA96

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3353	Presidential Records Act Procedures	3095-AB40
3354	Records Management; Unscheduled Records	3095-AB41

National Archives and Records Administration (NARA)

Proposed Rule Stage

3336. 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	12/00/05	

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, Room 4100, 8601 Adelphi Road, College Park, MD 20740

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RIN: 3095-AB09**3337. 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 2005, 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	06/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.archives.gov/records_management/initiatives/strategic_directions.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

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Related RIN: Related to 3095-AB05,

Related to 3095-AB41, Related to

3095-AB43, Related to 3095-AB39

RIN: 3095-AB16**3338. 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	12/22/03	
Period End		
NPRM	07/00/05	

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

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RIN: 3095-AB21**3339. 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	09/00/05	

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

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RIN: 3095-AB32**3340. USE OF MEETING ROOMS AND PUBLIC SPACE****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104**CFR Citation:** 36 CFR 1280

NARA

Proposed Rule Stage

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	05/00/05	

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, Room 4100, 8601 Adelphi Road, College Park, MD 20740

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RIN: 3095-AB33

3341. 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 U.S. agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

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

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RIN: 3095-AB34

3342. 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 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	07/00/05	

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

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RIN: 3095-AB36

3343. DECLASSIFICATION OF NATIONAL SECURITY INFORMATION

Priority: Substantive, Nonsignificant

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	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3095-AB38

3344. 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.

NARA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

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
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RIN: 3095-AB42**3345. 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	09/00/05	

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,
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RIN: 3095-AB45**3346. 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	06/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 3095-AB46

National Archives and Records Administration (NARA)

Final Rule Stage

3347. REVIEW OF RECORDS CENTER FACILITY STANDARDS**Priority:** Other Significant**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	09/07/04	69 FR 54091
NPRM Comment Period End	11/08/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

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RIN: 3095-AB31**3348. RECORDS MANAGEMENT; ELECTRONIC MAIL; ELECTRONIC RECORDS; DISPOSITION OF RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1228**Legal Deadline:** None

Abstract: NARA proposes a revision to our regulations to provide for the appropriate management and disposition of very short-term temporary e-mail, by allowing agencies to manage these records within the e-mail system.

Timetable:

Action	Date	FR Cite
NPRM	11/03/04	69 FR 63980
NPRM Comment Period End	01/03/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal**URL For More Information:**

NARA

Final Rule Stage

www.archives.gov/
records_management

URL For Public Comments:

www.regulations.gov

Agency Contact: Cheryl StadelBevans,
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Related RIN: Related to 3095-AB16

RIN: 3095-AB39

3349. 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	05/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

URL For Public Comments:

www.regulations.gov

Agency Contact: Nancy Allard,
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Related RIN: Related to 3095-AB16

RIN: 3095-AB43

3350. NARA FACILITY LOCATIONS AND HOURS

Priority: Info./Admin./Other

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1253

Legal Deadline: None

Abstract: NARA is updating its regulation on the locations of our facilities and hours of use to reflect the opening of the Clinton Presidential library and the regional archives facility in Morrow, Georgia in fiscal year 2005.

Timetable:

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6386
NPRM Comment Period End	04/08/05	
Final Action	05/00/05	
Final Action Effective	05/00/05	

**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,
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RIN: 3095-AB47

National Archives and Records Administration (NARA)

Long-Term Actions

3351. 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

Timetable:

Action	Date	FR Cite
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,
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RIN: 3095-AA82

3352. 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	

NARA

Long-Term Actions

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

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RIN: 3095-AA96

National Archives and Records Administration (NARA)

Completed Actions

3353. PRESIDENTIAL RECORDS ACT PROCEDURES**Priority:** Other Significant**CFR Citation:** 36 CFR 1270**Completed:**

Reason	Date	FR Cite
NPRM	10/01/04	69 FR 58875
Final Action	04/01/05	70 FR 16717
Final Action Effective	05/02/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Jennifer Davis Heaps

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RIN: 3095-AB40**3354. RECORDS MANAGEMENT; UNSCHEDULED RECORDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1228**Completed:**

Reason	Date	FR Cite
Final Action	12/15/04	69 FR 74976
Final Action Effective	01/14/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Cheryl StadelBevans

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Related RIN: Related to 3095-AB16**RIN:** 3095-AB41

[FR Doc. 05-5997 Filed 05-13-05; 8:45 am]

BILLING CODE 7515-01-S