Monday,
April 30, 2007

Part XXIX

National Archives and Records Administration

Semiannual Regulatory Agenda
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Spring 2007 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 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 FURTHER INFORMATION CONTACT: Jennifer Davis Heaps, Regulatory Contact, Policy and Planning Staff, (301) 837-1801.


Allen Weinstein,
Archivist of the United States.

| National Archives and Records Administration—Proposed Rule Stage |
| --- | --- | --- |
| Sequence Number | Title | Regulation Identifier Number |
| 3085 | Presidential Library Facilities | 3095–AA82 |
| 3086 | Federal Records Management | 3095–AB16 |
| 3087 | Testimony by NARA Employees and Production of Records in Legal Proceedings | 3095–AB32 |
| 3088 | Use of Meeting Rooms and Public Space | 3095–AB33 |
| 3089 | Public Availability and Use of Federal Records | 3095–AB42 |
| 3090 | Classified National Security Information Directive No. 1 | 3095–AB46 |
| 3091 | NARA Reproduction Fees | 3095–AB49 |
| 3092 | Revisions to 32 CFR Part 2003, National Security Information Standard Forms | 3095–AB54 |

| National Archives and Records Administration—Final Rule Stage |
| --- | --- | --- |
| Sequence Number | Title | Regulation Identifier Number |
| 3093 | Federal Records Management; Media Neutral Records Schedules | 3095–AB43 |

| National Archives and Records Administration—Long-Term Actions |
| --- | --- | --- |
| Sequence Number | Title | Regulation Identifier Number |
| 3094 | Implementation of OMB Circular A-110, Section 36 | 3095–AA96 |
| 3095 | Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 | 3095–AB09 |
| 3096 | Nondiscrimination on the Basis of Disability When Receiving Federal Financial Assistance | 3095–AB21 |
| 3097 | 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 |
| 3098 | Use of NARA Facilities | 3095–AB55 |
| 3099 | Governmentwide Debarment and Suspension (Nonprocurement) | 3095–AB56 |
3085. PRESIDENTIAL LIBRARY FACILITIES

Priority: Substantive, Nonsignificant
Legal Authority: 44 USC 2104(a); 44 USC ch 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:

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<tbody>
<tr>
<td>NPRM</td>
<td>08/25/98</td>
<td>63 FR 45203</td>
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<tr>
<td>NPRM Comment</td>
<td>10/26/98</td>
<td>63 FR 5000</td>
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<tr>
<td>NPRM</td>
<td>05/00/07</td>
<td>63 FR 5000</td>
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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; Phone: 301 837–1477; Email: nancy.allard@nara.gov
RIN: 3095–AB16

3086. 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 1200 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. The proposed revision will be issued in fiscal year 2007 for Federal agency and public comment.

3087. 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.

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<td>63 FR 45203</td>
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: None
Government Levels Affected: Federal, Local, State
Federalism: This action may have federalism implications as defined in EO 13132.

3088. 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.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: None
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: 301 837–1650; Fax: 301 837–0319; Email: jennifer.heaps@nara.gov
RIN: 3095–AB32

3089. PUBLIC AVAILABILITY AND USE OF FEDERAL RECORDS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 552; 44 USC 2104
CFR Citation: 36 CFR 1250
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.

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**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

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Fax: 301 837–0293

Email: ramona.oliver@nara.gov

**RIN:** 3095–AB42

3092. 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.

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**Regulatory Flexibility Analysis** Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Jennifer Davis Heaps, Policy Specialist, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740

Phone: 301 837–1850

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**RIN:** 3095–AB49

3093. 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.

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<td>NPRM</td>
<td>11/19/04</td>
<td>69 FR 67692</td>
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3094. IMPLEMENTATION OF OMB CIRCULAR A–110, SECTION 36

Priority: Other Significant
Legal Authority: 5 USC 301, 45 CFR 90
CFR Citation: 36 CFR 1214
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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State
Federalism: Undetermined

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

NPRM 10/22/03 68 FR 60313
Period End
Next Action Undetermined

Interim Final Rule 03/16/00 65 FR 14406

Interim Final Rule 05/15/00
Comment Period End

NPRM Comment 12/22/03

3096. 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.

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

Related RIN: Related to 3095–AB16
RIN: 3095–AB09

NPRM Comment 09/00/07

Interim Final Rule

Comment Period

3095. 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 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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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
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NPRM Comment 12/22/03

Period End
Next Action Undetermined

Interim Final Rule 03/16/00 65 FR 14406

Interim Final Rule 05/15/00
Comment Period End

NPRM Comment 12/22/03
NARA

Phone: 301 837–1477
Fax: 301 837–0319
RIN: 3095–AB36

National Archives and Records Administration (NARA)

3098. USE OF NARA FACILITIES

Priority: Substantive, Nonsignificant
CFR Citation: 36 CFR 1280

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<td>72 FR 4432</td>
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal

Agency Contact: Laura McCarthy

Phone: 301 837–3023
Email: laura.mccarthy@nara.gov
RIN: 3095–AB55

3099. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Priority: Substantive, Nonsignificant
CFR Citation: 2 CFR 180.35

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

Agency Contact: Nancy Allard
Phone: 301 837–1477
Fax: 301 837–0319
Email: nancy.allard@nara.gov
RIN: 3095–AB56

[FR Doc. 07–01262 Filed 04–27–07; 8:45 am]
BILLING CODE 7515–01–S